

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

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
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

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

order of the Trustees, shall, when made in the corporate name, be considered in law as the deeds of the College; and that the College may sue and be sued in all actions, real, personal or mixed and may prosecute and defend the same to final judgment and execution; and that the College shall be capable of having, holding and taking, in fee simple or any less estate, by gift, grant, devise or otherwise any lands, tenements or other estate, real or personal.

Sec. 5. The College shall have full power and authority to determine at what times and places its meetings shall be held and on the manner of notifying the Trustees to convene at such meetings, and also, from time to time, to elect such Professors and other officers as it shall judge most for the interest thereof, and to determine the duties, salaries, emoluments and tenures of their several offices aforesaid; and also to purchase, or erect and keep in repair, such houses and other buildings as it shall judge necessary for the College; and also to make and ordain, as occasion may require, reasonable rules, orders and bylaws, not repugnant to the laws of this State, with reasonable penalties, for the good government of the College; and also to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their admission; and also to confer such degrees as are usually conferred by universities established for such education; and a majority of the Trustees present at any legal meeting shall decide all questions that may properly come before them.

Sec. 6. The clear rents, issues and profits of all the estate, real and personal, of which the College shall be seized or possessed shall be appropriated to the endowment of the College in such manner as shall most effectually promote virtue and piety, and the knowledge of such of the languages, and of the useful and liberal arts and sciences.

Sec. 7. The Treasurer of the College shall give bond to the College, in such amount and with such sureties as the Trustees shall approve of, conditioned for the faithful discharge of the duties of the said office and for rendering a just and true account of the doings therein, when required, and that all the monies, securities and other property of the College, together with all the books in which the accounts and proceedings, as Treasurer, were entered and kept, that appertain to the office of Treasurer as aforesaid, shall, upon demand, be paid and delivered over to the successor in that office; and all monies to be recovered by virtue of any suits at law, upon such bond, shall be paid over to the College.

Sec. 2. Effective date. This Act takes effect when approved for the purpose of its submission to the General Court of Massachusetts for its concurrence. It takes effect for all purposes when a certificate is filed with the Secretary of State certifying

that the General Court of Massachusetts has granted its concurrence.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect in accordance with the section of this Act that specifies an effective date.

Effective April 1, 1996, unless otherwise indicated.

CHAPTER 68

S.P. 682 - L.D. 1747

An Act to Authorize the Maine Photographic Workshops to Grant Degrees

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

Sec. 1. Degree. The Maine Photographic Workshops may confer the Associate of Arts degree or Master of Fine Arts degree on all students who successfully complete the course of study prescribed by the school.

See title page for effective date.

CHAPTER 69

H.P. 1333 - L.D. 1828

An Act to Transfer Land from the Town of Brownfield to the Town of Hiram

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. Land transferred to the Town of Hiram from the Town of Brownfield. That portion of the Town of Brownfield that lies south and east of the northerly boundary of the right-of-way of Notch Road, as it exists on the effective date of this Act, is transferred to the Town of Hiram.