

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 197

S. P. 80

In Senate, January 17, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Morrell of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Amend the Charter of Bowdoin College.

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

Whereas, changes in the charter of Bowdoin College are necessary to provide for terms of office for the trustees and overseers which are less than lifetime tenure; and

Whereas, it is essential that these changes be enacted as soon as possible since it is necessary due to provisions in the Articles of Separation that this legislation also be enacted by the Legislature of Massachusetts; 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. Section 3 of the charter of Bowdoin College adopted by an Act of the General Court of the Commonwealth of Massachusetts passed on June 24, 1794, is hereby amended to read as follows:

Sec. 3. And be it further enacted by the authority aforesaid, that for the more orderly conducting the business of the said corporation, the president and trustees shall have full power and authority, from time to time, to elect a vice president and secretary of the said corporation, and to declare the tenures and duties of their respective offices; and to elect trustees of said corporation, for such terms and upon such conditions as they may from time to time determine, and also to remove any trustee from the same corporation,

when, in their judgment, he shall be incapable or shall neglect or refuse to perform the duties of his office. Provided nevertheless, that the number of the said trustees, including the president and treasurer of the said college, for the time being, shall never be greater than 13, nor less than 7.

Sec. 2. Section 4 of said charter is hereby amended to read as follows:

Sect. 4. And be it further enacted, that the said corporation may have one common seal, which they may change, break or renew at their pleasure; and that all deeds signed and delivered by the treasurer, or by such other officer as the trustees may from time to time appoint, and sealed with their seal, by order of the president and trustees, shall when made in their corporate name, be considered in law as the deeds of the said corporation; and that the said corporation may sue and be sued in all actions, real, personal or mixed; and may prosecute and defend the same to final judgment and execution, by the name of the president and trustees of Bowdoin College; and that the said corporation shall be capable of having, holding and taking, in fee simple or any less estate, by gift, grant, devise, or otherwise any lands, tenements, or other estate, real or personal.

Sec. 3. Section 11 of said charter is hereby amended to read as follows:

Sect. 11. And be it further enacted by the authority aforesaid, that for the orderly conducting the business of the said last mentioned corporation, the members thereof shall have full power, from time to time, as they shall determine, to elect a president, vice president and secretary, and to fix the tenures and duties of their respective offices; and also to determine at what times and places their meetings shall be holden, and upon the manner of notifying the overseers to convene at such meetings; and to provide for the election of persons for overseers for such terms and upon such conditions as the trustees, from time to time, shall determine subject to the agreement thereof by the overseers pursuant to section 7, hereof; and to remove any overseer from the said corporation when, in the judgment of the overseers, he shall be rendered incapable, or shall neglect or refuse to perform the duties of his office; and a majority of the members present, at any legal meeting, shall decide all questions which may properly come before the said overseers; provided nevertheless, that the number of the said overseers, including the president of the college, and the secretary of the president and trustees of Bowdoin College, shall never be greater than 45, nor less than 25.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved for the purpose of its submission to the General Court of Massachusetts for its concurrence. It shall take effect for all purposes when a certificate is filed with the Secretary of State certifying that the General Court of Massachusetts has granted its concurrence.

STATEMENT OF FACT

The import of this legislation is to provide for terms of office for the trustees and overseers which are less than the lifetime tenure presently in existence. The other change allows more flexibility in the signing of deeds. These changes have been reviewed by the policy committee and passed by the trustees and overseers.