

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 280

H.P. 221

House of Representatives, January 27, 1995

**An Act to Annex Fortunes Rocks and Granite Point to the Town of
Kennebunkport.**

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOYCE of Biddeford.

Cosponsored by Representatives: BUCK of Yarmouth, JOYNER of Hollis, LIBBY of Buxton.

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

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Sec. 1. Separation and incorporation. Subject to referendum elections as set forth in section 3 of this Act and as otherwise specified in this Act, the territory in section 2, Fortunes Rocks and Granite Point, now within the City of Biddeford, County of York, together with the inhabitants of that territory, is separated and set off from the City of Biddeford and incorporated into the Town of Kennebunkport, County of York.

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Sec. 2. Boundaries. The boundaries of the territory affected by this Act are as follows.

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All of the land, including buildings, intertidal land, submerged land, fresh or salt water ponds, roads and land owned by the City of Biddeford, being bounded on the north by Route 208; being bounded on the east by the Atlantic Ocean; being bounded on the south by the Little River, so-called; and being bounded on the west by Route 9 and beginning at a point in the Atlantic Ocean south of Timber Island at the mouth of the Little River; thence following the Little River in a northwesterly direction to Route 9; thence northerly along the easterly sideline of Route 9 to its juncture with Route 208; thence easterly along the southerly sideline of Route 208, crossing the Fortunes Rocks Road and following the existing boundary of the south side of the public parking lot and public beach owned by the City of Biddeford to the Atlantic Ocean; thence following the Atlantic Ocean coastline in a southerly direction to the point of beginning at the mouth of the Little River and including Timber Island, so-called.

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Sec. 3. Referendum elections. In order for the separation and incorporation described in this Act to take effect, Fortunes Rocks and Granite Point respectively must vote in an election to secede from the City of Biddeford and join the Town of Kennebunkport and further, the Town of Kennebunkport must vote in an election to accept the territory after that territory has voted in the affirmative for secession and incorporation. A simple majority of the voters in each referendum is necessary to approve the referendum.

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1. Fortunes Rocks and Granite Point; secession vote.

Within 3 months of the effective date of this Act, this Act must be submitted to the legal voters of Fortunes Rocks and Granite Point in a referendum election for the purpose of approval of this Act. Warrants must be issued for this election notifying the qualified voters to vote on the approval or rejection of this Act.

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2 For purposes of this referendum election, all persons
resident of the Fortunes Rocks and Granite Point territory and
4 legally registered to vote within the Fortunes Rocks and Granite
Point territory as set out in section 2 of this Act are eligible
6 to vote on the question with respect to the separation of the
Fortunes Rocks and Granite Point territory from the City of
Biddeford and its annexation to the Town of Kennebunkport.

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10 The City Clerk of the City of Biddeford shall prepare the
required ballots on which the subject matter of this Act must be
reduced to the following question:

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14 "Do you favor the separation of Fortunes Rocks and Granite
Point from the City of Biddeford and the annexation of
16 Fortunes Rocks and Granite Point to the Town of
Kennebunkport?"

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

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22 The referendum election must be conducted by the City Clerk
of the City of Biddeford, who shall declare the result of the
election. The city clerk's declaration of the election results
24 is final, subject to review by the Superior Court for the County
of York. The result of the vote must be filed by the city clerk
26 with the Secretary of State.

28 **2. Town of Kennebunkport; annexation vote.** Within 6 months
of the effective date of this Act, if the referendum in Fortunes
30 Rocks and Granite Point passes, then this Act must be submitted
to the legal voters of the Town of Kennebunkport in a referendum
32 election for the purpose of approval of this Act. Warrants must
be issued for this election notifying the qualified voters to
34 vote on the approval or rejection of this Act.

36 For purposes of this referendum election, all persons
resident of Kennebunkport and legally registered to vote within
38 Kennebunkport are eligible to vote on the question with respect
to the separation of the Fortunes Rocks and Granite Point
40 territory from the City of Biddeford and its annexation to the
Town of Kennebunkport.

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44 The Town Clerk of the Town of Kennebunkport shall prepare
the required ballots on which the subject matter of this Act must
be reduced to the following question:

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48 "Do you favor the separation of Fortunes Rocks and Granite
Point from the City of Biddeford and the annexation of
Fortunes Rocks and Granite Point to the Town of
50 Kennebunkport?"

2 The voters shall indicate by a cross or check mark placed
against the word "Yes" or "No" their vote on this question.

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6 The referendum election must be conducted by the Town Clerk
of the Town of Kennebunkport, who shall declare the result of the
election. The town clerk's declaration of the election results
8 is final, subject to review by the Superior Court for the County
of York. The result of the referendum election must be filed by
10 the town clerk with the Secretary of State.

12 **Sec. 4. City of Biddeford property.** If the territory consisting
of Fortunes Rocks and Granite Point separates from the City of
14 Biddeford and is incorporated within the Town of Kennebunkport,
all real property owned by the City of Biddeford for Fortunes
16 Rocks and Granite Point and located within that territory must be
conveyed to the Town of Kennebunkport on the effective date of
18 separation.

20 Before the effective date of separation, the City of
Biddeford shall remove all personal property owned by the City of
22 Biddeford that is customarily located in Fortunes Rocks and
Granite Point.

24 **Sec. 5. Allocation of debts and assets.** If the territory
consisting of Fortunes Rocks and Granite Point separates from the
26 City of Biddeford and the Town of Kennebunkport approves the
annexation, the owners of the taxable real property within the
28 territory of Fortunes Rocks and Granite Point shall assume their
just and due proportion of the long-term general fund debts and
30 enterprise fund debts of the City of Biddeford. "Just and due
proportion" means the proportion of the valuation of all taxable
32 real estate in the territory of Fortunes Rocks and Granite Point
as set forth in section 2 of this Act to the entire valuation of
34 all taxable real estate in the City of Biddeford according to the
most recent tax valuation of the City of Biddeford on the
36 effective date of this Act. The valuation of the long-term
general fund and enterprise fund debts is the valuation as of
38 January 1, 1995.

40 Upon the effective date of separation, any interest that the
42 City of Biddeford has in assets, whether real, personal or mixed,
and however and whenever acquired, within the territory of
44 Fortunes Rocks and Granite Point becomes the property of the Town
of Kennebunkport. If the owners of the taxable real property
46 within the territory of Fortunes Rocks and Granite Point do not
receive credit for any proportion of other assets of the City of
48 Biddeford that may be due them, the debt payments to the City of
Biddeford are without interest.

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2 **Sec. 6. Town of Kennebunkport powers.** The Town of
3 Kennebunkport is authorized to assess a property tax that is in
4 addition to the regular property tax within the territory of
5 Fortunes Rocks and Granite Point against the owners of the
6 taxable real property within the boundaries of Fortunes Rocks and
7 Granite Point, to deposit the additional property tax in a
8 separate account of which the principal must be withdrawn only
9 for the sole purpose of paying to the City of Biddeford the debt
10 owed to the City of Biddeford from Fortunes Rocks and Granite
11 Point, to collect and enforce all additional taxes in the same
12 manner as provided by law for the collection and enforcement of
13 real property taxes by municipalities and to pay annually to the
14 City of Biddeford no later than June 30th of each year from the
15 additional taxes collected from the owners of taxable real
16 property within Fortunes Rocks and Granite Point to the City of
17 Biddeford in 10 equal annual installments without interest.
18 Interest that accumulates in the separate account must first be
19 applied by the Town of Kennebunkport to any costs in
20 administration of this section. Any remaining interest must be
21 refunded to the owners of taxable real property within the
22 territory of Fortunes Rocks and Granite Point.

23 The power granted to the Town of Kennebunkport to assess an
24 additional tax against the owners of the taxable real property
25 within the boundaries of Fortunes Rocks and Granite Point
26 terminates when the debt owed to the City of Biddeford from
27 Fortunes Rocks and Granite Point has been paid in full.
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29 **Sec. 7. Property taxes; municipal services.** Fortunes Rocks and
30 Granite Point remain a part of the City of Biddeford for all
31 purposes including liabilities, obligations and the collection
32 and disbursement of property taxes up to the effective date of
33 separation and the City of Biddeford shall maintain its customary
34 level of municipal services to Fortunes Rocks and Granite Point
35 until that date. After the effective date of separation, the
36 Town of Kennebunkport shall assess and collect property taxes and
37 provide municipal services to Fortunes Rocks and Granite Point.
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39 **Sec. 8. Costs not funded.** Any requirements of this Act that
40 result in additional costs to local or county government are not
41 state mandates and the State is not required to fund those costs.
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43 **Sec. 9. Effective date of separation.** The effective date of
44 separation and annexation of the territory consisting of Fortunes
45 Rocks and Granite Point is 60 days following the approval of the
46 referenda set out in section 3.
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STATEMENT OF FACT

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4 Subject to approval by the voters in Fortunes Rocks, Granite
6 Point and the Town of Kennebunkport, this bill authorizes the
separation of the territory consisting of Fortunes Rocks and
Granite Point from the City of Biddeford and the annexation of
that territory to the Town of Kennebunkport.