

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 P&SL 1937, c. 28, §§5, 6 and 7 are repealed and the following enacted in their place: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

Sec. 4. P&SL 1937, c. 28, §10 is repealed and the following enacted in its place:

Sec. 10. Executive committee. The corporation may appoint from its number an executive committee of not fewer than 5 members. The president is a member of this executive committee. The chair of the executive committee is the chair of the board of fellows. In the chair's absence the executive committee is chaired by the vice-chair of the board of fellows or the chair or vice-chair of the board of overseers, all of whom are members of the executive committee. To this executive committee any or all powers of general administration are delegated to act for and in behalf of the corporation from one stated meeting to another, subject to instructions by the corporation at any intervening meeting. The corporation may appoint such other committees for such periods and with such powers as it shall determine proper.

Sec. 5. P&SL 1937, c. 28, §11 is repealed.

Sec. 6. P&SL 1937, c. 28, §§12 and 13 are enacted to read

Sec. 12. Transition provisions. This Act does not affect the tenure of office of any person holding any office or appointment under the authority of Private and Special Law 1937, chapter 28.

Sec. 13. Applicability of the Maine Non-profit Corporation Act; governing law. The Maine Nonprofit Corporation Act, contained in the Maine Revised Statutes, Title 13-B, or any successor, applies to this corporation in all respects, including an amendment to or restatement of this charter. Any amendment or restatement of this charter must be effected pursuant to those provisions of the Maine Nonprofit Corporation Act, or any successor, that govern the amendment or restatement of Articles of Incorporation.

See title page for effective date.

CHAPTER 29

H.P. 957 - L.D. 1271

**An Act Regarding the Budget for the
Maine Turnpike Authority for 2002**

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

Sec. 1. Allocation. Gross revenues of the Maine Turnpike Authority for the calendar year ending December 31, 2002 must be segregated, apportioned and disbursed as designated in the following schedule.

2002

**MAINE TURNPIKE
AUTHORITY**

Administration

Personal Services	\$623,819
All Other	985,921
TOTAL	1,609,740

Accounts and Controls

Personal Services	552,204
All Other	261,439
TOTAL	813,643

Highway Maintenance

Personal Services	3,168,112
All Other	2,093,818
TOTAL	5,261,930

Equipment Maintenance

Personal Services	766,932
All Other	1,057,069
TOTAL	1,824,001

Fare Collection

Personal Services	8,841,528
All Other	3,580,840
TOTAL	12,422,368

Public Safety and Special Services

Personal Services	328,778
All Other	4,773,074
TOTAL	5,101,852

Building Maintenance

Personal Services	543,253
All Other	465,082
TOTAL	1,008,335

Subtotal of Line Items Budgeted

General Contingency - 5% of line items budgeted for 2002 (10% allowed)	28,041,869
	1,402,094