

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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Legislative Document

No. 2015

S.P. 737

In Senate, January 14, 1998

**An Act to Clarify the Law Requiring the Appointment of the Pineland  
Development Authority.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule  
203.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BUTLAND of Cumberland.

Cosponsored by Representatives: BULL of Freeport, FOSTER of Gray, SNOWE-MELLO of  
Poland.

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

2  
4           **Sec. 1. P&SL 1995, c. 79, §12** is amended to read:

6           **Sec. 12. Transfer of management authority.** ~~Nine months from the effective date of this Act, the commissioner shall report to the Governor on the status of marketing efforts for the state property. If, after reviewing the report, the Governor determines that the committee has received a written offer or offers to purchase or has entered into a legally binding agreement or agreements for sale or lease of substantially all of Pineland Center, including Perry Hayden Hall if SAD 15 has elected not to purchase or lease, the Governor may not appoint members to the Pineland Development Authority, and the committee shall continue until terminated by the Legislature or until all interests in the state property are sold or leased.~~

18           ~~If the Governor determines that the committee has not received an oral or written offer or offers to purchase or entered into a legally binding agreement or agreements for sale or lease of substantially all of Pineland Center including Perry Hayden Hall if SAD 15 has elected not to purchase or lease~~  
22           Unless, by July 14, 1998, all of the Pineland Center has been sold or leased, the Governor on July 15, 1998 shall appoint  
24           members to the Pineland Development Authority, which assumes  
26           management responsibility for the Pineland Center property in  
28           accordance with the terms of this Act. Upon appointment of  
30           members to the authority, all functions of the committee are  
32           transferred to the authority and the committee is terminated.

34           **Sec. 2. P&SL 1995, c. 79, §13, sub-§4** is amended to read:

36           **4. Membership; appointment.** The authority consists of a  
38           board of 13 directors appointed by the Governor, each to serve  
40           for 3 years; except that of those first appointed, one director  
42           is appointed for one year, one director for 2 years, one director  
44           for 3 years and one director for 4 years. Immediately after  
46           their appointment, the directors shall assume their duties.

48           The Governor shall make the 13 appointments, as follows:

50           A. The commissioner or the commissioner's designee;

          B. The Director of the Bureau of General Services within  
          the Department of Administrative and Financial Services or  
          the director's designee;

          C. The chair ~~or any member~~ of the Governor's Task Force on  
          Pineland Center Reuse as of October 1995, as established by  
          Executive Order 4 Fiscal Year 1994-95;

- 2 D. Two representatives from the Town of New Gloucester, one  
4 of whom must serve on the board of selectmen and one of whom  
6 must serve on the local planning board;
- 8 E. One representative from the Town of Pownal;
- 10 F. One representative from the Town of North Yarmouth;
- 12 G. One representative from the Town of Gray;
- 14 H. The Commissioner of Economic and Community Development  
16 or the commissioner's designee;
- 18 I. The Director of the State Planning Office or the  
20 director's designee; and
- 22 J. Three additional public members who are residents of the  
24 Town of New Gloucester, appointed by the Governor from a  
26 list of potential members submitted by the municipal  
28 officers of that town.

30 Representatives from the towns listed in paragraphs D, E, F and G  
32 are selected as follows. Municipal officers from the towns of  
34 Gray, New Gloucester, North Yarmouth and Pownal shall each submit  
36 to the Governor the names of 3 candidates for appointment to the  
38 authority. The Governor, in the Governor's sole discretion,  
shall select from the group of candidates one representative from  
each of the towns, except that the Governor shall select 2  
representatives from the Town of New Gloucester.

32 The authority shall elect a chair from among its members.

34 Seven members constitute a quorum. Seven affirmative votes are  
36 required for the board of directors to take action. ~~The  
affirmative votes must include the votes of 2 representatives  
appointed pursuant to paragraphs C to G.~~

38 The liability of the authority is governed by the Maine Tort  
40 Claims Act. Directors are not subject to any personal liability  
42 for actions taken as board members.

44 A director is not entitled to receive compensation for services  
46 to the authority but is entitled to receive reimbursement for  
necessary expenditures, including travel expenses incurred in  
carrying out these services.

48 ~~The commissioner or the commissioner's designee is the chair of  
the authority.~~

2 Any vacancy must be filled ~~for the unexpired term~~ by the Governor  
3 in the same manner as the original appointment for the balance of  
4 the unexpired term. A vacancy in the authority does not impair  
5 the right of quorum of the directors to exercise all the rights  
6 and perform all the duties of the authority. The Governor may  
7 remove a member from the authority for ~~misconduct~~ cause.

8  
9 **Sec. 3. P&SL 1995, c. 79, §13, sub-§7** is amended to read:

10  
11 **7. Report to the Legislature; department review; operating**  
12 **budget.** Beginning January 1, 1998 ~~1999~~, the authority shall  
13 present an annual report to the Legislative Council and send  
14 copies to the joint standing committee of the Legislature having  
15 jurisdiction over state and local government matters and the  
16 commissioner. The report must include a description of the  
17 authority's activities for the preceding fiscal year, including a  
18 report of its receipts and expenditures from all sources.

19  
20 Within 60 days of the date on which the directors are appointed  
21 and assume their duties, the authority shall present to the  
22 commissioner for the commissioner's approval a proposed operating  
23 budget for the remainder of the fiscal year. Beginning January  
24 1, 1998 ~~1999~~, the authority shall present an annual proposed  
25 operating budget for the next fiscal year beginning July 1st to  
26 the commissioner for approval.

27  
28 All expenditures of the authority are subject to audit by  
29 appropriate state agencies.

30  
31 **Sec. 4. Remediation.** Five million dollars must be  
32 appropriated from the General Fund for remediating certain  
33 environmental contamination at the Pineland Center and for the  
34 repair of buildings at the Pineland Center property, which funds  
35 may only be expended upon the recommendation of a majority vote  
36 of the Pineland Development Authority. Five hundred thousand  
37 dollars must be appropriated annually for the continued operation  
38 and maintenance of the existing facility. Upon the sale of any  
39 portion of the Pineland property, a portion of the proceeds from  
40 that sale must be used to defray the costs of the Pineland  
41 Development Authority.

## 42 43 44 SUMMARY

45  
46 The purpose of this bill is to ensure that the Pineland  
47 Development Authority is appointed in accordance with the intent  
48 of Private and Special Law 1995, chapter 79. This bill specifies  
49 that, unless by July 14, 1998 all of the Pineland Center has been  
50 sold or leased, the Governor must appoint members to the Pineland  
Development Authority, which will assume management

responsibility for the Pineland Center property. The bill also  
2 alters the membership section of the Pineland Development  
Authority by adding additional members from New Gloucester,  
4 specifying that the board members select the chair, providing  
that vacancies must be filled in the same manner as the original  
6 vote and ensuring that each member's vote is given equal weight.  
The bill also requires that \$5,000,000 be appropriated for  
8 remediating environmental contamination and for building repair  
at the Pineland Center.

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