

MAINE STATE LEGISLATURE

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NINETY - SECOND L E G I S L A T U R E

Legislative Document

No. 14

S. P. 51

In Senate, January 16, 1945.

Referred to Committee on Legal Affairs, sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Cleaves of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Authorizing Municipalities to Establish, Maintain, Conduct and Finance Recreational Facilities.

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

Whereas, there is an immediate need for establishing or increasing recreational facilities; and

Whereas, there exists lack of authority on the part of municipalities to establish recreational systems; 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 public peace, health and safety; now, therefore,

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

R. S., c. 80, §§ 109-A - 109-G, additional.—Chapter 80 of the revised statutes is hereby amended by adding thereto 7 new sections to be numbered 109-A to 109-G, inclusive, to read as follows:

‘Sec. 109-A. Municipalities authorized to acquire, construct and operate lands and buildings for recreational purposes. Any municipality may ded-

icate and set apart for use as a recreation center or centers as playgrounds, or for any other recreational purpose any land or buildings or both owned or leased by such municipality and not dedicated or devoted to another and inconsistent public use, and such municipality is authorized to acquire lands or buildings or both for said recreational purposes by gift, purchase, condemnation or lease; or to construct a building or buildings for said recreational purposes on land dedicated, devoted or acquired as above provided.'

'Sec. 109-B. When provisions become effective. The provisions of sections 109-A to 109-G, inclusive, become effective in any municipality where it has been adopted by the governing body empowered to enact ordinances or by-laws, through the legal procedures provided by the laws of this state for the enactment of ordinances or by-laws, without, however, necessitating preliminary public hearings.'

'Sec. 109-C. Authority to raise money for recreational purposes. Any municipality adopting the provisions of sections 109-A to 109-G, inclusive, as provided in section 109-B, is authorized to raise and appropriate money by assessment of taxes pursuant to law, and to do any and all acts necessary and convenient for the purpose of acquiring lands and buildings, or erecting buildings, for playgrounds, recreation centers, and for other recreational purposes, for the equipment thereof, and for the conducting and administering of a recreational program including the appointment of the necessary personnel as provided by ordinance or by-law under the provisions of subsection III of section 109-E; the powers herein granted shall be construed as governmental rather than corporate or proprietary.'

'Sec. 109-D. Authority to accept property. Any municipality which has adopted the provisions of sections 109-A to 109-G, inclusive, is authorized to accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for recreational purposes authorized in section 109-A.'

'Sec. 109-E. Supervision of recreational facilities. The governing body authorized by law to adopt ordinances or by-laws in any municipality adopting the provisions of sections 109-A to 109-G, inclusive, as provided in section 109-B, shall by ordinance or by-law provide:

I. For the creation or appointment of a recreation commission or for designating existing commissions or officers to conduct the recreation program;

II. For the appointment and term of office of said commission or officials;

III. For the powers and duties of said commission or officials in conformity to the provisions of sections 109-A to 109-G, inclusive.'

'Sec. 109-F. Authority to form union. Two or more municipalities, by vote of the governing bodies of each, may form a union for the purpose of jointly establishing and conducting a recreational program as set forth in sections 109-A to 109-G, inclusive. The municipal governing bodies may by contract or agreement provide for the sharing of costs and for the distribution among the municipalities of the exercise of powers granted by said sections.'

'Sec. 109-G. Limitation of repeal. The provisions of sections 109-A to 109-G, inclusive, do not repeal or impair any power now vested by public or private law in any municipality, or park, or recreation board or commission.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.