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

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

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

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

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

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

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

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

Whereas, the untimely posting of the public hearing notice has created a legal technicality that affects the marketability of the bonds that Regional School Unit No. 5 voters have approved for issuance; 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 Regional School Unit No. 5 referendum votes conducted on January 10, 2017 and any proceedings related to those referendum votes, including the December 7, 2016 public hearing, are validated and made effective.

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

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.