



# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1828

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H.P. 1270

House of Representatives, February 7, 2018

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

(AFTER DEADLINE)

(EMERGENCY)

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

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DeCHANT of Bath.  
Cosponsored by Senator VITELLI of Sagadahoc.

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 Bath 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 7, 2017, the voters of the city voted  
7 to adopt a bond ordinance that authorized the city to issue up to \$2,800,000 of its general  
8 obligation bonds and notes to finance sidewalks and street and road construction,  
9 reconstruction and paving projects, as described in the notices, warrants and ballots for  
10 the referendum; and

11           **Whereas,** the voters of the city voted in favor of the bond question, 1,834 in favor  
12 and 396 against, with 108 blank ballots; and

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

16           **Whereas,** while the complete text of the bond ordinance was published in a  
17 newspaper of general circulation in the city, it was published 4 days prior to the election  
18 and not between 10 and 15 days prior to the election; and

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

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

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

27           **Sec. 1. Validation and authorization.** Notwithstanding any provision of the  
28 Maine Revised Statutes or the charter of the City of Bath to the contrary, the City of Bath  
29 referendum conducted on November 7, 2017 and the proceedings related to that  
30 referendum are validated and made effective. The City of Bath is authorized to enter into  
31 contracts and to issue bonds or notes of the city in an amount not to exceed \$2,800,000 to  
32 finance sidewalks and street and road construction, reconstruction and paving projects, all  
33 as set forth in "Bond Ordinance - Question One" of the warrant and ballot for the  
34 referendum.

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

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## **SUMMARY**

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This bill validates the referendum conducted in the City of Bath on November 7, 2017. It authorizes the City of Bath to enter into contracts and issue bonds or notes of the city in an amount not to exceed \$2,800,000 to finance sidewalks and street and road construction, reconstruction and paving projects.

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