

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 263

S. P. 118

In Senate, January 12, 1961.

On motion of Senator Farris of Kennebec referred to Committee on Towns and Counties. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Porteous of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Incorporate the Town of Harpswell Neck.

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

Sec. 1. Incorporation. All that part of the Town of Harpswell, including North Harpswell, Harpswell Center, West Harpswell and South Harpswell, so called, and any islands, lying westerly of the following described line, namely: Beginning at the point of intersection of the town line between said Town of Harpswell and the Town of Brunswick with the center line of Merriconeag or Harpswell Sound, so called; thence in a southwesterly direction along the center line of said Merriconeag or Harpswell Sound and the extension of said center line, to its point of intersection with the southerly boundary of said Town of Harpswell, together with the inhabitants thereof, is incorporated into a town by the name of Harpswell Neck; and said Town of Harpswell Neck is vested with all the powers and privileges and subject to all the duties and obligations incident to other towns of the State. That part of the Town of Harpswell located easterly of the above described line, together with the inhabitants thereof, shall constitute and continue to constitute the Town of Harpswell.

Sec. 2. Taxes assessed before this act becomes effective. The several inhabitants of the Town of Harpswell Neck shall be holden to pay all taxes which have been legally assessed upon them by the Town of Harpswell and the collectors of taxes for said Town of Harpswell are authorized and required to collect and pay over all unpaid taxes to them already committed agreeably to their respective warrants. All moneys now in the treasury of said Town of Harpswell and all sums which shall hereafter be received from taxes heretofore assessed shall be applied to the several purposes for which they were raised.

Sec. 3. Harpswell government to continue until Harpswell Neck organized. The officials of the Town of Harpswell shall have jurisdiction, and continue all municipal functions, and the by-laws and ordinances of the Town of Harpswell shall have full effect, in Harpswell Neck as described in section 1 until the first meeting of the Town of Harpswell Neck is held pursuant to this act and officials of the Town of Harpswell Neck have been elected.

Sec. 4. Apportionment of liabilities and obligations. Any and all indebtedness incurred for the construction of the Island School, so called, or any other capital improvement shall be paid for by the town in which said school or capital improvement is located. Any debt not directly attributable to a capital improvement located in either of said towns shall be paid for by said towns in proportion to the tax valuations in their respective territories as taken by the Harpswell assessors as of April 1, 1961. On presentation by the Town of Harpswell to the Town of Harpswell Neck of any bill for its proportionate or full share of any such debt, the Town of Harpswell Neck shall promptly pay such bill. Nothing contained in this act shall be held to impair the rights of any existing creditors of the Town of Harpswell.

All paupers now supported by the aid of the Town of Harpswell shall, after division, be maintained and supported by the town in whose territory they resided when they became paupers. Each town shall henceforth be responsible for the care and maintenance of all roads, bridges, wharfs and other town properties within its respective limits.

Sec. 5. Apportionment of surplus funds and reserves. Any 1961 year-end surplus of the Town of Harpswell shall be apportioned between the 2 towns on the basis of 1961 tax valuation and the share apportioned for the Town of Harpswell Neck shall be paid by the Town of Harpswell to the Town of Harpswell Neck. Any reserve funds of the Town of Harpswell appropriated for proposed capital improvements in the Town of Harpswell Neck shall be paid to the Town of Harpswell Neck. If the boards of selectmen of the 2 towns are unable to agree on the proper apportionment of surplus or reserve funds or on any other apportionment of funds or physical property, the questions shall be submitted to the county commissioners of Cumberland County for decision. Such questions shall be determined by the county commissioners after due notice and hearing, and such decision shall be final and binding upon both towns.

Sec. 6. Division of physical property. All property, both real and personal, owned by the Town of Harpswell and located in the Town of Harpswell Neck, at the time of the first meeting of the Town of Harpswell Neck, shall thereupon automatically become the property of the Town of Harpswell Neck without the necessity of any instrument or transfer or the payment of any consideration. However, real estate acquired by tax deeds or tax lien certificates for taxes assessed for any year by the Town of Harpswell on real estate located in Harpswell Neck shall remain the property of the Town of Harpswell.

Sec. 7. Town records. All municipal records and papers located in the Town of Harpswell Neck at the time of acceptance of this act shall be retained by the Town of Harpswell Neck.

All records and papers of both the Town of Harpswell and the Town of Harpswell Neck shall be available for examination by any official of either town at all reasonable and proper times.

Sec. 8. First meeting, how called. Any justice of the peace in the County of Cumberland may issue his warrant to any resident of the Town of Harpswell Neck directing him to notify the inhabitants thereof to meet at a time and place specified in said warrant, giving at least 7 days' notice thereof, for the choice of town officers and to transact such business as towns are authorized to do. The voting list then current for the western division, so called, of the Town of Harpswell may be used at said meeting and shall constitute, initially, the official voting list of the Town of Harpswell Neck. Said first meeting shall, if practicable, be called in late December 1961 or early January 1962.

Any other provision of law to the contrary notwithstanding, the selectmen of the Town of Harpswell Neck shall have authority to borrow money temporarily in anticipation of taxes, the amount of such loan not to exceed the total tax levy of the Town of Harpswell for the year 1961 assessed in respect of the area comprising the Town of Harpswell Neck.

Sec. 9. Legislative representation for Town of Harpswell Neck. Until the next legislative apportionment of Representatives, the Town of Harpswell Neck shall remain in the same legislative district with which the Town of Harpswell is now classed.

Sec. 10. Local referendum provided for; procedure of election; form of question; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters within the territory embraced within the limits of said proposed Town of Harpswell Neck, voting by ballot at an election to be specially called and held for the purpose within 60 days of the effective date of this act. The board of selectmen of the Town of Harpswell shall call said election to be held at a place within said territory and upon a date to be specified in writing by them. Said board of selectmen shall make and provide a separate check list for such of the voters within said territory as are then legal voters therein; and the call for such election shall be varied accordingly to show that only such voters are entitled to vote therein. Such election shall otherwise be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen shall not be required to prepare nor the town clerk to post a new check list of voters, and for this purpose said board shall be in session the 2 secular days next preceding such election, the first day thereof to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said list and to complete and close up the records of said sessions.

The town clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Town of Harpswell Neck, as passed by the 100th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect

for all purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said special election.

The result of the vote shall be declared by the municipal officers of the Town of Harpswell and due certificate thereof shall be filed by the town clerk with the Secretary of State.