

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 351

H.P. 238

House of Representatives, February 10, 2015

**An Act To Reinstate as a Nonprofit Corporation the Orchard Hills
Umbrella Association**

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KORNFIELD of Bangor.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: FREY of Bangor, SCHNECK of Bangor.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the 90-day period likely will not terminate until after the season for
4 reconstructing and repairing roads has ended; and

5 **Whereas,** Orchard Hills Parkway, a private roadway in the City of Bangor, serves 2
6 residential developments, the Orchard Hills Homeowners Association, consisting of 101
7 residential units, and the Cortland Circle Homeowners Association, consisting of 51
8 residential units; and

9 **Whereas,** the Orchard Hills Parkway was constructed in 1985 for the common use
10 of the residents of both of the developments; and

11 **Whereas,** the developers incorporated a nonprofit corporation under the laws of the
12 State known as the Orchard Hills Umbrella Association as a road association to hold title
13 to and to manage and maintain the Orchard Hills Parkway and related common areas; and

14 **Whereas,** the Orchard Hills Umbrella Association failed to file its annual report and
15 was administratively suspended by the Secretary of State in 1989; and

16 **Whereas,** the Orchard Hills Parkway has grossly deteriorated and needs to be fully
17 reconstructed during the next construction season before the road completely fails; and

18 **Whereas,** the Orchard Hills Umbrella Association needs to be reinstated as a
19 nonprofit corporation by an act of the Legislature; and

20 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
21 the meaning of the Constitution of Maine and require the following legislation as
22 immediately necessary for the preservation of the public peace, health and safety; now,
23 therefore,

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

25 **Sec. 1. Reinstatement of Orchard Hills Umbrella Association.**
26 Notwithstanding the provisions of the Maine Revised Statutes, Title 13-B, chapter 13, the
27 Secretary of State shall reinstate the Orchard Hills Umbrella Association as a nonprofit
28 corporation under Title 13-B in good standing. Notwithstanding the provisions of Title
29 13-B, chapters 13 and 14, except for the fee due under Title 13-B, section 1401,
30 subsection 31 for 2015, any fees or penalties associated with this reinstatement are
31 waived.

32 **Emergency clause.** In view of the emergency cited in the preamble, this
33 legislation takes effect when approved.

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SUMMARY

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This bill reinstates the Orchard Hills Umbrella Association, a nonprofit corporation with the purpose of maintaining the Orchard Hills Parkway in the City of Bangor that was administratively dissolved by the Secretary of State in 1989.

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