

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Augusta, Maine**  
**2023**

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

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

**Sec. 1. P&SL 1907, c. 240, §11, first ¶**, as amended by P&SL 1989, c. 101, is further amended to read:

**Sec. 11. Borrow money and issue negotiable notes.** For accomplishing the purposes of this Act, and for other expenses as may be necessary for the carrying out of the purposes, the company, through its trustees, is authorized to borrow money temporarily and to issue its negotiable notes; and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this Act, and in acquiring properties, paying damages, laying pipes, mains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the same, and to cover interest payments during the period of construction, the company, through its trustees, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the company in one series, or in separate series, in any amount or amounts, bearing interest at a rate or rates, and having terms and provisions as the trustees shall determine; ~~provided, however, that, as long as~~ the total indebtedness of the company does not exceed the sum of ~~\$1,000,000~~ \$10,000,000 at any time outstanding; but bonds, notes or other evidences of indebtedness of the company ~~which that~~ have matured or otherwise become payable and for the payment of which adequate funds have been provided by depositing those funds with a paying or disbursing agent named in the bonds, notes or other evidences of indebtedness in trust for that purpose are not considered to be outstanding.

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

Effective June 13, 2023.

---

---

**CHAPTER 9  
S.P. 736 - L.D. 1821**

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

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

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

**Whereas**, at a city referendum held November 8, 2022, the voters of the city voted to adopt a bond ordinance that authorized the city to issue up to \$13,050,000 of its general obligation bonds and notes to finance the construction and equipping of a new fire station, as described in the notices, warrants and ballots for the referendum; and

**Whereas**, the voters of the city voted in favor of the bond question, 2,731 in favor and 1,264 against, with 285 blank ballots; and

**Whereas**, Section 1009 of the city charter requires that the complete text of the bond ordinance be published in a newspaper of general circulation in the city not less than 10 days nor more than 15 days prior to the election; and

**Whereas**, while the complete text of the bond ordinance was not published in a newspaper of general circulation in the city between 10 and 15 days prior to the election, the city held at least 5 workshops or public meetings on the bond prior to the election, the local newspaper printed an article about the proposed bond on October 9, 2022 and sample ballots were posted throughout the city; and

**Whereas**, the failure to publish the text of the bond ordinance as strictly required by the city creates a legal technicality that could affect the marketability of the bonds or notes to be issued by the city in connection with the project; and

**Whereas**, the city council will review the posting and notice requirements regarding permanent financing, initiatives and referenda in the city charter and present amendments for a referendum to address inconsistencies and improve the posting and notice process by November 7, 2023; and

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

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

**Sec. 1. Validation and authorization.** Notwithstanding any provision of the Maine Revised Statutes or the charter of the City of Bath to the contrary, the City of Bath referendum conducted on November 8, 2022 and the proceedings related to that referendum are validated and made effective. The City of Bath is authorized to enter into contracts and to issue bonds or notes of the city in an amount not to exceed \$13,050,000 to finance the construction and equipping of a new fire station, all as set forth in the bond ordinance the voters

of the City of Bath voted to adopt on November 8, 2022 of the warrant and ballot for the referendum.

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

Effective June 15, 2023.

**CHAPTER 10**

**H.P. 573 - L.D. 917**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 1. Validation and authorization.** Notwithstanding any provision of the Maine Revised Statutes or the charter of the City of Rockland to the contrary, the City of Rockland referendum conducted on November 8, 2022 with respect to the 3 bond ordinance questions and the proceedings related to that referendum are validated and made effective. The City of Rockland is authorized to enter into contracts and to issue bonds or notes of the city in an amount not to exceed \$15,000,000 to finance roads and sidewalk improvements, all as set forth in "Bond Question #1 Roads & Sidewalks" of the warrant and ballot for the referendum; \$2,400,000 to finance the permanent closure of the city landfill, all as set forth in "Bond Question #2 Landfill Closure" of the warrant and ballot for the referendum; and \$15,000,000 to finance storm water projects, all as set forth in "Bond Question #3 Storm Water Projects" of the warrant and ballot for the referendum, plus, in each instance, up to 2% for costs of issuance.

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

Effective June 16, 2023.