

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY

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

Legislative Document

No. 267

S. P. 117

In Senate, January 29, 1959.

Referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Charles of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Creating the Portland Coliseum Recreation Center.

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

Sec. 1. Portland Coliseum Recreation Center created. The inhabitants of, and the territory within, the City of Portland in the County of Cumberland shall be and hereby are constituted a body politic and corporate under the name of "Portland Coliseum Recreation Center," hereinafter sometimes called the "district," for the purpose of acquiring property within said City of Portland for recreational and municipal purposes, and erecting, enlarging, repairing, equipping, maintaining and operating on said property a building or buildings and related athletic, recreational and municipal facilities, and facilities for the parking of all manner of vehicles. The said district, subject to the approval of the planning board for and within the City of Portland, is authorized to acquire land and buildings for said purposes by purchase, gift, lease or exercise of the right of eminent domain as hereinafter provided, and to construct on land so acquired a building, or buildings, and parking facilities for said purposes. The said district is authorized to make and execute leases of any portions of such buildings and land for such rent and on such terms and conditions as the trustees of the district may determine. The location of all such buildings and parking facilities shall be determined by the trustees of the district, subject to the approval of the planning board of the City of Portland. All property of said district shall be tax exempt.

Sec. 2. Authority to acquire and hold property. The said district is authorized and empowered to acquire and hold real and personal property necessary or convenient for the purposes of this act and is expressly granted the right of eminent domain, and for the purposes of this act is authorized to take and hold,

either by exercising its right of eminent domain as herein provided, or by purchase, gift, lease or otherwise, as for public uses, any lands, buildings, real estate, easements or interests therein.

Sec. 3. Procedure under eminent domain. In exercising from time to time the right of eminent domain hereby conferred upon it, the district by its board of trustees shall file in the office of the county commissioners of Cumberland County and cause to be recorded in the registry of deeds of said county, plans of the location of all lands, buildings, real estate, easements or interests therein to be taken, with an appropriate description and the names of the owners thereof, if known. When for any reason the district fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective or uncertain, it may, at any time, correct and perfect such location and file a new description thereof; and in such case the district is liable in damages only for the property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of 10 days from such filing, whereupon possession may be had of all such land, buildings, real estate, easements or interests therein, but title thereto shall not vest in the district until payment therefor has been made or tendered.

Sec. 4. Assessment of damages by county commissioners, procedure on appeal. If any person sustaining damages by any taking as aforesaid shall not agree with the district upon the sum to be paid therefor, either party, upon petition to the county commissioners of Cumberland County, may have said damages assessed by said county commissioners; the procedure and all subsequent proceedings, and all rights of appeal therefrom shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages in the laying out of highways by the county commissioners.

Sec. 5. Trustees; terms; appointment. All the affairs of the district shall be managed by a board of 5 trustees, residents of the district, who shall be appointed by the city council of the City of Portland and shall hold office as hereinafter provided and until their respective successors are appointed and qualified. As soon as may be after acceptance of this act, the city council of the City of Portland shall appoint 5 trustees of the district to hold office as follows: One to serve for a term of one year, 2 to serve for a term of 2 years, and 2 to serve for a term of 3 years. Thereafter at the expiration of the term of each trustee, a new trustee shall be appointed by said city council of the City of Portland for a term of 3 years. In case of a vacancy in the office of a trustee arising from death, removal from the district, or any other cause, the city council of the City of Portland shall appoint a new trustee to fill the unexpired term.

No member of the city council of the City of Portland shall serve as a member of the board of trustees of the district.

Sec. 6. Trustees; meetings; chairman; clerk and treasurer; seal. As soon as convenient after their appointment, the first board of trustees of the district

shall hold a meeting for organization purposes, said meeting to be called by any member thereof in writing, designating the time and place and delivered in hand to the other members not less than 48 hours before the meeting. They may meet by agreement without such notice. At the first meeting of said board of trustees, the members shall elect from their own members a chairman, a treasurer and a clerk to serve for the ensuing year and until their successors are elected and qualified, and shall adopt a corporate seal. The trustees may adopt and establish by-laws, consistent with the laws of the State of Maine and necessary for their own convenience and the proper management of the affairs of the district, and may perform any other acts within the powers delegated to them by law. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district.

The trustees may from time to time employ and appoint agents and other officers who shall serve at the pleasure of the trustees and any compensation thereof shall be fixed by the trustees. The trustees shall annually elect a chairman, treasurer and clerk to serve for the ensuing year and until their successors are elected and qualified. The trustees shall be eligible to hold any office or position with the district, but shall serve without compensation as trustees or in such other capacities, except that the treasurer may receive such compensation as the trustees shall determine.

The trustees shall be sworn to the faithful performance of their duties, which shall include the duties of any member who shall serve as clerk or clerk pro tem. They shall compile an annual report, including a report of the treasurer, which may be published as a part of the annual report of the City of Portland.

Sec. 7. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the Portland Coliseum Recreation Center, after making due allowance for anticipated revenue, shall determine what sum is required each year to meet the interest on the bonds, notes or other obligations of the district, what sum is required each year to meet the bonds, notes or other obligations falling due and maturing that year and what sum is required to meet other necessary expenses of the district, and shall each year, before the first day of April, issue their warrant in the same form as the warrant of the Treasurer of State for taxes, with proper changes, to the assessor or assessors of the City of Portland, requiring that they assess the total sum so determined upon the taxable polls and estates within said district and commit their assessment to the officer charged by law with the duty of collecting taxes of said City of Portland who shall have all such authority and powers to collect said taxes as are vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied, the officer performing the duty of treasurer of said city shall pay the amount of the tax so assessed for the benefit of said district to the treasurer of said district. In case of a failure on the part of such officer of said city to pay said sum, or in case of his failure to pay any part thereof on or before said 31st day of December of the year in which said tax is levied, the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of Cumberland County, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of said district, and the

sheriff or any of his deputies shall execute said warrant, except as is otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes under the Revised Statutes is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 8. Authorized to borrow money, to issue bonds, notes and other obligations. For accomplishing the purpose of this act, the district, by resolutions of its board of trustees, without district vote, is authorized to borrow money temporarily and to issue therefor its negotiable notes, or other obligations and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this act, including organizational and other necessary expenses and liabilities, whether incurred by the district or the City of Portland, the district being directed to reimburse the City of Portland for any such expenses incurred and paid by it, and in acquiring properties, paying damages, constructing, maintaining and operating a building or buildings, suitable facilities for the parking of vehicles, and selected athletic and recreational facilities, and making additions and improvements to the same, and to cover interest payments during the period of construction, said Portland Coliseum Recreation Center, by resolutions of its board of trustees, without district vote, is also authorized to issue, from time to time, bonds, notes or other obligations of the district, in one series or in separate series, in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine. The total indebtedness of the district at any one time outstanding shall not exceed the sum of \$3,500,000 and each series or separate series of bonds, or other notes or obligations so issued shall be payable as to principal in approximately equal, annual, serial installments, except that (1) each year's installments may be adjusted to the nearest multiple of \$5,000 with the odd amount coming due in the first or last year and (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. The said bonds, notes and other obligations shall be issued to mature serially as aforesaid, but none of them shall run for a longer period than 25 years from the date of original issue thereof. Bonds, notes or other obligations may be issued with or without provision for calling the same prior to maturity and if callable, may be made callable at par or at such premium as the board of trustees may determine. All bonds, notes and other obligations shall have inscribed on their face the words "Portland Coliseum Recreation Center," shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district, and if coupon bonds are issued the coupons attached thereto shall bear the facsimile signature of the treasurer. In case any such bond, note or other obligation shall be signed by such officers of the district who shall have ceased to be such officers before such bonds, notes or other obligations shall have been issued, such bonds, notes or other obligations may nevertheless be issued with the same force and effect as though such officers were still officers of the district. All such bonds, notes and other obligations issued by the district shall be legal obligations of the district, which is declared to be a quasi municipal corporation within the meaning of the Revised Statutes of 1954, chapter 90-A, section 23, and all provisions of such section shall be applicable thereto. The district may from time to time, issue in one series or in separate series, its bonds, notes and other obligations for the

purpose of paying, redeeming or refunding outstanding bonds, notes or other obligations, and each authorized issue shall constitute a separate loan. All bonds, notes and other obligations issued by the district shall be legal investments for savings banks in the State of Maine and shall be tax exempt.

Sec. 9. Authorized to receive property and enter into agreements. The said district is authorized to receive from the City of Portland and the City of Portland is authorized to transfer and convey to the district for such consideration as the city council of the City of Portland may determine, any real property now or hereafter owned or held by the City of Portland. The said district is further authorized and empowered to enter into agreements with the State or Federal Government or any agency of either, or any corporation, commission or board authorized by the State or Federal Government, to grant or loan money to, or otherwise assist in the financing or carrying out of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government, state or federal, agency, corporation, commission or board as may be desirable in the opinion of its board of trustees to carry out the provisions of this act.

Referendum; effective date. This act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the proposed district at the regular municipal election of the City of Portland on the first Monday of December, 1959, or at a special election to be called by the municipal officers of the City of Portland, any such special election to be held after the first Monday of December, 1959, and not later than one year after adjournment of the Legislature. Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said City of Portland shall not be required to prepare for posting, nor the city clerk to post, a new list of voters; and for the purpose of registration of voters, said board shall be in session the 3 secular days preceding such election, the first 2 days thereof to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions.

The city clerk shall prepare the required ballots, on which he shall state the subject-matter of this act in the following question: "Shall 'An Act Creating the Portland Coliseum Recreation Center,' passed by the 99th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total votes for all candidates for Governor cast in the next previous gubernatorial election in said city. If at any such first election, whether it be said regular municipal election or a special election as aforesaid, the total number of votes cast for or against acceptance of this act is less than 20% of the total votes for all candidates for Governor cast in said city in the next previous gubernatorial election, the municipal officers may call not more than one more such special election to be held within the time prescribed above.

The result of such elections shall be declared by the municipal officers of the City of Portland and due certificates thereof filed by the city clerk with the Secretary of State.