

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

CHAPTER 195
H.P. 805 - L.D. 1142

**An Act To Repeal the Laws
Establishing the Cumberland
County Recreation Center and
To Transfer Authority to
Cumberland County**

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

Sec. 1. 30-A MRSA §741-A, first ¶, as enacted by PL 1995, c. 380, §4 and affected by §10, is amended to read:

Notwithstanding sections 701 and 702, the county commissioners working in conjunction with the Cumberland County Budget Advisory Committee, established in this section, and the county manager, established in section 82, subsection 5, are responsible for establishing the county budget as provided in this article, except for the Cross Insurance Arena budget as provided in section 747. The county commissioners shall appropriate money for county expenditures according to the budget established in accordance with this article.

Sec. 2. 30-A MRSA §747 is enacted to read:

§747. Board of Trustees of Cross Insurance Arena; budget

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings:

A. "Board of trustees" or "board" means the Board of Trustees of the Cross Insurance Arena established in subsection 2.

B. "County commissioners" means the commissioners of Cumberland County.

C. "Cross Insurance Arena" or "arena" means the multipurpose arena located in the City of Portland and created pursuant to former Private and Special Law 1971, chapter 86.

2. Board of trustees established. The Board of Trustees of the Cross Insurance Arena is established to develop, review and make recommendations to the county commissioners on financial, contractual and policy issues regarding the Cross Insurance Arena. The board of trustees consists of 9 members appointed by the county commissioners as follows:

A. Two members from the City of Portland;

B. One member from each of the following sets of municipalities:

(1) South Portland and Cape Elizabeth;

(2) Scarborough, Westbrook and Falmouth;

(3) Gorham, Windham, Standish, Baldwin and Sebago;

(4) Brunswick, Freeport, Harpswell, Pownal and New Gloucester; and

(5) Yarmouth, Cumberland, North Yarmouth, Gray, Casco, Raymond, Naples, Harrison and Bridgton; and

C. Two members at large.

Trustees are appointed for a term of 3 years and may not serve more than 2 consecutive terms.

3. Duties of the board of trustees. The board of trustees shall propose and recommend policies and procedures for the arena. The board shall develop, present and review the budget of the arena. The board shall prepare and present an annual budget for the arena to the county commissioners for approval and adoption by the commissioners, in accordance with subsection 4. If the county commissioners increase or decrease the overall budget for the arena from the level presented by the board, the board shall adjust individual budget items as necessary within the limits of the adopted budget. The board shall meet monthly or as needed to complete its work.

4. Budget adoption. The county commissioners shall adopt the budget of the Cross Insurance Arena, an enterprise fund under the oversight of the county commissioners, and shall act as funding authority for the operations of the arena. The county commissioners may increase or decrease the overall budget of the arena that is presented by the board pursuant to subsection 3, but the commissioners may not otherwise alter or amend the arena budget presented by the board. The county commissioners shall meet with the board as needed, but no less than annually, to address the needs of the arena.

Sec. 3. P&SL 1971, c. 86, as amended by P&SL 1991, c. 36, is repealed.

Sec. 4. Transition provisions. The following provisions govern the transition of the Cumberland County Recreation Center, created by former Private and Special Law 1971, chapter 86, to Cumberland County.

1. Cumberland County is the successor in every way to the powers, duties, functions, property, assets and liabilities of the Cumberland County Recreation Center, referred to in this section as "the center."

2. All existing rules, regulations and procedures of the center continue in effect unless rescinded, revised or in conflict with Cumberland County rules and regulations or amended by the county commissioners of Cumberland County.

3. All existing contracts, agreements and obligations of the center, including bonds or other debt instruments and management agreements, continue in

effect, and the rights and obligations of the center become the rights and obligations of Cumberland County.

4. The trustees of the center shall serve as the initial members of the Board of Trustees of the Cross Insurance Arena established in the Maine Revised Statutes, Title 30-A, section 747 until their current terms expire.

5. All real and personal property of the center, including but not limited to fixtures, records and equipment owned or leased by the center, is transferred to and becomes the property of Cumberland County. The transfer of real and personal property may not occur earlier than January 1, 2018 and must be approved by the county commissioners of Cumberland County and the Board of Trustees of the Cross Insurance Arena.

See title page for effective date.

CHAPTER 196

H.P. 888 - L.D. 1275

An Act To Amend and Remove the Need for Periodic Update of the Laws Governing the Validation of Title Defects

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

Sec. 1. 33 MRSA §352, as amended by PL 2015, c. 157, §1, is further amended to read:

§352. Defective acknowledgments

A record of a deed or other instrument, including a power of attorney, made ~~prior to January 1, 2013~~ for the conveyance of real property, or of any interest in the real property, and recorded for at least 2 years in the registry of deeds of the county or district in which the real property is located is valid and enforceable even if:

1. Acknowledgment. The acknowledgment: was incomplete or defective in any respect, no acknowledgment appears in the record of the deed, other instrument or power of attorney or no acknowledgment was taken; or

~~A. Was not completed;~~

~~B. Was erroneously taken;~~

~~C. Was taken by a person not having authority to take the acknowledgment or the authority of the person taking the acknowledgment was not completely stated or was erroneously stated;~~

~~D. Does not reveal whether the authority taking the acknowledgment acted as a notary public, a justice of the peace or other duly authorized authority for the taking of the acknowledgment;~~

~~E. Was not taken;~~

~~F. Had not been signed by the authority taking the acknowledgment but the authority had attached, affixed or stamped the deed or instrument with a seal of authority;~~

~~G. Was taken by the grantor or grantee or by the husband or wife of the grantor or grantee;~~

~~H. Was taken by a magistrate who was a minor or an interested party or whose term of office had expired at the time of the acknowledgment;~~

~~I. Was taken by an officer authorized to take an acknowledgment but outside the territory in which the officer was authorized to act;~~

~~J. Was taken by a person who, at the time of the acknowledgment, had received an appointment, election or permission authorizing that person to take the acknowledgment, but had not qualified and who has since qualified to take an acknowledgment;~~

~~K. Was authorized by the grantor who was acting as a duly authorized agent or officer of a corporation or in a fiduciary or representative capacity for a corporation;~~

~~L. Was taken in another state or country before a person authorized to take acknowledgments and was made on the form of acknowledgment prescribed by the laws of the state or country in which the deed or instrument was executed or the person taking the acknowledgment failed to affix a proper certificate to the deed or instrument, showing that person's authority to act as a magistrate;~~

~~M. Was not signed by a magistrate of this State or any other state or territory of the United States, or any foreign country, authorized to take an acknowledgment but was complete in every other respect and was signed by an ambassador, minister, charge d'affaires, consul, vice consul, deputy consul, consul general, vice consul general, consular agent, vice consular agent, commercial agent or vice commercial agent of the United States who was not qualified to take an acknowledgment, but has since become qualified by law to do so;~~

~~N. Was signed by a magistrate authorized to take an acknowledgment but the magistrate's official seal, the names of the grantors, the date and place of acknowledgment, the words "personally appeared before me" or a statement that it was ac-~~