

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 259

H. P. 530

House of Representatives, January 31, 1945.

Referred to Committee on Legal Affairs. Sent up for concurrence and 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-FIVE

**AN ACT to Amend the Charter of the City of South Portland and Provide
for a Park and Recreation Commission.**

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

P. & S. L., 1933, c. 55, amended. Chapter 55 of the private and special laws of 1933, as amended, is hereby further amended by adding at the end thereof another article to be designated Article 12, to read as follows:

'ARTICLE 12

Park and Recreation Commission

Sec. 1. Name. A commission to be styled South Portland Park and Recreation Commission is hereby established for the city of South Portland.

Sec. 2. Membership of commission; term of office. Said commission shall be composed of 7 members, consisting of the city manager, and 6 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 3 years, except that the first appointments shall be two for 1 year, two for 2 years, and two for 3 years. Thereafter 2 shall be appointed annually. Vacancies shall be filled for the unexpired term in the same manner. They shall serve without compensation.

Sec. 3. Officers; rules; quorum. 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. Authority of commission. 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, and to assist other organizations or groups conducting similar activities.

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.

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 respectively, or hereafter acquired by them in any manner whatever.

Sec. 5. Authority to purchase property. For the purposes aforesaid, upon requisition by the commission, the purchasing agent shall purchase equipment and necessary materials and supplies for recreation and park purposes, and 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.

Sec. 6. Eminent domain. Upon request of the commission in writing, directed to the municipal officers, describing the land to be taken, and the names of the owners thereof, so far as they may be known, the city council may direct such municipal officers to take such land for public parks, playgrounds and recreational purposes by the right of eminent domain.

Said municipal officers, when so directed, shall proceed in accordance with the provisions of sections 5, 6 and 7 of chapter 84 of the revised statutes of 1944, except that the request of the commission herein provided, shall be in lieu of the petition of at least 30 of the tax-paying citizens as provided in said section 5. All damages awarded or finally determined on appeal shall be paid by the treasurer of the city of South Portland from the fund provided for in this act, but if such fund shall not be sufficient to pay all of such damages, then any balance shall be paid from the treasury of the city of South Portland.

Sec. 7. Borrow money. 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. Funds how held and designated. 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, but damages awarded for land taken as provided under section 6 shall not require such order.

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 by the treasurer in high grade, liquid 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. Assessment of tax. In addition to any other money or property received by said commission to carry on its work, a tax of 1 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 regular valuation. The amount of the above tax when raised shall be set aside and placed in said fund provided for in section 8 for the purposes specified in this act.

Sec. 10. Report of activities. 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. Other boards dissolved. Upon the appointment of the commission any and all other boards or commissions established by said city 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. Local referendum provided for. This act shall be submitted for approval or rejection to the qualified voters of South Portland at the regular municipal election on the 1st Monday of December, 1945. A special ballot shall be prepared by the city clerk who shall reduce the subject matter of this act to the following question: "Shall the act to establish the South Portland Park and Recreation Commission be accepted?" The voters shall indicate their opinion by placing a cross against the words "Yes" and "No."

Sec. 13. Effective date. So much of this act as authorizes its submission to the voters of South Portland shall take effect as provided in the constitution of the state, but it shall not take further effect unless accepted by the voters of South Portland as hereinbefore provided. If accepted by said voters, then this act shall become effective on the date of its acceptance by said voters. The result of the vote shall be declared by the municipal officers of South Portland and a certificate thereof filed by the city clerk with the secretary of state.