

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FIVE

S.P. 601 - L.D. 1483

**An Act to Validate Certain Referendum Proceedings Conducted by the City  
of South Portland**

**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 South Portland 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 5, 2024, the voters of the city ratified and approved 2 bond ordinances, the first for \$1,000,000 for school maintenance and improvements and the second for \$3,000,000 for school safety improvements, all as described in the bond ordinances submitted to a referendum vote; and

**Whereas**, at the same city referendum held November 5, 2024, the voters of the city ratified and approved a charter amendment regarding the disposition of certain city-owned property; and

**Whereas**, each bond ordinance was approved by the voters of the city as follows: Question 1, school maintenance and improvements: 11,165 in favor and 3,431 against, with 608 blank ballots; and Question 2, school safety improvements: 10,584 in favor and 4,002 against, with 624 blank ballots; and

**Whereas**, the charter amendment was approved by the voters of the city as follows: 11,807 in favor and 2,370 against, with 801 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 about the municipality's outstanding and unpaid bonds, its authorized and unissued bonds and the total principal amount and the interest cost of the proposed bonds that are the subject of the referendum vote; and

**Whereas**, Title 21-A, section 622-A requires that the notice of election contain the referendum questions for that election; and

**Whereas**, due to inadvertent oversight, although the 2 bond ordinances submitted to the voters were accompanied by a statement setting forth the required information about the city's bonded debt, the statement was not signed by the treasurer of the city as required by Title 30-A, section 5772, subsection 2-A; and

**Whereas**, prior to the referendum, the South Portland city council held a first reading, a public hearing and a second reading on the 2 bond ordinances, a summary of the 2 bond ordinances was posted in the city hall 7 days prior to the public hearing, the South Portland school department held a public hearing on the 2 bond ordinances, the municipal clerk posted the bond ordinances and the specimen ballots setting forth the referendum questions on the bond ordinances in public and conspicuous places in each voting district in the city at least 7 days prior to the referendum, and posted this information at each voting place on election day, and the municipal clerk published a summary of the 2 bond ordinances in the Portland Press Herald not less than 10 days nor more than 15 days prior to the referendum; and

**Whereas**, the failure to include the signed statement required by Title 30-A, section 5772, subsection 2-A and the failure to include the 2 bond ordinance questions in the notice of election create a legal technicality that 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 South Portland to the contrary, the City of South Portland referendum conducted on November 5, 2024 with respect to the 2 bond ordinance questions and the charter amendment question and the proceedings related to that referendum are validated and made effective. The City of South Portland is authorized to enter into contracts and to issue bonds or notes of the city in an amount not to exceed \$1,000,000 to finance school maintenance and improvements and \$3,000,000 to finance school safety improvements, all as set forth in the respective bond ordinances. The City of South Portland's charter is amended to reflect the approved changes as set forth in the charter amendment question.

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