

MAINE STATE LEGISLATURE

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Legislative Document

No. 606

H. P. 422 House of Representatives, February 10, 1959
Referred to the Committee on Legal Affairs. Sent up for concurrence and
ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Earles of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to the South Portland Park and Recreation Commission.

Emergency preamble. Whereas, the charter of the City of South Portland mandates that "a 1 mill tax" upon "all estates and property in said city" be assessed annually for the Park and Recreation Committee; and

Whereas, due to the recent adoption of an "equalization of tax" basis for assessment, the sum based upon an April 1, 1959 assessment resultedly due the said Park and Recreation Commission for the municipal year of 1959 would be approximately quadruple that sum received for the municipal year of 1958; and

Whereas, such quadrupled sum would be substantially in excess of and disproportionate to the commission's expressed budget needs; and

Whereas, not to allow a "not less than $\frac{1}{4}$ mill nor more than 1 mill" standard of assessment would be detrimental to the realistic, efficient utilization of the city's tax revenue for maximum efficiency of the administration of the city's government in all departments so vital to the well-being of the city and its inhabitants; and

Whereas, a Charter Study Committee, with a membership composed of representation from each ward within the city, appointed by the City of South Portland, has recommended the following amendments to the charter of said city; and

Whereas, the municipal officers of said city have approved and endorsed the said Charter Study Committee's recommendation of the following amendments to the charter of said city; and

Whereas, acts of the Legislature do not take effect until 90 days after adjournment unless enacted as emergency measures; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning 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. P. & S. L., 1933, c. 55, Art. 12, § 7, amended. The 2nd sentence of section 7 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, is amended to read as follows:

'Any money borrowed by vote of the commission shall be repaid from said ~~fund~~ **account** 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 payable the same as other city obligations.~~

Sec. 2. P. & S. L., 1933, c. 55, Art. 12, § 8, amended. Section 8 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, is amended to read as follows:

'**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~~ **account** and designated Park and Recreation Commission ~~funds~~ **Account**, and shall be disbursed only on ~~order~~ **voucher** 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~~ **account**.

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~~ **account**.

"Fund" whenever referred to in Article 12 shall mean 'account' as used in this section.'

Sec. 3. P. & S. L., 1933, c. 55, Art. 12, § 9, amended. Section 9 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, is amended to read as follows:

'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 **not less than $\frac{1}{4}$ mill nor more than 1 mill on the dollar, as the city council shall authorize,** 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~~ **account** provided for in section 8 for the purposes specified in this act. **Budgetary requests for retirement of general obligation securities of the commission shall be exempt from the provisions of this section.'**

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