

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 532

S. P. 180

In Senate, February 3, 1971

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Conley of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Amend the Charter of Portland Widows' Wood Society.

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

Whereas, Portland Widows' Wood Society located at Portland, Maine is a corporation created by chapter 301 of the private and special laws of Maine of 1850, as amended by chapters 140 and 145 of the private and special laws of Maine of 1879, and by chapter 124 of the private and special laws of Maine of 1903, for the purposes described therein; and

Whereas, the Tax Reform Act of 1969, which amended the United States Internal Revenue Code of 1954, may result in Portland Widows' Wood Society being classified as a private foundation and thus subject to annual federal excise taxes unless Portland Widows' Wood Society takes steps to terminate its private foundation status; and

Whereas, payment of said excise taxes will reduce the resources of Portland Widows' Wood Society which would otherwise be available for the carrying out of its charitable purposes; and

Whereas, said Tax Reform Act of 1969 permits private foundations to terminate their private foundation status and thus avoid said excise taxes; and

Whereas, regulations under said Tax Reform Act of 1969 require that the corporate charter contain specified provisions to effect a termination of private foundation status; and

Whereas, said chapter 301 as amended does not include such provisions; and

Whereas, it is advisable to make certain other changes in the governing instrument; and

Whereas, this Act may not otherwise become final within the time during which such provisions must be adopted in order for this corporation to conform to the said Tax Reform Act of 1969 and the regulations thereunder at the earliest possible time; 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:

Sec. 1. P. & S. L., 1850, c. 301, § 1, amended. Section 1 of chapter 301 of the private and special laws of 1850 is amended to read as follows:

Section 1. John Anderson, James H. Baker, John Chute, Josiah Black, Lemuel Gooding, James Rackleff, Eben Steele, John Purrington, A. M. Baker, William Evans, Nathaniel Elsworth, Martin Gore, Charles Baker, T. C. Hersey, Bryon Greenough and Henry B. Hart, together with such persons as may hereafter be associated with them, are hereby incorporated into a Society by the name of the Portland Widows' Wood Society, to be and remain by that name a body corporate forever, for the purpose of receiving donations and, **in support of the City of Portland**, furnishing fuel, gratuitously, to ~~destitute~~ **deserving** women and orphans of said city.

Sec. 2. P. & S. L., 1850, c. 301, § 3, amended. Section 3 of chapter 301 of the private and special laws of 1850, as amended by chapter 145 of the private and special laws of 1879 and by chapter 124 of the private and special laws of 1903, is further amended to read as follows:

Section 3. May take and hold property by gift, etc. Said corporation may take and hold by gift, bequest, devise, purchase, or otherwise, real and personal property ~~to an amount not exceeding two hundred thousand dollars in value~~; and may manage and dispose of the same in any manner consistent with the purposes of said corporation, and with the terms under which said property is acquired by it.

Sec. 3. P. & S. L., 1850, c. 301, § 4, amended. Section 4 of chapter 301 of the private and special laws of 1850, as amended by chapter 145 of the private and special laws of 1879 and by chapter 124 of the private and special laws of 1903, is further amended to read as follows:

Section 4. Officers. Said corporation may annually elect a president, vice president, treasurer, secretary, and such other officers and such number of directors as it may deem expedient; and may adopt bylaws and regulations, not repugnant to the laws of the State, for the management of its affairs, including the manner of calling and conducting its meetings, conditions of membership, constitution of a quorum, and the bestowal and distribution of its charities **and may provide in such bylaws for the selection of directors and**

members of said corporation by, and approval of bylaw amendments by, the City Council of said Portland.

Sec. 4. Validation. All prior acts and doings of Portland Widows' Wood Society are hereby ratified, made valid, binding and of full force.

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

STATEMENT OF FACT

This bill amends the corporate charter of Portland Widows' Wood Society to (1) state that its charitable purposes are in support of the City of Portland (its welfare functions), (2) remove the limitation on the amount of property which may be owned by the corporation, and (3) make possible the selection of members and directors by, and approval of bylaw amendments by, the City Council of Portland. The bill ratifies prior acts of the corporation and is necessary to allow the corporation to avoid federal excise taxes imposed under the Federal Tax Reform Act of 1969.