



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1821

S.P. 736

In Senate, April 27, 2023

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

(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.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator VITELLI of Sagadahoc.

Cosponsored by Representative PAULHUS of Bath and

Senator: NANGLE of Cumberland, Representative: HEPLER of Woolwich.

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

3 **Whereas,** the City of Bath is authorized pursuant to state law and its charter to borrow
4 money and to issue its general obligation bonds and notes in furtherance of its municipal
5 purposes; and

6 **Whereas,** at a city referendum held November 8, 2022, the voters of the city voted to
7 adopt a bond ordinance that authorized the city to issue up to \$13,500,000 of its general
8 obligation bonds and notes to finance the construction and equipping of a new fire station,
9 as described in the notices, warrants and ballots for the referendum; and

10 **Whereas,** the voters of the city voted in favor of the bond question, 2,731 in favor and
11 1,264 against, with 285 blank ballots; and

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

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

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

23 **Whereas,** the city council will review the posting and notice requirements regarding
24 permanent financing, initiatives and referenda in the city charter and present amendments
25 for a referendum to address inconsistencies and improve the posting and notice process by
26 November 7, 2023; and

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

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

32 **Sec. 1. Validation and authorization.** Notwithstanding any provision of the
33 Maine Revised Statutes or the charter of the City of Bath to the contrary, the City of Bath
34 referendum conducted on November 8, 2022 and the proceedings related to that referendum
35 are validated and made effective. The City of Bath is authorized to enter into contracts and
36 to issue bonds or notes of the city in an amount not to exceed \$13,500,000 to finance the
37 construction and equipping of a new fire station, all as set forth in the bond ordinance the
38 voters of the City of Bath voted to adopt on November 8, 2022 of the warrant and ballot
39 for the referendum.

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

SUMMARY

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This bill validates the referendum conducted in the City of Bath on November 8, 2022. It authorizes the City of Bath to enter into contracts and issue bonds or notes of the city in an amount not to exceed \$13,500,000 to finance the construction and equipping of a new fire station.