

Sponsor: Senator Carney
Drafted by: KKB
Date: 4/15/2025
New Title?: NO

LD 1483
Sponsor's Proposed Amendment

Amend the emergency preamble as follows (changes shaded)

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, 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 or charter amendment questions; 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,

Amend the bill in Section 1 as follows (changes shaded):

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. Further, the City of South Portland's charter is hereby amended to reflect the approved changes as set forth in the charter amendment question.

SUMMARY

This amendment amends the bill by adding to the emergency preamble language citing that, 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 as well as language citing that 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. The amendment also amends the emergency preamble by adding reference to the charter amendment questions to the provision citing that, 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 or charter amendment questions. The amendment also amends the language describing the validation and authorization of the referendum to include the charter amendment question and clarifies the City of South Portland's charter is amended to reflect the approved changes as set forth in the charter amendment question.

132nd Legislature
Senate of
Maine
Senate District 29

Senator Anne Carney
3 State House Station
Augusta, ME 04333-0003
Office: (207) 287-1515

Testimony of Senator Anne Carney introducing
**LD 1483, “An Act to Validate Certain Referendum Proceedings Conducted by
the City of South Portland,”**
before the Joint Standing Committee on State and Local Government
Thursday, April 17, 2025

Senator Baldacci, Representative Salisbury, and esteemed members of the Joint Standing Committee on State and Local Government, I am Senator Anne Carney, proudly representing Senate District 29, which includes South Portland, Cape Elizabeth and part of Scarborough. It is a pleasure to be with you to introduce LD 1483, “An Act to Validate Certain Referendum Proceedings Conducted by the City of South Portland.”

This bill is very straightforward: it corrects a pair of clerical errors – an improperly filed notice of election and a missing signature from the City Treasurer. The City Clerk for the City of South Portland, Jessica Hughes, brought this bill to me, and I agreed to sponsor it so the school safety and maintenance work approved by South Portland voters can move forward on time.

Let me back up and share how we got here. Last November, South Portland had a municipal ballot with three bond referendum questions and a charter amendment referendum question. Two of the three bond questions, to conduct maintenance and safety improvements at South Portland schools, passed. The third, to perform upgrades on the South Portland High School Athletic Complex, failed to pass. The charter amendment question passed.

These results are only relevant to demonstrate why this bill is needed; they have no bearing on the content of the legislation. LD 1483 is necessary because the City will be issuing two new bonds — which could be invalid if the validation process errors are not corrected through this legislation.

Before any election, the municipal clerk must file a notice of election with the Secretary of State. The notice of election that the City filed mistakenly did not include the municipal bond or charter referendum questions. That could make the results of those parts of the ballot invalid, which is remedied through this bill asserting the validity of the election and its results. This validation will ensure the City’s bonds are fully marketable and the City can make the upgrades to its schools that the voters have asked for.

The other error corrected with this legislation, again to ensure marketability of the bonds and validate their approval, is that the City Treasurer mistakenly did not sign the statement setting forth the required information about the city's bonded debt which was sent to voters with the bond questions. The treasurer's signature is required on this statement for the bonds to be valid. This legislation will correct that error and ensure it is not an obstacle to the sale of the bonds.

The sponsor's amendment that was circulated by your analyst to the Committee and Interested Parties earlier this week adds the charter amendment question to this bill. Originally, the bill just focused on the bond questions, but it was decided to expand the bill to correct errors on the entire municipal referendum ballot.

Thank you for allowing me the opportunity to introduce this bill. The bottom line, committee members, is that passage of this legislation will correct non-substantive clerical errors and ensure the will of South Portland voters is respected.

I would be happy to answer any questions you may have.

Anne Carney
State Senator, District 29