



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1528

S.P. 534

In Senate, April 25, 2017

**An Act To Validate Certain Proceedings Authorizing the Issuance of
Bonds and Notes of Regional School Unit No. 5**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Handwritten signature of Heather J.R. Priest in cursive.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CARSON of Cumberland.
Cosponsored by Speaker GIDEON of Freeport.

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,** under the Maine Revised Statutes, Title 20-A, sections 1490 and 1501 to
4 1505, a regional school unit is authorized to issue general obligation bonds and notes for
5 school construction projects and minor capital costs; and

6 **Whereas,** following a public hearing held on December 7, 2016, at a referendum
7 held January 10, 2017, the voters of Regional School Unit No. 5 approved 2 articles that
8 authorize the regional school unit to construct a synthetic track and field project at an
9 aggregate cost of up to \$4,395,124 and to pay a portion of the project costs by acceptance
10 of over \$2,250,000 in gifts, with the balance of project costs to be derived from other
11 funds, including the issuance of bonds or notes; and

12 **Whereas,** the track and field project has been put out to bid for construction; and

13 **Whereas,** pursuant to the referendum vote, Regional School Unit No. 5 plans to
14 issue up to \$1,538,065 in new general obligation bonds to finance the balance of the
15 project not funded by gifts or other available funds; and

16 **Whereas,** the Maine Revised Statutes, Title 20-A, section 1502, subsection 1,
17 paragraph C requires a regional school unit to hold a public hearing before a referendum
18 election and to give notification of the public hearing by posting a notice at least 7 days
19 prior to the date of the public hearing; and

20 **Whereas,** following the referendum held for the track and field project, Regional
21 School Unit No. 5 discovered that the notice for the public hearing had been inadvertently
22 posted for only 6 days prior to the hearing; and

23 **Whereas,** the untimely posting of the public hearing notice has created a legal
24 technicality that affects the marketability of the bonds that Regional School Unit No. 5
25 voters have approved for issuance; and

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

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

31 **Sec. 1. Validation and authorization.** Notwithstanding any other provision of
32 law, the Regional School Unit No. 5 referendum votes conducted on January 10, 2017
33 and any proceedings related to those referendum votes, including the December 7, 2016
34 public hearing, are validated and made effective.

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

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SUMMARY

This bill validates the referendum votes of Regional School Unit No. 5 conducted on January 10, 2017 to authorize gifts and other funding sources, including bonds, for a track and field project. Regional School Unit No. 5 conducted a public hearing on December 7, 2016, prior to that referendum. The regional school unit provided notification of the public hearing by posting a notice of public hearing in each town for 6 days prior to the hearing, instead of 7 days prior to the public hearing as required by law, which created a legal technicality that affects the marketability of the bonds to be issued for the track and field project in Regional School Unit No. 5.