

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

See title page for effective date.

CHAPTER 5
H.P. 139 - L.D. 179

**An Act To Amend the Anson
and Madison Water District
Charter**

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

PART A

**Sec. A-1. P&SL 2011, c. 6, §4, sub-§1, 2nd
and 3rd blocked paragraphs** are amended to read:

Each trustee appointed from the Town of Madison to the first board serves an initial term specified in the appointment by the trustees of the Madison Water District as follows: one for a term that expires on November 15th of the year that is one year after the year in which the trustee was appointed, one for a term that expires on ~~November 15th~~ the date of the Town of Madison's annual meeting of the year that is 2 years after the year in which the trustee was appointed, one for a term that expires on ~~November 15th~~ the date of the Town of Madison's annual meeting of the year that is 3 years after the year in which the trustee was appointed and one for a term that expires on ~~November 15th~~ the date of the Town of Madison's annual meeting of the year that is 4 years after the year in which the trustee was appointed. Subsequent trustees are elected by vote of the residents of the Town of Madison to 3-year terms in accordance with subsection 3.

Each trustee appointed from the Town of Anson to the first board serves an initial term specified in the appointment by the trustees of the Anson Water District as follows: one for a term that expires on November 15th of the year that is one year after the year in which the trustee was appointed, one for a term that expires on ~~November 15th~~ the date of the Town of Anson's annual meeting of the year that is 2 years after the year in which the trustee was appointed and one for a term that expires on ~~November 15th~~ the date of the Town of Anson's annual meeting of the year that is 3 years after the year in which the trustee was appointed. Subsequent trustees are elected by vote of the residents of the Town of Anson to 3-year terms in accordance with subsection 3.

Sec. A-2. P&SL 2011, c. 6, §5, last paragraph is repealed.

PART B

Sec. B-1. P&SL 1913, c. 121, as amended, is repealed.

Sec. B-2. P&SL 1915, c. 200, as amended, is repealed.

Sec. B-3. Effective date. This Part takes effect September 1, 2014.

See title page for effective date, unless otherwise indicated.

CHAPTER 6
H.P. 169 - L.D. 208

**An Act To Amend the Charter
of St. Mark's Home for Women
in Augusta**

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

Sec. 1. P&SL 1871, c. 560, §1, as amended by P&SL 1981, c. 96, is further amended to read:

Sec. 1. Corporators; name; real and personal property; purpose. The rector, wardens and vestry of St. Mark's Church, Augusta, and their successors in office, are hereby constituted a body corporate and politic, by the name of St. Mark's Home ~~for Women~~, with authority to take and hold property, real and personal, for establishing and maintaining in said Augusta, a home for women and men, of the value of \$300,000, and to manage and control the same for the purpose aforesaid; and said corporation ~~shall have~~ has all the powers and privileges and ~~be is~~ subject to all the duties and liabilities of similar corporations in the State.

See title page for effective date.

CHAPTER 7
H.P. 600 - L.D. 849

**An Act To Validate Certain
Real Estate Transactions
Entered into by a Corporation
while Its Charter Was
Suspended**

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

Sec. 1. Legislative findings. The Legislature finds that:

1. The Pot and Kettle was organized as a corporation with capital stock by a Certificate of Organization dated September 28, 1899, such Certificate of Organization being approved by the Office of the Attorney General on October 4, 1899, and being recorded in the Hancock County Registry of Deeds in Volume 2, Page 288 on October 10, 1899 and on October 11, 1899 in the Office of the Secretary of State, Volume 30, Page 535;

2. The Pot and Kettle proceeded to engage in the activities for which it was organized thereafter and up to the present;

3. In the summer of 2010, the Corporation Division of the Office of the Secretary of State advised The Pot and Kettle that it had been suspended under Public Law 1909, chapter 127, which required suspension of those corporations who failed to pay the 1907 franchise tax after notice of such failure had been published for 3 consecutive weeks and the franchise tax remained unpaid;

4. At the time of that notification in 2010, The Pot and Kettle was the record owner of certain real and personal property situated in Hulls Cove, Town of Bar Harbor, Hancock County, Maine;

5. The Pot and Kettle petitioned the Secretary of State for approval of a Certificate of Revival for the purpose of transferring title to its real estate to a newly formed nonprofit corporation known as "The P & K Club";

6. The Secretary of State approved the request for revival, effective from September 20, 2010 to December 20, 2010;

7. The Pot and Kettle, having been revived, conveyed the real estate in its record name to The P & K Club by deed dated December 8, 2010 and recorded in Book 5538, Page 174 in the Hancock County Registry of Deeds;

8. Although the title to the real property held in the record name of The Pot and Kettle was transferred by deed during its revival, the legal validity of the following conveyances, which are recorded in the Hancock County Registry of Deeds and referred to in this Act as "suspension transfers," to and from The Pot and Kettle may be in doubt due to its 1909 suspension:

A. Deed from W.H. Sherman et al. to The Pot and Kettle dated September 26, 1922 and recorded in Book 570, Page 460;

B. Deed from John Henry Livingston to The Pot and Kettle dated November 22, 1922 and recorded in Book 578, Page 14;

C. Deed from The Pot and Kettle to Minot K. Milliken dated April 24, 1952 and recorded in Book 749, Page 386;

D. Deed from The Pot and Kettle to Leon G. Hoyt, Jr. et al. dated October 29, 1971 and recorded in Book 1129, Page 657; and

E. Deed from The Pot and Kettle to the inhabitants of the Town of Bar Harbor dated March 7, 1972 and recorded in Book 1137, Page 431.

9. To avoid harm to innocent 3rd parties, it is in the public interest to ratify, validate and confirm the

suspension transfers to and from The Pot and Kettle during the period of its suspension;

10. The Pot and Kettle has elected officers and directors, held special and annual meetings of its officers, directors and members, has conducted its affairs, has purchased and sold articles of personal property, contracted for and paid for labor and materials and services pertaining to its operation and the maintenance, repair and replacement of the improvements on its real estate, filed tax returns and otherwise conducted itself as a de facto corporation, if not a de jure corporation, since its suspension on December 1, 1909 up to the date of the termination of its revival on December 21, 2010; and

11. It is in the public interest to those who have contracted with The Pot and Kettle since its suspension to be able to rely upon the apparent authority of its officers, directors and agents, including, but not limited to, those who either conveyed real or personal property to, or acquired real or personal property from, The Pot and Kettle during its suspension.

Sec. 2. Ratification. The real estate transfers to and from The Pot and Kettle set forth in section 1, subsection 8 are ratified, validated and confirmed, and the acts taken under the authority of those purporting to be elected officers and directors of The Pot and Kettle in the conduct of its affairs and the making of contracts with 3rd parties during the period of its suspension from December 1, 1909 to December 20, 2010 are hereby ratified, validated and confirmed.

See title page for effective date.

CHAPTER 8

H.P. 572 - L.D. 821

An Act To Allocate the Balance of Funds Not Expended by the Task Force on Franco-Americans

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

Whereas, this legislation authorizes expending funds to offset costs associated with the Legislature's Franco-American Day, which is scheduled this spring; 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,