

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1995

THE TOWNS OF CANAAN AND SKOWHEGAN," dated December 26, 1995, prepared by the Smith's Land Surveys, Inc. recorded in the Somerset County Registry of Deeds.

See title page for effective date.

CHAPTER 65

S.P. 679 - L.D. 1745

An Act to Establish the Boundary Line between the Town of Cornville and the Towns of Solon and Athens

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

Sec. 1. Boundary line between the Town of Cornville and the Town of Solon. The boundary line between the Town of Cornville and the Town of Solon, both located in the County of Somerset, is as follows:

Beginning at a stone found set in the ground at or near the northeast corner of the Town of Madison. Said stone is scribed "T L/M.C." on the south side and "S" on the north side; and

Thence S 81°-58'-41" E passing through the several monuments identified on the plan hereinafter referenced, a distance of 8,032.88 feet to a stone found set in the ground at the southeast corner of the Town of Solon. Said stone is scribed "Nov. 24, 1846 1867" on the west side and "Nov. 10, 1846 / Oct. 12, 1857" on the east side.

Sec. 2. Boundary line between the Town of Cornville and the Town of Athens. The boundary line between the Town of Cornville and the Town of Athens, both located in the County of Somerset, is described as follows:

Beginning at a stone located at the southeast corner of the Town of Solon. Said stone is the same described in section 1;

Thence S 81°-53'-00" E, passing through the several monuments identified on the plan hereinafter referenced, a distance of 5,346.50 feet to a stone located on the easterly side of the road leading from Route 150 to West Athens. Said stone is scribed "T L Nov. 9 1867" on the west side;

Thence S 81°-53'-00" E, passing through the one monument identified on the plan hereinafter referenced, a distance of 1,279.85 feet to a 3/4 inch iron rebar topped with a yellow plastic survey cap inscribed "S D Smith PLS 1354" set on the westerly side of Route 150, so-called;

Thence S 82°-03'-01" E, passing through several monuments identified on the plan hereinafter referenced, a distance of 7,441.20 feet to a granite monument scribed "T L" located on the westerly side of a road locally known as the East Ridge Road;

Thence S 82°-32'-11" E, passing through the 2 monuments identified on the plan hereinafter referenced, a distance of 4,031.56 feet to a 3/4 inch iron rebar topped with an aluminum cap inscribed "ATHENS/TOWN LINE/1994/CORNVILLE" located on the northeasterly side of the road leading from the Town of Athens to the Town of Hartland; and

Thence S 81°-58'-01" E, passing through the several monuments identified on the plan hereinafter referenced, a distance of 6,971.50 feet to a granite stone set in the ground. Said stone is to mark the northeasterly corner of the Town of Cornville.

Bearings recited in the above description are oriented to a 1994 observation of magnetic North.

The boundaries described within are the same shown on a plan entitled "SURVEY OF THE TOWN LINE BETWEEN THE TOWN OF CORNVILLE AND THE TOWNS OF SOLON AND ATHENS" dated January 17, 1995, prepared by Smith's Land Surveys, Inc. and recorded in the Somerset County Registry of Deeds in the Cornville Plan File B-92, Page 122.

See title page for effective date.

CHAPTER 66

S.P. 706 - L.D. 1805

An Act to Amend the Charter of the Somerset Woods Trustees in Order to Qualify the Charter as a Charitable Corporation under Internal Revenue Service Rules

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

Sec. 1. P&SL 1927, c. 109, §§3 and 4 are amended to read:

Sec. 3. Exempt from taxation. All property held by ~~said~~ the corporation ~~shall be~~ is exempt from taxation. The activities and purposes of the corporation are limited to those permitted a corporation exempt from federal income tax under the Internal Revenue Code, Section 501(c)(3).

Sec. 4. Dividends prohibited; income, how expended. ~~Said~~ The corporation ~~shall never~~ may not make ~~any~~ a dividend or division of or from its property or income among its members, but the net

income and proceeds from any part of ~~said~~ its property ~~shall~~ must be expended for public benefits, not supported by taxation, in the town where ~~said~~ the land from which ~~said~~ the income or proceeds ~~shall be~~ are derived is located. A member, trustee, director or officer of the corporation may not receive any portion of the net earnings or assets of the corporation, and a private individual may not receive any of these earnings or assets except as reasonable compensation for services rendered. In the event of dissolution, all of the remaining net assets of the corporation must be distributed to a governmental entity or to another corporation exempt from federal income taxation under the Internal Revenue Code, Section 501(c)(3).

Sec. 2. P&SL 1927, c. 109, §§5 to 7 are enacted to read:

Sec. 5. Lobbying prohibited. The corporation may not attempt to influence legislation except as authorized by the Internal Revenue Code, Section 501(h) and may not participate in the political campaign of a candidate for public office.

Sec. 6. Tax rules. In any taxable year in which the corporation is a private foundation as described in the Internal Revenue Code, Section 509(a), the corporation must distribute its income so it is not subject to tax under the Internal Revenue Code, Section 4942. The corporation may not:

1. Engage in an act of self-dealing as defined in the Internal Revenue Code, Section 4941(d);

2. Retain excess business holdings as defined in the Internal Revenue Code, Section 4943(c);

3. Make investments that would subject the corporation to tax under the Internal Revenue Code, Section 4944; or

4. Make a taxable expenditure as defined in the Internal Revenue Code, Section 4945(d).

Sec. 7. General conduct. The corporation shall conduct its affairs so that it remains exempt from taxation under federal law, including rules promulgated in accordance with the Internal Revenue Code.

See title page for effective date.

CHAPTER 67

S.P. 658 - L.D. 1718

An Act to Repeal and Replace the Charter of Bowdoin College

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

Whereas, changes in the Charter of Bowdoin College are necessary to consolidate the governance of the college into one board and to make certain other changes; and

Whereas, it is essential that these changes be enacted as soon as possible since it is necessary that this legislation also be enacted by the General Court of the Commonwealth of Massachusetts due to the provisions of the Articles of Separation; 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. The Charter of Bowdoin College, Mass. Laws of 1794, c. 12, as amended by PL 1977, c. 690, §16, is repealed and the following enacted in its place:

Sec. 1. There is established in the Town of Brunswick, Maine, a college for the purpose of education under the name of Bowdoin College, to be under the governance of a Board of Trustees, as hereafter provided.

Sec. 2. The College shall be governed by a Board of Trustees with a minimum number of thirty-five (35) and a maximum number of fifty-six (56), including the President as a Trustee, until the year 2005 and thereafter with a minimum number of thirty-five (35) and a maximum number of forty-five (45), including the President as a Trustee.

Sec. 3. For the more orderly conducting the business of the College, the Board of Trustees shall have full power and authority, from time to time, to elect a chair and a vice-chair from among their number and a President, a Treasurer and a Secretary and such other officers as the Board deems necessary; to declare the tenures and duties of their respective offices; and to elect Trustees for such terms and upon such conditions as they may from time to time determine, and also to remove any Trustee when, in their judgment, such Trustee becomes incapable or neglects or refuses to perform the duties of the office.

Sec. 4. The College may have one common seal; and that all deeds signed and delivered by the Treasurer, or by such other officer as the Trustees may from time to time appoint, and sealed with its seal, by