

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 917

H.P. 573

House of Representatives, March 2, 2023

**An Act to Validate Certain Proceedings Authorizing the Issuance of
Bonds and Notes by the City of Rockland**

(EMERGENCY)

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GEIGER of Rockland.
Cosponsored by Senator BEEBE-CENTER of Knox.

1 **Emergency preamble.** **Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the City of Rockland is authorized pursuant to state law and its charter to
4 borrow money and to issue its general obligation bonds and notes in furtherance of its
5 municipal purposes; and

6 **Whereas,** at a city referendum held November 8, 2022, the voters of the city ratified
7 and approved 3 bond ordinances that authorized the city to issue its general obligation
8 bonds and notes for the following purposes and in the following amounts: an amount not
9 to exceed \$15,000,000 to finance roads and sidewalk improvements, \$2,400,000 to finance
10 the permanent closure of the city landfill and \$15,000,000 to finance storm water projects,
11 plus, in each instance, an amount not to exceed 2% to pay costs of issuance, all as described
12 in the notices, warrants and ballots for the referendum; and

13 **Whereas,** the voters of the city voted in favor of the 3 bond ordinance questions as
14 follows: Question 1, roads and sidewalk improvements, 2,360 in favor and 736 against,
15 with 171 blank ballots; Question 2, landfill closure, 1,866 in favor and 1,158 against, with
16 243 blank ballots; and Question 3, storm water projects, 2,275 in favor and 796 against,
17 with 196 blank ballots; and

18 **Whereas,** the Maine Revised Statutes, Title 30-A, section 5772, subsection 2-A
19 requires that any question submitted to the electors for ratification of a general obligation
20 bond be accompanied by a statement signed by the treasurer of the municipality setting
21 forth certain information including the following:

22 1. The total amount of bonds of the municipality outstanding and unpaid, the total
23 amount of bonds of the municipality authorized and unissued and the total amount of bonds
24 of the municipality contemplated to be issued if the submitted questions are ratified;

25 2. The estimated cost of interest on the bond amount to be issued and the total cost of
26 principal and interest to be paid at maturity; and

27 3. A declaration that the validity of the bonds and of the voters' ratification of the bonds
28 may not be affected by any errors in the foregoing estimate; and

29 **Whereas,** due to an inadvertent oversight, the 3 bond ordinance questions were
30 submitted to the voters without the signed statement required by Title 30-A, section 5772,
31 subsection 2-A; and

32 **Whereas,** the failure to include such a signed statement as strictly required by Title
33 30-A, section 5772, subsection 2-A could affect the marketability of the bonds or notes to
34 be issued by the city in connection with the projects; and

35 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
36 the meaning of the Constitution of Maine and require the following legislation as
37 immediately necessary for the preservation of the public peace, health and safety; now,
38 therefore,

39 **Be it enacted by the People of the State of Maine as follows:**

40 **Sec. 1. Validation and authorization.** Notwithstanding any provision of the
41 Maine Revised Statutes or the charter of the City of Rockland to the contrary, the City of
42 Rockland referendum conducted on November 8, 2022 with respect to the 3 bond ordinance

1 questions and the proceedings related to that referendum are validated and made effective.
2 The City of Rockland is authorized to enter into contracts and to issue bonds or notes of
3 the city in an amount not to exceed \$15,000,000 to finance roads and sidewalk
4 improvements, all as set forth in "Bond Question #1 Roads & Sidewalks" of the warrant
5 and ballot for the referendum; \$2,400,000 to finance the permanent closure of the city
6 landfill, all as set forth in "Bond Question #2 Landfill Closure" of the warrant and ballot
7 for the referendum; and \$15,000,000 to finance storm water projects, all as set forth in
8 "Bond Question #3 Storm Water Projects" of the warrant and ballot for the referendum,
9 plus, in each instance, up to 2% for costs of issuance.

10 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
11 takes effect when approved.

12 SUMMARY

13 This bill validates the referendum conducted in the City of Rockland on November 8,
14 2022. It authorizes the City of Rockland to enter into contracts and issue bonds or notes of
15 the city in an amount not to exceed \$15,000,000 to finance roads and sidewalk
16 improvements, \$2,400,000 to finance the permanent closure of the city landfill and
17 \$15,000,000 to finance storm water projects, plus up to 2% for costs of issuance.