

# MAINE STATE LEGISLATURE

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Date: 5/22/17 Majority

L.D. 1142

(Filing No. H-256)

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**STATE AND LOCAL GOVERNMENT**

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**STATE OF MAINE**

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**HOUSE OF REPRESENTATIVES**

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**128TH LEGISLATURE**

8

**FIRST REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to H.P. 805, L.D. 1142, Bill, "An Act To Repeal the Laws Establishing the Cumberland County Recreation Center and To Transfer Authority to Cumberland County"

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Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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**Sec. 1. 30-A MRSA §741-A, first ¶**, as enacted by PL 1995, c. 380, §4 and affected by §10, is amended to read:

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Notwithstanding sections 701 and 702, the county commissioners working in conjunction with the Cumberland County Budget Advisory Committee, established in this section, and the county manager, established in section 82, subsection 5, are responsible for establishing the county budget as provided in this article, except for the Cross Insurance Arena budget as provided in section 747. The county commissioners shall appropriate money for county expenditures according to the budget established in accordance with this article.

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**Sec. 2. 30-A MRSA §747** is enacted to read:

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**§747. Board of Trustees of Cross Insurance Arena; budget**

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**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

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A. "Board of trustees" or "board" means the Board of Trustees of the Cross Insurance Arena established in subsection 2.

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B. "County commissioners" means the commissioners of Cumberland County.

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C. "Cross Insurance Arena" or "arena" means the multipurpose arena located in the City of Portland and created pursuant to former Private and Special Law 1971, chapter 86.

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**2. Board of trustees established.** The Board of Trustees of the Cross Insurance Arena is established to develop, review and make recommendations to the county

**COMMITTEE AMENDMENT**

1 commissioners on financial, contractual and policy issues regarding the Cross Insurance  
2 Arena. The board of trustees consists of 9 members appointed by the county  
3 commissioners as follows:

4 A. Two members from the City of Portland;

5 B. One member from each of the following sets of municipalities:

6 (1) South Portland and Cape Elizabeth;

7 (2) Scarborough, Westbrook and Falmouth;

8 (3) Gorham, Windham, Standish, Baldwin and Sebago;

9 (4) Brunswick, Freeport, Harpswell, Pownal and New Gloucester; and

10 (5) Yarmouth, Cumberland, North Yarmouth, Gray, Casco, Raymond, Naples,  
11 Harrison and Bridgton; and

12 C. Two members at large.

13 Trustees are appointed for a term of 3 years and may not serve more than 2 consecutive  
14 terms.

15 **3. Duties of the board of trustees.** The board of trustees shall propose and  
16 recommend policies and procedures for the arena. The board shall develop, present and  
17 review the budget of the arena. The board shall prepare and present an annual budget for  
18 the arena to the county commissioners for approval and adoption by the commissioners,  
19 in accordance with subsection 4. If the county commissioners increase or decrease the  
20 overall budget for the arena from the level presented by the board, the board shall adjust  
21 individual budget items as necessary within the limits of the adopted budget. The board  
22 shall meet monthly or as needed to complete its work.

23 **4. Budget adoption.** The county commissioners shall adopt the budget of the Cross  
24 Insurance Arena, an enterprise fund under the oversight of the county commissioners, and  
25 shall act as funding authority for the operations of the arena. The county commissioners  
26 may increase or decrease the overall budget of the arena that is presented by the board  
27 pursuant to subsection 3, but the commissioners may not otherwise alter or amend the  
28 arena budget presented by the board. The county commissioners shall meet with the  
29 board as needed, but no less than annually, to address the needs of the arena.

30 **Sec. 3. P&SL 1971, c. 86**, as amended by P&SL 1991, c. 36, is repealed.

31 **Sec. 4. Transition provisions.** The following provisions govern the transition of  
32 the Cumberland County Recreation Center, created by former Private and Special Law  
33 1971, chapter 86, to Cumberland County.

34 1. Cumberland County is the successor in every way to the powers, duties, functions,  
35 property, assets and liabilities of the Cumberland County Recreation Center, referred to in  
36 this section as "the center."

37 2. All existing rules, regulations and procedures of the center continue in effect  
38 unless rescinded, revised or in conflict with Cumberland County rules and regulations or  
39 amended by the county commissioners of Cumberland County.

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3. All existing contracts, agreements and obligations of the center, including bonds or other debt instruments and management agreements, continue in effect, and the rights and obligations of the center become the rights and obligations of Cumberland County.

4. The trustees of the center shall serve as the initial members of the Board of Trustees of the Cross Insurance Arena established in the Maine Revised Statutes, Title 30-A, section 747 until their current terms expire.

5. All real and personal property of the center, including but not limited to fixtures, records and equipment owned or leased by the center, is transferred to and becomes the property of Cumberland County. The transfer of real and personal property may not occur earlier than January 1, 2018 and must be approved by the county commissioners of Cumberland County and the Board of Trustees of the Cross Insurance Arena.'

**SUMMARY**

This amendment is the majority report of the committee. The amendment makes the following changes to the bill.

- 1. It establishes the Board of Trustees of the Cross Insurance Arena in statute.
- 2. It clarifies that current members of the Board of Trustees of the Cumberland County Recreation Center serve as initial members of the Board of Trustees of the Cross Insurance Arena for the balance of their terms.
- 3. It specifies that the budget for the Cross Insurance Arena is developed by the board of trustees and presented by the board to the Cumberland County commissioners. It clarifies that budget approval and adoption is the responsibility of the county commissioners and that the county commissioners may increase or decrease the overall budget presented by the trustees but may not otherwise alter or amend the budget.