

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

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,

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

Sec. 1. Franco-American Day. Notwithstanding Resolve 2011, chapter 102 or any other provision of law, the Executive Director of the Legislative Council may retain \$300 in the Task Force on Franco-Americans funding account and expend those funds to offset the costs associated with the Legislature's Franco-American Day.

Sec. 2. Payment. No later than November 1, 2013, the Executive Director of the Legislative Council shall pay \$1,110.50 to the Franco-American Center at the University of Maine, which represents the balance of funds contributed by outside sources to support the work of the Task Force on Franco-Americans established pursuant to Resolve 2011, chapter 102 but not expended by the task force.

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

Effective May 14, 2013.

**CHAPTER 9
S.P. 328 - L.D. 983**

**An Act To Make Allocations
from Maine Turnpike
Authority Funds for the Maine
Turnpike Authority for the
Calendar Year Ending
December 31, 2014**

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, 2014 must be segregated, apportioned and disbursed as designated in the following schedule.

MAINE TURNPIKE AUTHORITY 2014

Administration

Personal Services	\$1,074,614
All Other	1,419,516
TOTAL	\$2,494,130

Accounts and Controls

Personal Services	\$2,625,169
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All Other 1,174,131

TOTAL \$3,799,300

Highway Maintenance

Personal Services \$4,160,064
All Other 2,735,659

TOTAL \$6,895,723

Equipment Maintenance

Personal Services \$1,111,560
All Other 1,957,188

TOTAL \$3,068,748

Fare Collection

Personal Services \$8,797,908
All Other 3,631,535

TOTAL \$12,429,443

Public Safety and Special Services

Personal Services \$408,413
All Other 5,925,680

TOTAL \$6,334,093

Building Maintenance

Personal Services \$542,674
All Other 511,408

TOTAL \$1,054,082

Subtotal of Line Items Budgeted \$36,075,519

General Contingency - 5% of line items budgeted for 2014 (10% allowed) 1,803,776

MAINE TURNPIKE AUTHORITY

TOTAL REVENUE FUNDS \$37,879,295