

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TENTH LEGISLATURE  
4

5 **Legislative Document**

**No. 1926**

7 H. P. 1949 House of Representatives, February 4, 1982  
Approved for introduction by the Legislative Council pursuant to  
Joint Rule 26.

8 Referred to the Committee on Local and County Government. Sent  
up for concurrence and 2,000 ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative L. Higgins of Scarborough.

Cosponsors: Representative Beaulieu of Portland, Senator Usher  
of Cumberland and Senator Gill of Cumberland.

9  
10 **STATE OF MAINE**  
11

12 IN THE YEAR OF OUR LORD  
13 NINETEEN HUNDRED AND EIGHTY-TWO  
14

15 **AN ACT to Create a Cumberland**  
16 **County Baseball Stadium.**  
17

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

19 **Sec. 1. Cumberland County Baseball Stadium cre-**  
20 **ated.** The inhabitants of, and the territory within, the  
21 County of Cumberland shall be and hereby are constituted a  
22 body politic and corporate under the name of "Cumberland  
23 County Baseball Stadium," hereinafter sometimes called the  
24 "district," for the purpose of acquiring property within  
25 said County of Cumberland for athletic, recreational and  
26 municipal purposes, and erecting, enlarging, repairing,  
27 equipping, maintaining and operating on said property a  
28 building or buildings and related athletic, recreational and  
29 municipal facilities, and facilities for the parking of all  
30 manner of vehicles. The said district, subject to the  
31 approval of the Cumberland County Board of Commissioners, is  
32 authorized to acquire land and buildings for said purposes  
33 by purchase, gift or lease and to construct on land so ac-  
34 quired a building or buildings, and parking facilities for

1 said purposes. The said district is authorized to make and  
2 execute leases of any portions of such buildings and land  
3 for such rent and on such terms and conditions as the  
4 trustees of the district may determine. The location of all  
5 such buildings and parking facilities shall be determined by  
6 the trustees of the district, subject to the approval of the  
7 Cumberland County Board of Commissioners. All property of  
8 said district shall be tax exempt.

9       **Sec. 2. Authority to acquire and hold property and to**  
10 **enter into contracts and other commitments.** The said dis-  
11 trict is authorized and empowered to acquire and hold real  
12 and personal property necessary or convenient for the pur-  
13 poses of this Act by purchase, gift, lease or otherwise, as  
14 for public uses, any lands, buildings, real estate, ease-  
15 ments or interests therein. The said district is further  
16 authorized and empowered to enter into, and to perform under  
17 the terms of contracts, agreements, understandings and other  
18 commitments of every kind and description necessary or con-  
19 venient in connection with the construction and operation of  
20 an athletic and recreational stadium.

21       **Sec. 3. Trustees; terms; appointments.** All the  
22 affairs of the district shall be managed by a board of  
23 trustees, residents of the district, who shall be appointed  
24 by the Cumberland County Board of Commissioners and shall  
25 hold office as hereinafter provided and until their respec-  
26 tive successors are appointed and qualified. The board of  
27 trustees shall consist of one trustee appointed from each  
28 municipality within Cumberland County. As soon as may be  
29 after acceptance of this Act, the Cumberland County Board of  
30 Commissioners shall appoint the trustees of the district to  
31 hold office for a term of 2 years. In case of a vacancy in  
32 the office of a trustee arising from death, removal from the  
33 district or any other cause, the Cumberland County Board of  
34 Commissioners shall appoint a new trustee to fill the unex-  
35 pired term. No member of the Cumberland County Board of  
36 Commissioners may serve as a member of the board of trustees  
37 of the district. A tenant of the Cumberland County Baseball  
38 Stadium may serve as a member of the board of trustees ex-  
39 officio.

40       **Sec. 4. Trustees; meetings; chairman; clerk and treas-**  
41 **urer; seal.** As soon as convenient after their appointment,  
42 the first board of trustees of the district shall hold a  
43 meeting for organization purposes; said meeting to be called  
44 by any member thereof in writing, designating the time and  
45 place and delivered in hand to the other members not less  
46 than 48 hours before the meeting. They may meet by agree-

1 ment without such notice. At the first meeting of said  
2 board of trustees, the members shall elect from their own  
3 members a chairman, a treasurer and a clerk to serve for the  
4 ensuing year and until their successors are elected and  
5 qualified, and shall adopt a corporate seal. The trustees  
6 may adopt and establish bylaws, consistent with the laws of  
7 the State and necessary for their own convenience and the  
8 proper management of the affairs of the district, and may  
9 perform any other acts within the powers delegated to them  
10 by law. The treasurer shall furnish bond in such sum and  
11 with such sureties as the trustees shall approve, the cost  
12 thereof to be paid by the district.

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

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

29 **Sec. 5. Assessment of taxes authorized to meet**  
30 **indebtedness; how collected; procedure.** The trustees of the  
31 Cumberland County Baseball Stadium, after making due allow-  
32 ance for anticipated revenue, shall determine what sum is  
33 required each year to meet the interest on the bonds, notes  
34 or other obligations of the district, what sum is required  
35 each year to meet the bonds, notes or other obligations  
36 falling due and maturing that year and what sum is required  
37 to meet other necessary expenses of the district, and shall  
38 before the first day of the December immediately preceding  
39 the next biennium, issue their warrant in the same form as  
40 the warrant of the Treasurer of State for taxes, with proper  
41 changes, to the assessor the total sum so determined upon  
42 the taxable polls and estates within Cumberland County, in  
43 the manner normally used by said County of Cumberland and  
44 commit their assessment to the officer charged by law with  
45 the duty of collecting taxes of said County of Cumberland  
46 who shall have all such authority and powers to collect said

1 taxes as are vested by law to collect state, county and  
2 municipal taxes.

3       **Sec. 6. Preliminary planning and site selection.** Upon  
4 appointment of the 6 trustees of the district, the Cumber-  
5 land County Board of Commissioners are authorized to provide  
6 to the trustees from the unappropriated surplus of Cumber-  
7 land County a sum not to exceed \$15,000; said sum to be used  
8 by the trustees to employ such consultants, planners, archi-  
9 tects, engineers, individuals or firms as they deem neces-  
10 sary to prepare preliminary sketches, plans and renderings  
11 of the proposed baseball stadium and to study and prepare  
12 recommendations on possible sites within Cumberland County  
13 on which the proposed baseball stadium could be located.  
14 Such preliminary sketches, costs, plans, renderings, studies  
15 and recommendations to be completed and presented to the  
16 trustees no later than 60 days prior to the referendum  
17 referred to in this Act.

18       **Sec. 7. To borrow money for Cumberland County Baseball**  
19 **Stadium.** The Cumberland County Board of Commissioners are  
20 authorized to borrow and expend a sum not exceeding  
21 \$1,200,000 to accomplish the purposes of this Act as set  
22 forth in section one.

23       **Sec. 8. Bonds.** To provide funds to accomplish the  
24 purposes of this Act, the treasurer of Cumberland County,  
25 with the approval of said county commissioners may borrow  
26 from time to time upon the full faith and credit of the  
27 county such sums, not exceeding in the aggregate \$1,200,000,  
28 as may be necessary, and may issue bonds therefor which  
29 shall bear on their face the words "Cumberland County Base-  
30 ball Stadium Bonds, Act of 1982." Each authorized issue  
31 shall be payable in such annual installments, beginning not  
32 more than 2 years from the date thereof and not earlier than  
33 the year 1984, as will extinguish each loan in not more than  
34 20 years from its date. Such bonds shall be signed by the  
35 treasurer of the county and countersigned by the majority of  
36 said county commissioners. The county may sell such securi-  
37 ties at public or private sale upon such terms and condi-  
38 tions as the said county commissioners may deem proper, but  
39 at not less than par and accrued interest after approval of  
40 the voters of Cumberland County in a referendum vote as  
41 hereinafter provided. Issuance and sale of the bonds shall  
42 be contingent upon the prior receipt by the district of an  
43 additional \$300,000 from grants, gifts or contributions.  
44 Said \$300,000 may be in the form of cash, securities, notes,  
45 pledges, real or personal property or such other forms as  
46 may be acceptable to the county commissioners.

1           **Sec. 9. Authorized to receive property and enter into**  
2 **agreements.** The said district is authorized to receive from  
3 the County of Cumberland, and the County of Cumberland is  
4 authorized to transfer and convey to the district for such  
5 consideration as the Cumberland County Board of Commission-  
6 ers may determine, any real property now or hereafter owned  
7 or held by the County of Cumberland. The said district is  
8 further authorized and empowered, with the approval of the  
9 Cumberland County Board of Commissioners, to enter into  
10 agreements with the State or Federal Government, or any  
11 agency of either, or any corporation, commission or board  
12 authorized by the State or Federal Government, to grant or  
13 loan money to, or otherwise assist in the financing or  
14 carrying out of projects such as the district is authorized  
15 to carry out, and to accept grants and borrow money from any  
16 such government, state or federal agency, corporation, com-  
17 mission or board as may be desirable in the opinion of its  
18 board of trustees to carry out this Act.

19           **Referendum;effective date.** Upon the recommendation of  
20 a majority of the board of trustees, this Act shall be sub-  
21 mitted to the legal voters of Cumberland County. Such sub-  
22 mission to be at the discretion of the Cumberland County  
23 Board of Commissioners, but not later than 12 months after  
24 adjournment of the Legislature. The Cumberland County Board  
25 of Commissioners are authorized to expend such funds as are  
26 necessary to implement the referendum.

27           The county clerk shall prepare the required ballots on  
28 which he shall state the subject matter of this Act in the  
29 following question.

30           "Shall bonds be issued in an amount not to exceed  
31 \$1,200,000 in order to create the Cumberland County Baseball  
32 Stadium?"

33           The voters shall indicate by a cross or check mark  
34 placed against the words "Yes" or "No" their opinion of the  
35 same.

36           This Act shall take effect for all the purposes hereof  
37 immediately upon its acceptance by a majority of the legal  
38 voters voting at said election; provided the total number of  
39 votes cast for and against the acceptance of this Act equals  
40 or exceeds 10% of the total votes for all candidates for  
41 Governor cast in the next previous gubernatorial election in  
42 said county. If at any such first election, the total  
43 number of votes cast for or against acceptance of this Act  
44 is less than 10% of the total votes for all candidates for

1 Governor cast in said county in the next previous gubernato-  
2 rial election, the county commissioners may call not more  
3 than one more such special election to be held at the state-  
4 wide general election held in November, 1983.

5 The results of such elections shall be declared by the  
6 Cumberland County Board of Commissioners and due certifi-  
7 cates thereof filed by the county clerk with the Secretary  
8 of State.

9 STATEMENT OF FACT

10 This bill would provide for a county bond issue to con-  
11 struct a Cumberland County Baseball Stadium.

12 4505012182