

## **132nd MAINE LEGISLATURE**

## FIRST SPECIAL SESSION-2025

**Legislative Document** 

No. 1483

S.P. 601

In Senate, April 3, 2025

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

(AFTER DEADLINE)

(EMERGENCY)

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.

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DAREK M. GRANT Secretary of the Senate

Presented by Senator CARNEY of Cumberland. Cosponsored by Representative DHALAC of South Portland and Representatives: BECK of South Portland, KESSLER of South Portland.

- 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
- 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
- 6 **Whereas,** at a city referendum held November 5, 2024, the voters of the city ratified 7 and approved 2 bond ordinances, the first for \$1,000,000 for school maintenance and 8 improvements and the second for \$3,000,000 for school safety improvements, all as 9 described in the bond ordinances submitted to a referendum vote; and
- 10 **Whereas,** each bond ordinance was approved by the voters of the city as follows: 11 Question 1, school maintenance and improvements: 11,165 in favor and 3,431 against, 12 with 608 blank ballots; and Question 2, school safety improvements: 10,584 in favor and 13 4,002 against, with 624 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
- 20 **Whereas,** Title 21-A, section 622-A requires that the notice of election contain the 21 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, due to the initial delivery to the city by the Secretary of State's office of an incorrect form of notice of election, the notice of election used by the city did not contain the 2 bond ordinance questions; and
- 29 Whereas, prior to the referendum, the South Portland city council held a first reading, 30 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 31 32 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 33 34 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 35 36 election day, and the municipal clerk published a summary of the 2 bond ordinances in the 37 Portland Press Herald not less than 10 days nor more than 15 days prior to the referendum; 38 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

1 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 2 the meaning of the Constitution of Maine and require the following legislation as 3 immediately necessary for the preservation of the public peace, health and safety; now, 4 therefore,

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

6 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 7 8 of South Portland referendum conducted on November 5, 2024 with respect to the 2 bond ordinance questions and the proceedings related to that referendum are validated and made 9 10 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 11 maintenance and improvements and \$3,000,000 to finance school safety improvements, all 12 13 as set forth in the respective bond ordinances.

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

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## SUMMARY

17 This bill validates the referendum conducted in the City of South Portland on 18 November 5, 2024. It authorizes the City of South Portland to enter into contracts and issue 19 bonds or notes of the city in an amount not to exceed \$1,000,000 to finance school 20 maintenance and improvements and \$3,000,000 to finance school safety improvements.