

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District

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 Brewer High School District is authorized pursuant to state law to purchase land and to erect, equip, repair, renovate and maintain schools within the City of Brewer; and

Whereas, pursuant to Private and Special Law 2005, chapter 42, the Legislature approved an increase in the debt limit of the City of Brewer High School District from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer subject to approval at a referendum in the City of Brewer; and

Whereas, the State Board of Education has granted concept approval and design and funding approval for a school construction project to construct and equip a new prekindergarten to grade 8 elementary school in the City of Brewer High School District; and

Whereas, at a district referendum held on December 4, 2007, the voters of the City of Brewer voted to increase the debt limit of the City of Brewer High School District from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer and also voted to authorize the trustees of the City of Brewer High School District to issue bonds or notes for school construction purposes for the project; and

Whereas, an architect and engineers have been retained to draft plans for the project; and

Whereas, specimen ballots for the referendum were not published in any newspapers as required by the Brewer City Charter; and

Whereas, the failure to publish the specimen ballots has created a legal technicality that could affect the marketability of the bonds or notes to be issued by the City of Brewer High School District in connection with the project; 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 other provision of law, the City of Brewer High School District school construction referendum conducted on December 4, 2007 and the proceedings related to that referendum are validated and made effective. The debt limit of the City of Brewer High School District is increased from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer as set forth in Question 1 of the warrant and ballots for the referendum; the City of Brewer High School District is authorized to enter into contracts and to issue bonds or notes of the district for school construction purposes in an amount not to exceed \$39,487,883 to construct and equip

a prekindergarten to grade 8 school, all as set forth in Question 2 and Question 3 of the warrant and ballots for the referendum; and the City of Brewer High School District is authorized to accept gifts for the project as set forth in Question 4 of the warrant and ballots for the referendum.

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

SUMMARY

This bill validates the City of Brewer High School District school construction referendum conducted on December 4, 2007 and the proceedings related to that referendum.