

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2263

H. P. 2109 House of Representatives, February 26, 1976
Reported by Mr. Dam from the Joint Select Committee on County Government pursuant to H. P. 1739 and printed under Joint Rules No. 3.

EDWIN H. PERT, Clerk

Filed under Joint Rule 3 pursuant to H. P. 1739.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT to Incorporate the Frye Island Municipal Services Corporation.

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

Whereas, the corporation presently providing common services to the summer residents living on Frye Island in Sebago Lake is in serious financial difficulty and no longer able to provide such services; and

Whereas, the municipality of Standish is also unable to provide these necessary services; and

Whereas, the summer residents of Frye Island are unable to finance these services on a voluntary basis; and

Whereas, the majority of residents are only present during July and August and have no means of providing for services during the approaching summer; 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. Territory of Frye Island Municipal Services Corporation defined.
So much of the territory of the Town of Standish, in the County of Cumber-

land, as is bounded and described as follows, to wit: Frye Island, so-called in Sebago Lake, together with the inhabitants residing therein and the owners of real estate therein, be and the same is hereby created a body politic and corporate by the name of Frye Island Municipal Services Corporation.

Sec. 2. Officers. The officers of the corporation shall be legal voters of the corporation, and shall consist of a clerk, 7 trustees, a treasurer and such other officers as may be provided for in the bylaws of the corporation. No officer of the corporation need be a resident of the territory of the corporation. The clerk of the corporation shall provide a current mailing address to the Secretary of State. The treasurer of the corporation shall give bond to the corporation in such sums as the trustees may direct, which bond shall be approved by the trustees and recorded by the clerk. Terms of office, not exceeding 3 years, and compensation, if any, shall be established by the bylaws of the corporation. All officers shall be sworn by the clerk or any person authorized by law to administer oaths of office.

Sec. 3. Bylaws. The corporation, at any legal meeting thereof, called for the purpose, may adopt bylaws, not inconsistent with the laws and Constitution of this State, as they may deem expedient and necessary for the better government and regulation of the municipal affairs within the corporation, in which case the bylaws so adopted, shall extend to the corporation as fully, to all intents and purposes as the other provisions of this Act.

Sec. 4. Meeting of the corporation. The annual meeting of the corporation shall be held on the first Saturday of July in each year. Notice of the annual meeting shall be by warrant of the trustees, which shall state the time, date, place and object of the meeting, and shall be posted in 2 conspicuous public places within the corporate limits 7 days prior to the meeting. The trustees shall prepare and post as part of the warrant for the annual meeting a proposed annual budget for the corporation for the ensuing year.

A list of the legal voters shall be prepared by the clerk and shall also be posted by the trustees at the place of the annual meeting 7 days prior to the meeting.

Special meetings of the corporation may be held at the call of the trustees, if notice by warrant of the trustees, including notice of the time, date, place and object of the meeting, is mailed to each legal voter at least 14 days prior to the meeting, and if at least 50% of the number of legal voters present and voting at the last annual meeting are present at the special meeting. Special meetings shall be held at a place within the corporate limits.

The trustees of the corporation shall determine who are the legal voters at any meeting and shall direct the clerk to prepare a list of such legal voters at least 7 days prior to every meeting, which list the trustees may correct at any time before or during the meeting. The vote upon any proposition at any meeting shall be taken and checked by the voting list upon the demand of 7 legal voters.

At all meetings of the corporation a moderator shall be chosen in the manner and with the same power as provided by law for town meetings.

Sec. 5. Power to raise money; debt. The corporation is authorized and vested with the power, at any legal meeting called for the purpose, to raise the sums of money necessary for the following purposes: To construct, maintain and repair roads, streets, ways and sidewalks; to procure water for fire, domestic and other purposes, to provide or procure sewer and refuse disposal facilities, and to provide light for public use; to establish and maintain police and fire protection; to build, repair and maintain public wharves and landings; to purchase, maintain and operate ferries or boats for transportation from the island to the mainland; to purchase, construct, maintain and repair such buildings and equipment as may be necessary or desirable for such purposes; to acquire by purchase or gift, and by deed, will, lease or otherwise title to real estate and personal property for the benefit of the corporation; to manage, operate, mortgage, sell, lease and exchange real estate and personal property for the benefit of the corporation; to contract with any individual, firm, association or corporation to accomplish such purposes; and to pay salaries and expenses of the corporation.

The corporation is further authorized and vested with the power, at any legal meeting called for the purpose, to authorize the borrowing of money and issuing of bonds, notes or other evidences of indebtedness in such amounts as the vote of the legal voters of the corporation shall determine for the same purposes as are provided by law for borrowing of money and issuing of bonds, notes or other evidences of indebtedness by municipalities. The trustees of the corporation may determine the rates of interest and the terms and conditions of any such indebtedness, subject to the same limitations as are provided by law for the indebtedness of municipalities. Notwithstanding any other provision of this Act or any other provision of law, the total outstanding indebtedness of the corporation shall at no time exceed the sum of \$100,000.

Sec. 6. Reserve fund. The corporation may establish a reserve fund, not to exceed \$100,000, for the same purposes and in the same manner as are provided by law for the reserve fund of a municipality.

Sec. 7. Assessments levied. All moneys which shall be raised by the corporation for purposes for which the corporation may lawfully raise money, except any fares, rates or charges fixed for the use of ferry, water, sewer or refuse disposal facilities, shall be assessed upon the taxable estates within the corporation's territory by the assessors of the Town of Standish in the same manner as is provided by law for the assessment of town and county taxes. The trustees, in addition to the levy provided, may fix rates, fares or charges based on the use of ferry, water, sewer or refuse disposal facilities as they shall deem reasonable and expedient.

For all purposes of taxation under this Act, the person or persons entitled to the use or occupation of any lot of land within the limits of the corporation shall be deemed the owner thereof and be taxed for the lot and the improvements, if any, thereon.

Sec. 8. Assessment and collection. Upon a certificate being filed with the assessors of the Town of Standish by the clerk of the corporation of the amount of money voted to be raised at any legal meeting of the corporation,

it shall be the duty of the Standish assessors, or their successors in office, at the time of the next annual assessment of town and county taxes in the Town of Standish, to assess in addition thereto the total amounts certified by the clerk of the corporation, upon the taxable estates within the corporation's territory and to certify and deliver the lists of the assessments so made to the treasurer of the corporation. The treasurer of the corporation shall collect the assessments in the same manner as county and town taxes are collected by law. The treasurer of the corporation shall receive all moneys belonging to the corporation, pay it out only upon the written order or direction of the trustees, keep a regular account of all moneys received and paid out and exhibit the account to the trustees whenever requested to do so.

The corporation shall have the same power to direct the method of collecting these taxes that a town has in the collection of town taxes; and the treasurer shall have the same rights and powers to recover any taxes committed to him under the provisions of this Act that a town tax collector has for the collection of town taxes committed to him. The corporation shall have the same right to recover by suit taxes assessed under this Act as a municipality has by law to recover taxes assessed therein.

Sec. 9. Town tax payments to corporation. The Town of Standish may appropriate any sum to the corporation from the annual revenue raised by the town's taxation on the estates within the corporation's territory. Any sum so appropriated by the town shall be paid over to the treasurer of the corporation and shall be used and expended for its corporate purposes and duties. The town and corporation may agree that any moneys paid over to the corporation under this section shall release the town from any other charges for the town services which would be provided and performed within the corporation except for such sum so appropriated by the town and shall release the corporation from liability for any other charge by the town to provide these same services.

Sec. 10. Legal voters. Every person, 18 years of age or older and not an alien, entitled to the use or occupation of any lot of land within the limits of the corporation, and deemed the owner of the lot for the purpose of taxation by the corporation shall have the right to vote, provided that where a lot of land is owned by 2 or more persons only one shall be a legal voter and such persons may agree in writing filed with the trustees which of the owners is to be the legal voter at any meeting of the corporation, and that in no case shall the ownership of more than one tract, parcel or lot of land entitle the owner or owners thereof to more than one vote at any meetings of the corporation.

Sec. 11. Acceptance of charter within 5 years. This charter may be accepted within 5 years from the date of its approval by the Governor, and its rejection in any calendar year during the time aforesaid shall not prevent its acceptance in any later calendar year during the time aforesaid; but only one meeting to vote thereon shall be held in any one calendar year. William Schumacher, Donald Theriault and Joseph Earnhardt, or any one of them, may call all meetings for the acceptance of this chapter, by written notice of the time, date, place and object of the meeting to each person who may be

entitled to vote under section 10 at least 30 days prior to the meeting, and by the notification requirements for an annual meeting under section 4. The written notice shall include a copy of this charter and an application for an absentee ballot in the form prescribed by law for municipal elections. On return of a properly completed application for an absentee ballot, an absentee ballot in the form and manner prescribed by law for municipal elections shall be sent.

Sec. 12. Procedure for acceptance of charter. Any meeting for the adoption of this charter shall be in session at a convenient place on the island between the hours of 10 a.m. and 4 p.m. for 7 consecutive days, holidays and Sundays included, beginning the first Saturday in July. Any of the persons named in section 11 is authorized to preside until the meeting is organized and until a moderator and clerk shall be chosen in the manner and with the same power as provided by law for town meetings and shall carry out the procedures and duties required under this section. The moderator may employ such number of ballot clerks as may be necessary to carry out the duties herein and such ballot clerks shall be duly sworn. After the election and swearing of the moderator and clerk, the meeting shall proceed by ballot to vote on the question of accepting this charter. The ballot question shall be: "Shall the 'Act to Incorporate the Frye Island Municipal Services Corporation, passed by the First Special Session of the 107th Legislature,' be accepted?" At the end of the session, all ballots, including absentee ballots, shall be counted and reported, and if a majority of all the legal voters voting at said meeting or by absentee ballot shall vote in favor of accepting the charter, then it shall take effect. After the vote is declared in favor of acceptance, the corporation may immediately proceed to hold its annual meeting without further notice, notwithstanding the provisions of section 4, and may adopt bylaws and elect officers as provided in sections 2 and 3.

Certification of the acceptance of the corporation shall be filed by the clerk in the Office of the Secretary of State.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved for the purpose of calling a meeting or meetings of the corporation for the purpose of voting upon the acceptance of this charter; and whenever this charter shall be accepted by a majority of the voters of the corporation at a legal meeting called for that purpose, then the charter shall take and have complete effect in all its parts.

STATEMENT OF FACT

The purpose of this bill is to create the Frye Island Municipal Services Corporation on Frye Island in Sebago Lake. The usual municipal services on the island, including ferry service to the mainland, are presently provided by the corporation that developed the island, Frye Island Estates Inc., a subsidiary of Leisure Living Inc. However, the corporation is presently in serious financial difficulty and probably cannot continue to provide these services. The municipality of Standish, of which Frye Island is a part, is also unable to provide the necessary services. Thus, the Municipal Services Corporation is the only means of providing these services to the island residents.