

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
S.P. 736 - L.D. 1821

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

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 Bath 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 8, 2022, the voters of the city voted to adopt a bond ordinance that authorized the city to issue up to \$13,050,000 of its general obligation bonds and notes to finance the construction and equipping of a new fire station, as described in the notices, warrants and ballots for the referendum; and

Whereas, the voters of the city voted in favor of the bond question, 2,731 in favor and 1,264 against, with 285 blank ballots; and

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

Whereas, while the complete text of the bond ordinance was not published in a newspaper of general circulation in the city between 10 and 15 days prior to the election, the city held at least 5 workshops or public meetings on the bond prior to the election, the local newspaper printed an article about the proposed bond on October 9, 2022 and sample ballots were posted throughout the city; and

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

Whereas, the city council will review the posting and notice requirements regarding permanent financing, initiatives and referenda in the city charter and present amendments for a referendum to address inconsistencies and improve the posting and notice process by November 7, 2023; 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 Bath to the contrary, the City of Bath referendum conducted on November 8, 2022 and the proceedings related to that referendum are validated and made effective. The City of Bath is authorized to enter into contracts and to issue bonds or notes of the city in an amount not to exceed \$13,050,000 to finance the construction and equipping of a new fire station, all as set forth in the bond ordinance the voters of the City of Bath voted to adopt on November 8, 2022 of the warrant and ballot for the referendum.

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