

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 733

H. P. 482

House of Representatives, January 29, 1962

Motion of Mr. Cope of Portland to Reconsider Reference made and lost. Referred to Committee on Municipal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mrs. Kilroy of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Portland High School Athletic Commission.

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

Sec. 1. P. & S. L., 1929, c. 77, § 2, amended. Section 2 of chapter 77 of the private and special laws of 1929 is amended to read as follows:

'Sec. 2. Personality of commission; tenure of office; officers. The commission shall consist of 3 members, one of whom shall be the principal of the Portland High School, and 2 other members, ~~to be elected annually by the superintending school committee of the city of Portland~~ **one to be appointed annually by the city council from its membership and one to be appointed annually by the superintending school committee from its membership** to serve for one year or until their successors are ~~elected appointed~~. ~~The commission shall be elected immediately upon this act taking effect and the commission first elected shall serve until the second Monday of December, nineteen hundred and twenty nine~~ **The terms of office of the present members shall not expire and they shall continue in office until the 2nd Monday of December, 1963. Appointments as above provided shall be made on that date and shall annually thereafter be made on the 2nd Monday of each December.** Whenever a vacancy shall occur, another person shall be ~~elected by the superintending school committee~~ **appointed from the appropriate membership** for the unexpired term. The commission shall serve without compensation and from their own numbers elect the necessary officers to serve for one year or until their successors are ~~elected appointed~~. A majority of the membership of said commission shall constitute a quorum.'

Sec. 2. P. & S. L., 1929, c. 77, § 3, amended. Section 3 of chapter 77 of the

private and special laws of 1929, as amended by chapter 27 of the private and special laws of 1931, is further amended to read as follows:

'Sec. 3. Powers. The said commission shall have power to ~~lay out and construct, and to~~ hold, manage, control, lease or let, for purpose of high school and other athletics and other public events, an athletic field, together with bleachers, grand-stands, locker-houses and other like equipment; ~~and to receive, hold in trust and expend for the laying out, construction, improvement and enlargement of such athletic field, bleachers, grand stands, locker houses and other like equipment, such gifts and contributions as may from time to time be made to it~~

~~The said commission shall have power to borrow money and issue notes or other evidences of indebtedness, and to secure the payment thereof by pledge or assignment of any revenues derived from the leasing or letting of said land, facilities and equipment, or by mortgage or pledge of any of its property and assets; but said commission shall not have power to pledge the credit of the city of Portland'~~

Sec. 3. P. & S. L., 1929, c. 77, § 4, amended. Section 4 of chapter 77 of the private and special laws of 1929 is amended to read as follows:

'Sec. 4. Transfer of lands to commission. The city council of the City of Portland may transfer and surrender to the commission the use, care and control of any lands, buildings and personal property now held by the city or hereafter acquired by it ~~and the park commission and the recreation commission may transfer and surrender to the commission the use, care and control of any lands under the care and control of the park and recreation commission, and determine the time, terms and conditions of said transfer or surrender, the time, terms and conditions of said transfer and surrender to be as determined by said city council.'~~

Sec. 4. P. & S. L., 1929, c. 77, § 5, repealed and replaced. Section 5 of chapter 77 of the private and special laws of 1929 is repealed and the following enacted in place thereof:

'Sec. 5. Transfer to city. The said commission shall upon the effective date of this amendment transfer to the City of Portland title to any and all real or personal property then owned by it, except for the present leasehold which it now holds by virtue of a lease executed between said commission and the City of Portland on April 4, 1950, and at the same time pay over to the director of finance of the City of Portland any and all moneys or funds now held by it, however obtained, including any moneys or funds received by it from the trustees of the Portland High School Athletic Association and the receipt by the said director of finance of such moneys or funds shall be a discharge of said commission of any trust for such moneys or funds so paid. The said director of finance shall thereafter keep the accounts of the commission in the same manner as other operating accounts of the City of Portland, and all moneys due to the commission as revenue from the operation of said athletic field and any and all gifts or contributions made to said commission for such purpose shall be paid to said director of finance. All disbursements of such moneys, funds, gifts or contributions, or

of any funds appropriated by the City of Portland, for the purpose of operating, maintaining, repairing, replacing, improving and enlarging such athletic field shall be made only upon requisition by the commission, bearing the approval of the director of parks and recreation of the City of Portland, who shall supervise and control all work, labor and materials so requisitioned.'

Sec. 5. P. & S. L., 1929, c. 77, §§ 6 - 9, amended. Sections 6 to 9 of chapter 77 of the private and special laws of 1929 are amended to read as follows:

'Sec. 6. City authorized to make appropriation. The City of Portland is hereby authorized and empowered to ~~assist in the under-draining, grading, leveling, surfacing, and fencing of said grounds~~ make such appropriation annually as it deems feasible to assist in the operation, maintaining, repairing, replacing, improving and enlarging such athletic field.'

Sec. 7. Commission to make report annually. The commission shall annually report to the ~~superintending school committee~~ city council in such manner and form as the ~~superintending school committee~~ city council may require, a copy of which report shall also be filed with the superintending school committee of the City of Portland. ~~Any trustee or trustees now holding any moneys or funds of the Portland High School Athletic Association shall pay over all such moneys or funds so held by him or them to the commission herein created and the receipt by said commission shall be a discharge of the trust for all such moneys or funds so paid. Any member of the commission having custody of any money or funds shall give a surety company bond running to the commission in an amount determined by the commission and in form satisfactory to the corporation counsel of the City of Portland, to well and truly account for any and all money or funds coming into his custody and control~~

Sec. 8. City or commission not liable to any action. ~~The~~ Neither the City of Portland nor any member of the commission shall ~~not~~ be liable to any action, either in tort or contract, for any acts of the commission in the development or use and occupation of any lands transferred or surrendered to the commission.

Sec. 9. Inconsistent acts repealed. Chapter 85, private and special laws of 1923, chapter 77, private and special laws of 1929 and chapter 27, private and special laws of 1931 and all other acts and parts of acts inconsistent herewith are hereby repealed.'