

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1221

S. P. 404

In Senate, March 5, 1971

Taken from table on motion by President and on further motion referred to Committee on County Government.

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 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 to acquire land and buildings for said purposes by purchase, gift or lease and to construct on land so acquired a building, or buildings, and parking facilities for said purposes. The said district is authorized to make and execute leases of 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 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.

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 one trustee appointed from each Senatorial District within Cumberland County and the remainder 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 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. 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 \$5,000,000 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, 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 \$5,000,000, as may be necessary, and may issue bonds therefor 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 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 and borrow money from any such government, state or federal agency, corporation, commission or board as may be desirable in the opinion of its board of trustees to carry out 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 submission to be at the discretion of the Cumberland County board of Commissioners but not later than 18 months after adjournment of the Legislature.

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 \$5,000,000,' 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.

STATEMENT OF FACT

The purpose of this bill is to create the Cumberland County Recreation Center for the purpose of financing, constructing and operating a multi-purpose recreation, athletic and municipal center in Cumberland County.