

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

the towns of Cumberland, Falmouth and Windham prior to the effective date of this Act and serving on the effective date of this Act continue to serve until their successors are elected and take office in accordance with this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 25, 2001.

CHAPTER 26

H.P. 1343 - L.D. 1798

An Act to Amend the Charter of the Buckfield Village Corporation

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

Whereas, the requirements in the charter of the Buckfield Village Corporation that all officers of the corporation be elected at an annual election have made it difficult to fill offices such as clerk, treasurer and collector, and foreclose the ability of the voters of the corporation to give the assessors the ability to appoint persons to these offices, including persons who are not residents of the corporation; 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 P&SL 1887, c. 58, §7 is repealed and the following enacted in its place:

Sec. 7. The assessors must be chosen by ballot at the annual election in the month of March. All other officers of the corporation must be chosen in the same manner unless the legal voters of the corporation vote at a meeting held at least 90 days before the annual election to make an office appointed by the assessors. If the corporation votes to make an office appointed by the assessors, the person appointed by the assessors is not required to be a resident of the corporation.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 31, 2001.

CHAPTER 27

H.P. 565 - L.D. 720

An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000

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

Sec. 1. P&SL 1925, c. 4, §5, first sentence, as amended by P&SL 1973, c. 47, is further amended to read:

To procure funds for the purposes of this Act and such other expenses as may be necessary to the carrying out of said purposes, the said district, by its trustees, is hereby authorized to issue notes and bonds, but shall not incur a total indebtedness exceeding the sum of ~~\$2,500,000~~ \$5,000,000 at any one time outstanding.

Sec. 2. Referendum; effective date. This Act takes effect only if the trustees of the City of Brewer High School District submit this Act to the legal voters of the City of Brewer no later than December 31, 2001 and only if the majority of the voters approve this Act as provided in this section. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the board of registration in the City of Brewer is not required to prepare for posting, nor is the city clerk required to post, a new list of voters. For the purpose of registration of voters, the board of registration must be in session the 3 secular days next preceding the election, the first 2 days to be devoted to the registration of voters and the last day to enable the board to verify the corrections of the lists of voters and to complete and close up their records of these sessions.

The city clerk shall prepare the required ballots and shall reduce the subject matter of this Act to the following question:

"Do you favor increasing the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act takes effect immediately upon its approval by a majority vote of the legal voters voting at the election, provided the total number of votes cast for and against the approval of this Act at the election equals or exceeds 20% of the total vote for all candidates for Governor in the city at the most recent gubernatorial election.

The election results must be declared by the municipal officers of the City of Brewer and due certificate of the results filed by the city clerk with the Secretary of State.

Effective pending referendum.

CHAPTER 28

S.P. 623 - L.D. 1805

An Act to Amend the Charter of Bates College

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

Sec. 1. P&SL 1937, c. 28, §4, first sentence is amended to read:

The said corporation may adopt such by-laws, rules and regulations, not repugnant to the laws of the state of Maine, as it ~~may deem~~ determines expedient for the management of the affairs of the college and for the transaction of its business; it shall have power to establish in said college such courses of study, departments and schools as it may elect; it shall appoint officers, including a treasurer of the corporation, such other officers of business administration and such officers of educational administration as it ~~shall deem~~ determines proper, and all officers of instruction; and subject to the contractual rights of such appointees, it may remove them at pleasure; it shall have power to confer such academic degrees as are usually conferred by colleges or universities.

Sec. 2. P&SL 1937, c. 28, §§5, 6 and 7 are repealed and the following enacted in their place:

Sec. 5. President. The president must be chosen by the concurring votes of at least 8 members of the board of fellows and of at least 13 members of the board of overseers, each board acting separately. The president may be removed from office in the same manner, as long as reasonable notice has been given to the president in writing specifying the grounds of removal and that, if requested by the president, opportunity for hearing upon the specifications has been had before the 2 boards in convention. The president is the principal executive officer of the corporation and the principal academic officer of the college, and except as authority, duties and responsibilities are or may be specifically laid upon other persons, the president has general administration of the affairs of the college. The president may, at the pleasure of the president, attend the separate sessions of the board of fellows and of the board of overseers. When attending the sessions, the president shall participate with the members of these boards in the conduct of their business, having the right to vote; but

these provisions may not apply when the business under consideration is the question of the removal of the president from office.

Sec. 6. Board of Fellows. The board of fellows may not at any time consist of more than 15 members. Six members, exclusive of the president, if the president is in attendance, except as otherwise in this Act specifically provided, constitutes a quorum for the transaction of business. The board shall choose a chair and a vice-chair who shall preside at their meetings and who shall serve as the chair and vice-chair of the corporation. The board may adopt such rules for the transaction of the business of the board as the board determines expedient. The board shall choose from or without the membership of the board a secretary who also serves as the secretary of the corporation. The board shall fill all vacancies occurring in the board and may, as the rules provide, declare a vacancy on the board whenever, in their judgment, sufficient cause exists.

Sec. 7. Board of overseers. The board of overseers may not at any time consist of more than 25 members. Nine members, exclusive of the president, if the president is in attendance, except as otherwise in this Act specifically provided, constitutes a quorum for the transaction of business. The board shall choose a chair and a vice-chair who shall preside at their meetings. The board shall choose a secretary, and may adopt such rules for the transaction of the business of the board as the board determines expedient. The terms of office of the overseers continue to expire in accordance with the provisions of Private and Special Law 1873, chapter 192, section 7. At each annual meeting of the board of overseers, 5 overseers must be elected for the term of 5 years, 2 of whom must be from persons nominated by the Alumni Association of Bates College. The board may, by such procedure as the rules provide, declare a vacancy on the board whenever, in their judgment, sufficient cause exists. The board shall fill all vacancies occurring in the board, as long as a vacancy arising from the death, resignation or removal from office of an overseer who was elected on nomination of the alumni association is filled only by the election of a person so nominated.

Sec. 3. P&SL 1937, c. 28, §9 is amended to read:

Sec. 9. Quorum. Except as otherwise in this act specifically provided, the corporation may transact its business either by the method of concurrent action taken by the board of fellows and the board of overseers, meeting in separate session, or by the method of action taken by the said boards meeting in convention, a quorum of which ~~shall consist~~ consists of at least 6 fellows and at least 9 overseers exclusive of the president, if ~~he shall be~~ the president is in attendance.