

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE FIRST SPECIAL SESSION

January 19, 1976 to April 29, 1976

AND THE SECOND SPECIAL SESSION

June 14, 1976

Sec. 3. Additional powers. Said corporation is further empowered and authorized to establish, maintain and conduct at Biddeford within this State, in addition to the powers already granted to it by chapter 123 of the private and special laws of 1953, a Graduate School of Osteopathic Medicine offering instruction in the medical sciences and associated disciplines in a 4-year professional curriculum leading to the graduate degree of Doctor of Osteopathy — D. O., and to grant and confer at and through said St. Francis College said graduate degree of Doctor of Osteopathy. The power to grant graduate degrees of Doctor of Osteopathy may be exercised only upon satisfactory evaluation by the State Board of Education and upon notification that the Graduate School of Osteopathic Medicine has been officially preaccredited by the American Osteopathic Association.

Effective July 29, 1976

CHAPTER 138

AN ACT to Incorporate the Frye Island Municipal Services Corporation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the corporation presently providing common services to the summer residents living on Frye Island in Sebago Lake is in serious financial difficulty and no longer able to provide such services; and

Whereas, the municipality of Standish is also unable to provide these necessary services; and

Whereas, the summer residents of Frye Island are unable to finance these services on a voluntary basis; and

Whereas, the majority of residents are only present during July and August and have no means of providing for services during the approaching summer; 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. Territory of Frye Island Municipal Services Corporation defined. So much of the territory of the Town of Standish, in the County of Cumberland, as is bounded and described as follows, to wit: Frye Island, so-called in Sebago Lake, together with the inhabitants residing therein and the owners of real estate therein, be and the same is hereby created a body politic and corporate by the name of Frye Island Municipal Services Corporation.

Sec. 2. Officers. The officers of the corporation shall be legal voters of the corporation, and shall consist of a clerk, 7 trustees, a treasurer and such other officers as may be provided for in the bylaws of the corporation. No officer of the corporation need be a resident of the territory of the corporation. The clerk of the corporation shall provide a current mailing address to the Secretary of State. The treasurer of the corporation shall give bond to the corporation in such sums as the trustees may direct, which bond shall be approved by the trustees and recorded by the clerk. Terms of office, not exceeding 3 years, and compensation, if any, shall be established by the bylaws of the corporation. All officers shall be sworn by the clerk or any person authorized by law to administer oaths of office.

Sec. 3. Bylaws. The corporation, at any legal meeting thereof, called for the purpose, may adopt bylaws, not inconsistent with the laws and Constitution of this State or applicable ordinances or regulations of the Town of Standish, as they may deem expedient and necessary for the better government and regulation of the municipal affairs within the corporation, in which case the bylaws so adopted, shall extend to the corporation as fully, to all intents and purposes as the other provisions of this Act.

Sec. 4. Meeting of the corporation. The annual meeting of the corporation shall be held on the first Saturday of July in each year. Notice of the annual meeting shall be by warrant of the trustees, which shall state the time, date, place and object of the meeting, and shall be posted in 2 conspicuous public places within the corporate limits 7 days prior to the meeting. The trustees shall prepare and post as part of the warrant for the annual meeting a proposed annual budget for the corporation for the ensuing year.

A list of the legal voters shall be prepared by the clerk and shall also be posted by the trustees at the place of the annual meeting 7 days prior to the meeting.

Special meetings of the corporation may be held at the call of the trustees, if notice by warrant of the trustees, including notice of the time, date, place and object of the meeting, is mailed to each legal voter at least 14 days prior to the meeting, and if at least 50% of the number of legal voters present and voting at the last annual meeting are present at the special meeting. Special meetings shall be held at a place within the corporate limits, or at an alternate place within Cumberland County when Frye Island is seasonally inaccessible.

The trustees of the corporation shall determine who are the legal voters at any meeting and shall direct the clerk to prepare a list of such legal voters at least 7 days prior to every meeting, which list the trustees may correct at any time before or during the meeting. The vote upon any proposition at any meeting shall be taken and checked by the voting list upon the demand of 7 legal voters.

At all meetings of the corporation a moderator shall be chosen in the manner and with the same power as provided by law for town meetings.

Sec. 5. Power to raise money; debt. The corporation is authorized and vested with the power, at any legal meeting called for the purpose, to raise the sums of money necessary for the following purposes: To construct, maintain and repair roads, streets, ways and sidewalks; to procure water for fire, domestic and other purposes, to provide or procure sewer and refuse disposal facilities, and to provide light for public use; to establish and maintain police

and fire protection; to build, repair and maintain public wharves and landings; to purchase, maintain and operate ferries or boats for transportation from the island to the mainland; to purchase, construct, maintain and repair such buildings and equipment as may be necessary or desirable for such purposes; to acquire by purchase or gift, and by deed, will, lease or otherwise title to real estate and personal property for the benefit of the corporation; to manage, operate, mortgage, sell, lease and exchange real estate and personal property for the benefit of the corporation; to contract with any individual, firm, association or corporation to accomplish such purposes; and to pay salaries and expenses of the corporation.

The corporation is further authorized and vested with the power, at any legal meeting called for the purpose, to authorize the borrowing of money and issuing of bonds, notes or other evidences of indebtedness in such amounts as the vote of the legal voters of the corporation shall determine for the purposes set forth above, in the same manner as is provided by law for borrowing of money and issuing of bonds, notes or other evidences of indebtedness by municipalities. The trustees of the corporation may determine the rates of interest and the terms and conditions of any such indebtedness, subject to the same limitations as are provided by law for the indebtedness of municipalities. Notwithstanding any other provision of this Act or any other provision of law, the total outstanding indebtedness of the corporation shall at no time exceed the sum of \$100,000.

Sec. 6. Reserve fund. The corporation may establish a reserve fund, not to exceed \$100,000, for the purposes specified in section 5, which reserve fund shall be established, administered and subject to the provisions of the general law for the reserve fund of a municipality.

Sec. 7. Assessments levied. All moneys which shall be raised by the corporation for purposes for which the corporation may lawfully raise money, except any fares, rates or charges fixed for the use of ferry, water, sewer or refuse disposal facilities, shall be assessed upon the taxable estates within the corporation's territory by the assessors of the Town of Standish in the same manner as is provided by law for the assessment of town and county taxes. The trustees, in addition to the levy provided, may fix rates, fares or charges based on the use of ferry, water, sewer or refuse disposal facilities as they shall deem reasonable and expedient.

For all purposes of taxation under this Act, the person or persons entitled to the use or occupation of any lot of land within the limits of the corporation shall be deemed the owner thereof and be taxed for the lot and the improvements, if any, thereon.

Sec. 8. Assessment and collection. Upon a certificate being filed with the assessors of the Town of Standish by the clerk of the corporation of the amount of money voted to be raised at any legal meeting of the corporation, it shall be the duty of the Standish assessors, or their successors in office, at the time of the next annual assessment of town and county taxes in the Town of Standish, to assess in addition thereto the total amounts certified by the clerk of the corporation, upon the taxable estates within the corporation's territory and to certify and deliver the lists of the assessments so made to the treasurer of the corporation. The treasurer of the corporation shall collect the assessments in the same manner as county and town taxes are collected by law. The treasurer of the corporation shall receive all moneys belonging to the corporation, pay it out only upon the written order or direction of the trustees, keep a regular account of all moneys received and paid out and exhibit the account to the trustees whenever requested to do so.

The corporation shall have the same power to direct the method of collecting these taxes that a town has in the collection of town taxes; and the treasurer shall have the same rights and powers to recover any taxes committed to him under the provisions of this Act that a town tax collector has for the collection of town taxes committed to him. The corporation shall have the same right to recover by suit taxes assessed under this Act as a municipality has by law to recover taxes assessed therein.

The rights and powers of the corporation and its treasurer to collect corporation taxes, as aforesaid, and any liens or attachments therefor, shall be subordinate to the rights and powers, liens or attachments of the Town of Standish in the collection of the towns taxes, assessments or other charges.

Sec. 9. Town tax payments to corporation. The Town of Standish may appropriate any sum to the corporation from the annual revenue raised by the town's taxation on the estates within the corporation's territory. Any sum so appropriated by the town shall be paid over to the treasurer of the corporation and shall be used and expended for its corporate purposes and duties.

Sec. 10. Legal voters. Every person, 18 years of age or older and not an alien, entitled to the use or occupation of any lot of land within the limits of the corporation, and deemed the owner of the lot for the purpose of taxation by the corporation shall have the right to vote, provided that where a lot of land is owned by 2 or more persons only one shall be a legal voter and such persons may agree in writing filed with the trustees which of the owners is to be the legal voter at any meeting of the corporation, and that in no case shall the ownership of more than one tract, parcel or lot of land entitle the owner or owners thereof to more than one vote at any meetings of the corporation.

Sec. 10-A. Conveyance of property to corporations; continuing jurisdiction. In the event of the transfer of all or any part of the real estate now or formerly owned by Leisure Living Communities, Inc., or any of its successors or assigns to this corporation, the corporation as well as all real estate owned, leased or controlled by it shall be subject to the continuing jurisdiction of the Kennebec County Superior Court in the consolidated case of the State of Maine and Portland Water District vs. Leisure Living Communities, Inc., Docket No. 1201, as well as all decisions and orders issued to date in the case.

In order to continue its activities to preserve the quality of the waters of Sebago Lake, the Portland Water District shall have full access to the ferries, roads, lands, etc., owned or controlled by the corporation in order to make periodic inspections of Frye Island sewage disposal systems, as well as to monitor the impact of such systems upon the waters of Sebago Lake.

Sec. 10-B. Property of corporation not tax exempt. No property of the corporation shall be exempt from taxation by reason of this Act or the general laws of the State of Maine.

Sec. 11. Acceptance of charter within 5 years. This charter may be accepted within 5 years from the date of its approval by the Governor, and its rejection in any calendar year during the time aforesaid shall not prevent its acceptance in any later calendar year during the time aforesaid; but only one meeting to vote thereon shall be held in any one calendar year. William Schumacher, Donald Theriault and Joseph Earnhardt, or any one of them,

may call all meetings for the acceptance of this charter, by written notice of the time, date, place and object of the meeting to each person who may be entitled to vote under section 10 at least 30 days prior to the meeting, and by the notification requirements for an annual meeting under section 4. The written notice shall include a copy of this charter and an application for an absentee ballot in the form prescribed by law for municipal elections. On return of a properly completed application for an absentee ballot, an absentee ballot in the form and manner prescribed by law for municipal elections shall be sent.

Sec. 12. Procedure for acceptance of charter. Any meeting for the adoption of this charter shall be in session at a convenient place on the island between the hours of 10 a.m. and 4 p.m. for 7 consecutive days, holidays and Sundays included, beginning the first Saturday in July. Any of the persons named in section 11 is authorized to preside until the meeting is organized and until a moderator and clerk shall be chosen in the manner and with the same power as provided by law for town meetings and shall carry out the procedures and duties required under this section. The moderator may employ such number of ballot clerks as may be necessary to carry out the duties herein and such ballot clerks shall be duly sworn. After the election and swearing of the moderator and clerk, the meeting shall proceed by ballot to vote on the question of accepting this charter. The ballot question shall be: "Shall the 'Act to Incorporate the Frye Island Municipal Services Corporation, passed by the First Special Session of the 107th Legislature,' be accepted?" At the end of the session, all ballots, including absentee ballots, shall be counted and reported, and if a majority of all the legal voters voting at said meeting or by absentee ballot shall vote in favor of accepting the charter, then it shall take effect. After the vote is declared in favor of acceptance, the corporation may immediately proceed to hold its annual meeting without further notice, notwithstanding the provisions of section 4, and may adopt bylaws and elect officers as provided in sections 2 and 3.

Certification of the acceptance of the corporation shall be filed by the clerk in the Office of the Secretary of State.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved for the purpose of calling a meeting or meetings of the corporation for the purpose of voting upon the acceptance of this charter; and whenever this charter shall be accepted by a majority of the voters of the corporation at a legal meeting called for that purpose, then the charter shall take and have complete effect in all its parts.

Effective March 30, 1976

CHAPTER 139

AN ACT Relating to Borrowing Capacity of Community School District No. 915 Consisting of the Towns of Litchfield, Sabattus and Wales.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and