

MAINE STATE LEGISLATURE

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SECOND SPECIAL SESSION

N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 927

H. P. 1384

House of Representatives, September 19, 1944.

Referred to Committee on Legal Affairs and sent up for concurrence.
500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Dean of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FOUR

AN ACT to Establish a South Portland Park and Recreation Commission.

Emergency preamble. Whereas, war conditions have increased and are increasing juvenile delinquency in South Portland; and

Whereas, there is a large increase in the population due to the activity in the shipyards and other industrial plants; and

Whereas, there is no adequate authority to conduct park and recreational facilities; and

Whereas, there is urgent need of establishing such park and recreational facilities immediately; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of Section 16 of Article XXXI 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. A commission to be styled South Portland Park and Recre-

ation Commission is hereby established for the City of South Portland.

Sec. 2. Said Commission shall be composed of seven members, consisting of the City Manager, and six other members appointed by the City Manager and confirmed by the Council, one of whom shall represent or be a member of the Board of Education, and all of whom shall be residents of South Portland. They shall be appointed for a term of three years, except that the first appointments shall be two for one year, two for two years, and two for three years. Thereafter two shall be appointed annually. Vacancies shall be filled for the unexpired term in the same manner. They shall serve without compensation.

Sec. 3. The Commission shall annually elect its own chairman and secretary, and other necessary officers, and have power to adopt rules of procedure and prescribe regulations for the conduct of all business within its jurisdiction. A majority of the membership of the Commission shall constitute a quorum.

Sec. 4. The Commission shall have power to organize, manage, and supervise playgrounds, recreation buildings and centers, beach and bathing facilities, bath-houses, winter and summer sports, skating, boating and swimming ponds, either natural or artificial, entertainments, and other facilities for recreation in or on the areas over which it may have control or be given charge as provided herein.

It shall also have charge and control over all lands and water areas entrusted to it in any manner whatsoever, which it may lay out for parks, promenades, squares, and gardens for ornamental and recreational purposes.

It shall also have authority to employ and discharge such superintendents, directors and employees as may be necessary to carry on the work of the Commission, fix their compensation, and order payment for their services from such fund as may be herein established, and make all necessary contracts for the proper execution of its purposes.

Sec. 5. The City Council or Board of Education may by ordinance or order, permit the Commission to have the use of any buildings, lands and water areas now owned or controlled by the city or Board of Education, or hereafter acquired by them in any manner whatever.

Sec. 6. For the purposes aforesaid, the Commission shall have the authority to purchase equipment and necessary materials and supplies for recreation and park purposes, and to acquire lands, water areas, buildings and other property by gift, purchase, devise, lease or license in trust or otherwise, in the name of the City of South Portland, but shall not pledge

the credit of the city in any manner whatever. All expenditures shall be made only from the fund herein established.

Upon request of the Commission in writing directed to the City Council of the city, describing the land to be taken, the City Council shall direct the Municipal Officers to take such land for public parks, playgrounds and recreational purposes by the right of eminent domain. Said Municipal Officers shall proceed in accordance with the provisions of sections 110, 111, and 112 of chapter 5 of the revised statutes of 1930. All damages awarded for the land taken shall be paid from the fund herein provided, unless the city shall otherwise determine.

Sec. 7. Said Commission shall have power to borrow money and give notes or other evidences of indebtedness therefor, to carry on the work herein designated, which shall be repaid out of the fund herein established, but the city shall not be liable for the payment of any money so borrowed. Any money borrowed by vote of the Commission shall be repaid from said fund in the manner provided under the terms of the loan, and any installment, when due and payable shall be a first lien on said fund.

Sec. 8. All money paid to or received by said Commission from any source whatever for the purposes herein specified, including any appropriations by the city which it is hereby authorized to make, shall be deposited in the treasury of the city of South Portland set apart in a separate fund and designated Park and Recreation Commission Funds, and shall be disbursed only on order of the Commission, and for the purposes herein provided.

The Commission shall have the authority, when deemed by it advisable, to demand and receive fees or revenue for the use and enjoyment of any of said property and facilities, and all income so received shall be deposited in said fund.

Property received in trust shall be used in accordance with the purposes expressed in said trust, and all other money not necessary for immediate purposes shall be safely invested in high grade marketable securities upon request of the Commission, and said securities shall be sold on like request. All income from trusts and other investments shall be deposited to the credit of said fund.

Sec. 9. In addition to any other money or property received by said Commission to carry on its work, a tax of one mill on the dollar shall be assessed annually by the assessors of said city upon all estates and property in said city subject to taxation in said city to be taken at the last regu-

lar valuation. The amount of the above tax when raised shall be set aside and placed in said fund for the purposes specified in this act.

Sec. 10. The Commission shall annually make a written report to the City Council of its proceedings for the preceding year, including a financial statement and such recommendations as it may deem advisable.

Sec. 11. Upon the appointment of the Commission any and all other boards or commissions serving the same or a similar function or purpose in the city are hereby dissolved, but this shall not be deemed to affect any recreation activities under the Board of Education.

Sec. 12. The City of South Portland shall not be liable to any action, in tort or contract, for any acts of the Commission, its directors, officers or agents, in the development, management, use and occupation of any of its property, or in the conduct of its business or otherwise, nor shall the members of the Commission be so liable as individuals for any acts of its directors, officers or agents.

Sec. 13. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 14. In view of the emergency cited in the preamble this act shall take effect when approved.