

## Chapter 86

### AN ACT Creating the Cumberland County Recreation Center.

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

**Sec. 1. Cumberland County Recreation Center created.** The inhabitants of, and the territory within, the County of Cumberland shall be and hereby are constituted a body politic and corporate under the name of "Cumberland County Recreation Center," hereinafter sometimes called the "district," for the purpose of acquiring property within said County of Cumberland for athletic, recreational and municipal purposes, and erecting, enlarging, repairing, equipping, maintaining and operating on said property a building or buildings and related athletic, recreational and municipal facilities, and facilities for the parking of all manner of vehicles. The said district, subject to the approval of the Cumberland County Board of Commissioners, is authorized: 1) to transfer by sale or lease existing land, buildings or other property of the district, including the land and buildings now or formerly used by the district as a civic auditorium; and 2) to acquire land and buildings for said purposes by purchase, gift or lease and to construct or lease on land so acquired a building, or buildings, and parking facilities for said purposes, including land and buildings for a new civic auditorium and associated parking and other related facilities. The said district is authorized to make and execute leases or any portions of such buildings and land for such rent and on such terms and conditions as the trustees of the district may determine. The location of all such buildings and parking facilities shall be determined by the trustees of the district, subject to the approval of the Cumberland County Board of Commissioners. All property of said district shall be tax exempt.

**Sec. 2. Authority to acquire and hold property and to enter into contracts and other commitments.** The district is authorized and empowered to acquire and hold real and personal property necessary or convenient for the purposes of this Act by purchase, gift, lease or otherwise, as for public uses, any lands, buildings, real estate, easements or interests therein. The district is further authorized and empowered to enter into, and to perform under the terms of, contracts, agreements, understandings and other commitments of every kind and description necessary or convenient in connection with the construction and operation of a multi-purpose recreation, athletic and municipal center and to borrow, mortgage and pledge and issue bonds, notes or other obligations upon such security as the trustees deem necessary or convenient. Except for notes issued in anticipation of federal or state grants or aid, the district may not issue construction bonds or notes that cause the aggregate indebtedness for construction bonds and notes issued after ~~October 1, 1991~~ January 1, 2005 to exceed \$510,000,000, unless the issuance is approved by a majority of the Cumberland County voters casting ballots in a county referendum. Notwithstanding the foregoing, on or after January 1, 2005, the district may, without voter approval, issue bonds and notes, including notes issued in anticipation of bond proceeds, for the purchase or lease of land or buildings and for construction or lease thereon of a new civic auditorium, along with parking and other associated facilities, in an amount not to exceed \$90,000,00, provided that a stream of tax receipts, fees or revenues is dedicated to the repayment of the debt service on such bonds or notes that is sufficient to meet the said debt service payments.

**Sec. 3. Trustees; terms; appointment.** All the affairs of the district shall be managed by a board of 9 trustees, residents of the district, who shall be appointed by the Cumberland County Board of Commissioners and shall hold office as hereinafter provided and until their respective successors are appointed and qualified. The board of 9 trustees shall consist of 2 trustees appointed from the City of Portland; one each from the following town combinations: South Portland and Cape Elizabeth; Scarborough, Westbrook and Falmouth; Gorham, Windham, Standish, Baldwin and Sebago; Brunswick, Freeport, Harpswell, Pownal and New Gloucester; Yarmouth, Cumberland, North Yarmouth, Gray, Raymond, Casco, Naples, Harrison and Bridgton; and the remaining 2 at large. As soon as may be after acceptance of this Act, the Cumberland County Board of Commissioners shall appoint the 9 trustees of the district to hold office as follows: Three to serve for a term of one year, 3 to serve for a term of 2 years, and 3 to serve for a term of 3 years. Thereafter, at the expiration of the term of each trustee, a new trustee shall be appointed by said Cumberland County Board of Commissioners for a term of 3 years. In case of a vacancy in the office of a trustee arising from death, removal from the district or any other cause, the Cumberland County Board of Commissioners shall appoint a new trustee to fill the unexpired term. No member of the Cumberland County Board of Commissioners shall serve as a member of the board of trustees of the district.

**Sec. 4. Trustees; meetings; chairman; clerk and treasurer; seal.** As soon as convenient after their appointment, the first board of trustees of the district shall hold a meeting for organization purposes; said meeting to be called by any member thereof in writing, designating the time and place and delivered in hand to the other members not less than 48 hours before the meeting. They may meet by agreement without such notice. At the first meeting of said board of trustees, the members shall elect from their own members a chairman, a treasurer and a clerk to serve for the ensuing year and until their successors are elected and qualified, and shall adopt a corporate seal. The trustees may adopt and establish bylaws, consistent with the laws of the State of Maine and necessary for their own convenience and the proper management of the affairs of the district, and may perform any other acts within the powers delegated to them by law. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district.

The trustees may from time to time employ and appoint agents and other officers who shall serve at the pleasure of the trustees and any compensation thereof shall be fixed by the trustees. The trustees shall annually elect a chairman, treasurer and clerk to serve for the ensuing year and until their successors are elected and qualified. The trustees shall be eligible to hold any office or position with the district, but shall serve without compensation as trustees or in such other capacities, except that the treasurer may receive such compensation as the trustees shall determine.

The trustees shall be sworn to the faithful performance of their duties, which shall include the duties of any member who shall serve as clerk or clerk pro tem. They shall compile an annual report, including a report of the treasurer, which may be published as a part of the annual report of the County of Cumberland.

**Sec. 5. Assessment of taxes authorized to meet indebtedness; how collected; procedure.** The trustees of the Cumberland County Recreation Center, after making due allowance for the

anticipated revenue, shall determine what sum is required each year to meet the interest on the bonds, notes or other obligations of the district, what sum is required each year to meet the bonds, notes or other obligations falling due and maturing that year and what sum is required to meet other necessary expenses of the district, and shall before the first day of the December immediately preceding the next biennium, issue their warrant in the same form as the warrant of the Treasurer of State for taxes, with proper changes, to the assessor the total sum so determined upon the taxable polls and estates within Cumberland County, in the manner normally used by said County of Cumberland and commit their assessment to the officer charged by law with the duty of collecting taxes of said County of Cumberland who shall have all such authority and powers to collect said taxes as are vested by law to collect state, county and municipal taxes.

**Sec. 5-A. Preliminary planning and site selection.** Upon appointment of the 9 trustees of the district, the Cumberland County Board of Commissioners are authorized to provide to the trustees from the unappropriated surplus of Cumberland County a sum not to exceed \$25,000; said sum to be used by the trustees to employ such consultants, planners, architects, engineers, individuals or firms as they deem necessary to prepare preliminary sketches, plans and renderings of the proposed recreation center and to study and prepare recommendations on possible sites within Cumberland County on which the proposed recreation center could be located. Such preliminary sketches, costs, plans, renderings, studies and recommendations to be completed and presented to the trustees no later than 60 days prior to the referendum referred to in this Act.

**Sec. 6. To borrow money for Cumberland County Recreation Center.** The Cumberland County Board of Commissioners are authorized to borrow and expend a sum not exceeding \$3,500,000 \_\_\_\_\_ to accomplish the purposes of this Act as set forth in section one.

**Sec. 7. Bonds.** To provide funds to accomplish the purposes of this Act, on or after January 1, 2005 the treasurer of Cumberland County, with the approval of said county commissioners may borrow from time to time upon the full faith and credit of the county such sums, not exceeding in the aggregate \$3,500,000 \_\_\_\_\_, as may be necessary, and may issue bonds therefore which shall bear on their face the words "Cumberland County Recreation Center Bonds, Act of 1971." Each authorized issue shall be payable in such annual installments ~~beginning not more than 2 years from the date thereof and not earlier than the year 1973~~ as will extinguish each loan in not more than 20 years from its date. Such bonds shall be signed by the treasurer of the county and countersigned by the majority of said county commissioners. The county may sell such securities at public or private sale upon such terms and conditions as the said county commissioners may deem proper, but at not less than par and accrued interest after approval of the voters of Cumberland County in a referendum vote as hereinafter provided. ~~Issuance and sale of the bonds shall be contingent upon the prior receipt by the district of an additional \$1,500,000 from grants, gifts or contributions. Said \$1,500,000 may be in the form of cash, securities, notes, pledges or such other forms as may be acceptable to the county commissioners.~~

**Sec. 8. Authorized to receive property and enter into agreements.** The said district is authorized to receive from the County of Cumberland, and the County of Cumberland is authorized to transfer and convey to the district for such consideration as the Cumberland County Board of Commissioners may determine, any real property now or hereafter owned or held by

the County of Cumberland. The said district is further authorized and empowered, with the approval of the Cumberland County Board of Commissioners, to enter into agreements with the State or Federal Government, or any agency of either, or any municipality in Cumberland County, or any corporation, commission or board authorized by the State or Federal Government, to grant or loan money to, or otherwise assist in the financing or carrying out of projects such as the district is authorized to carry out, and to accept grants or the loan or transfers of property, real, personal or mixed, and borrow money from any such government, state or federal agency, municipality, corporation, commission or board as may be desirable in the opinion of its board of trustees to carry out this Act.

Every municipality in Cumberland County, in addition to and not in derogation of any other authority it may have, is authorized to raise by taxation, issuance of bonds, borrowing or otherwise, money for the purpose of making a loan or grant to said district, to loan or grant a sum or sums of money and to loan, transfer, grant or convey to said district any property, real, personal or mixed, now or hereafter owned or held by said municipalities, all for the purposes enumerated in this Act.

**Referendum; effective date.** This Act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of its submission to the legal voters of Cumberland County. Such submissions to be at the discretion of the Cumberland County Board of Commissioners but not later than 18 months after adjournment of the Legislature. The Cumberland County Board of Commissioners are authorized to expend such funds as are necessary to implement the referendum.

The county clerk shall prepare the required ballots on which he shall state the subject matter of this Act in the following question: "Shall An Act Creating the Cumberland County Recreation Center and Authorizing the Issuance of Bonds in an Amount not to exceed \$3,500,000, passed by the 105<sup>th</sup> Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided the total number of votes cast for and against the acceptance of this Act equals or exceeds 10% of the total votes for all candidates for Governor cast in the next previous gubernatorial election in said county. If at any such first election, the total number of votes cast for or against acceptance of this Act is less than 10% of the total votes for all candidates for Governor cast in said county in the next previous gubernatorial election, the county commissioners may call not more than one more such special election to be held within the time prescribed above.

The result of such elections shall be declared by the Cumberland County Board of Commissioners and due certificates thereof filed by the county clerk with the Secretary of State.

Creating the Cumberland County Recreation Center and Authorizing the Issuance of Bonds in an Amount not to exceed \$3,500,000, passed by the 105th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided the total number of votes cast for and against the acceptance of this Act equals or exceeds 10% of the total votes for all candidates for Governor cast in the next previous gubernatorial election in said county. If at any such first election, the total number of votes cast for or against acceptance of this Act is less than 10% of the total votes for all candidates for Governor cast in said county in the next previous gubernatorial election, the county commissioners may call not more than one more such special election to be held within the time prescribed above.

The result of such elections shall be declared by the Cumberland County Board of Commissioners and due certificates thereof filed by the county clerk with the Secretary of State.

Effective September 23, 1971

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## Chapter 87

### AN ACT Creating an Advisory Commission for the Study of Public Support for Post-secondary Education in Maine.

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

Whereas, post-secondary education in Maine, as in the nation, is in a state of deepening financial crisis; and

Whereas, a comprehensive study should immediately be commenced to determine public policy in providing public support to a broad spectrum of qualified institutions offering post-secondary education to Maine students, without undermining the necessary level of public support of public post-secondary education; and

Whereas, public programs of student assistance affect the ability of Maine students to take advantage of post-secondary educational opportunities; 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:*

**Advisory Commission for the Study of Public Support for Post-secondary Education in Maine.** There is created an Advisory Commission for the Study of Public Support for Post-secondary Education in Maine. The commission shall consist of 15 members including the Chancellor of the University of

Grace Adams Hatch, West Poland, Maine

Martha Strachen Blake, Oakland, Maine

Sarah Carr Tilley, Bucksport, Maine

Sec. 2. Appropriation. There is appropriated from the General Fund to the Maine State Retirement System the sum of \$23,520 for the fiscal year ending June 30, 1974 and \$25,200 for the fiscal year ending June 30, 1975 to carry out the purposes of this Act.

Sec. 3. Intent. It is the intent of the Legislature that the retirement benefits for certain teachers provided for herein be limited to \$110 per month and that the provisions of the Revised Statutes, Title 5, section 1128 not apply to these benefits after the limit of \$110 has been reached. This limitation shall apply to those teachers named in the private and special laws of 1971, chapter 144 and the private and special laws of 1973, chapter 140.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 1, 1974.

**CHAPTER 225**

**AN ACT to Ratify the Actions of the Trustees of the Cumberland County Recreation Center.**

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

P. & S. L., 1971, c. 86, § 2, amended. The last sentence of section 2 of chapter 86 of the private and special laws of 1971 is amended to read as follows:

The said district is further authorized and empowered to enter into, and to perform under the terms of, contracts, agreements, understandings and other commitments of every kind and description necessary or convenient in connection with the construction and operation of a multi-purpose recreation, athletic and municipal center and further to borrow, mortgage and pledge and issue bonds, notes or other obligations upon such security as the trustees deem necessary or convenient therewith.

Effective June 28, 1974

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Whereas, the Farmington Village Corporation, in order to comply with the requirements of the Safe Water Drinking Act of 1986 and to ensure a safe and adequate supply of water to the Town of Farmington, must acquire and construct in the immediate future a new gravel well to provide an underground water supply; and

Whereas, in order to proceed with the construction of a new gravel well, the Farmington Village Corporation must exercise its power of eminent domain to acquire the new well site; and

Whereas, there exists uncertainty as to the extent of the Farmington Village Corporation's powers of eminent domain and the procedures to be used by the Farmington Village Corporation in exercising its eminent domain powers that is resolved only by an amendment to the Charter of the Farmington Village Corporation; 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:

P&SL 1911, c. 142, §2-F is enacted to read:

**Sec. 2-F. Eminent domain.** Subject to the provisions of this section, the Farmington Village Corporation has the right of eminent domain and may exercise that right to acquire real estate or interests in real estate for the purposes of acquiring an underground water supply and to adequately provide for the storage, distribution or transmission of that water. Eminent domain powers may be exercised only for those purposes and only if the assessors determine that public exigency requires the immediate taking of those property interests, the corporation is unable to purchase those property interests for what the assessors consider reasonable valuation or the title is defective. In order to exercise this power, the assessors shall file with the clerk of the corporation and record in the Franklin County Registry of Deeds a written condemnation order and a plan of the property interest to be taken. The condemnation order must include a detailed description of the property interests to be taken, with reference to the plan, the name or names of the owner or owners of record as can be reasonably determined and the amount of damages determined by the assessors to be just compensation for the property interests taken. The assessors shall then serve upon the owner or owners of record in hand, or by certified mail to the last known address of the owner or owners, a copy of the condemnation order and a check in the amount of damages awarded. In the event of multiple ownership, the check may be served on any one of the owners.

The assessors shall also serve the condemnation order upon any mortgagees of record in hand, or by certified mail to the last known address of the mortgagees. Title passes to the Farmington Village Corporation upon service of the condemnation order and check upon the owner or owners, or upon the recording of the condemnation order and the plan, whichever occurs first. Any person aggrieved by the determination of the damages awarded to the owner or owners of the property interests taken may, within 30 days after the day title passes to the corporation, appeal the determination of damages to the Franklin County Superior Court pursuant to Maine Rules of Civil Procedure, Rule 80B.

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

Effective June 21, 1991.

→ CHAPTER 36

1991  
H.P. 1238 - L.D. 1804

An Act Concerning the Bonding Authority of the Cumberland County Recreation Center

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

P&SL 1971, c. 86, §2, as amended by P&SL 1973, c. 225, is further amended to read:

**Sec. 2. Authority to acquire and hold property and to enter into contracts and other commitments.** The said district is authorized and empowered to acquire and hold real and personal property necessary or convenient for the purposes of this Act by purchase, gift, lease or otherwise, as for public uses, any lands, buildings, real estate, easements or interests therein. The said district is further authorized and empowered to enter into, and to perform under the terms of, contracts, agreements, understandings and other commitments of every kind and description necessary or convenient in connection with the construction and operation of a multi-purpose recreation, athletic and municipal center and further to borrow, mortgage and pledge and issue bonds, notes or other obligations upon such security as the trustees deem necessary or convenient therewith. Except for notes issued in anticipation of federal or state grants or aid, the district may not issue construction bonds or notes that cause the aggregate indebtedness for construction bonds and notes issued after October 1, 1991 to exceed \$5,000,000, unless the issuance is approved by a majority of the Cumberland County voters casting ballots in a county referendum.

See title page for effective date.

<b>PRIORITY</b>	<b>ITEM</b>	<b>2004-2005 PROPOSED FUNDING REQUEST</b>
1	RIGGER FALL PROTECTION	\$ 34,000 ✓
2	SCOREBOARD RETROFIT	\$ 20,000 ✓
3	COMPUTER HARDWARE/SOFTWARE	\$ 15,000
4	LOWER LOBBY TILING	\$ 3,000
5	STAGING	\$ 7,000
6	HOCKEY NETTING WINCH	\$ 3,500 ✓
7	BUILDING EQUIPMENT	\$ 20,000
8	BUILDING - OTHER	\$ 20,000
		\$ -
	<b>TOTAL CAPITAL REQUEST</b>	<b><u>\$ 122,500</u></b>