

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 376

H. P. 262

House of Representatives, January 12, 1961

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mrs. Hanson of Lebanon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to the Ogunquit Village Corporation.

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

Whereas, the private and special laws of Maine 1913, chapter 203, section 5, as amended by the private and special laws of Maine 1931, chapter 83, and as further amended by the private and special laws of Maine 1933, chapter 50, section 2, provides, among other things, that the Town of Wells shall pay over to the treasurer of the Ogunquit Village Corporation out of taxes collected from the inhabitants and estates within the territory of the Ogunquit Village Corporation a sum equal to 60% of all the town taxes, exclusive of the state and county tax, collected from said inhabitants and estates; and

Whereas, the public laws of Maine 1929, chapter 305, section 83 provided that excise taxes should be apportioned in the same manner as other property taxes and the Town of Wells had accordingly included excise and poll taxes in determining the 60% payable to Ogunquit Village Corporation: and

Whereas, the public laws of Maine 1959, chapter 308, entitled "An Act to Clarify the Excise Tax on Aircraft, House Trailers and Motor Vehicles" repealed section 83 of chapter 305 of the public laws of Maine 1929; and

Whereas, by reason of the enactment of chapter 308, the Town of Wells has refused and has failed to include and pay over to the Ogunquit Village Corporation its 60% share of excise taxes collected after the effective date of chapter 308 in the year 1959, as well as the year 1960 and to date in the year 1961,

and has set aside said funds pending authority from the Legislature to make such payment; and

Whereas, the Town of Wells believes that it would be in the best interests of both the Town of Wells and the Ogunquit Village Corporation that excise and poll taxes should be included in determining the 60% payable to the Ogunquit Village Corporation; 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:

P. & S. L., 1913, c. 203, § 5, repealed and replaced. Section 5 of chapter 203 of the private and special laws of 1913, as amended by chapter 83 of the private and special laws of 1931 and by section 2 of chapter 50 of the private and special laws of 1933, is repealed and the following enacted in place thereof:

'Sec. 5. Sixty per cent of town taxes, including excise and poll taxes, shall be paid to village corporation. The Town of Wells shall pay over to the treasurer of said corporation out of the aforesaid taxes collected from the inhabitants and the estates within the territory of the Ogunquit Village Corporation, a sum equal to 60% of all the town taxes, including excise and poll taxes, but exclusive of the state and county tax, collected from said inhabitants and estates. Said corporation shall not, however, receive its 60% or any per cent whatsoever on the portion of any money raised and appropriated by the town for common schools, collected within the territorial limits of the corporation, unless said portion of said town appropriation so collected within said corporation territory exceeds \$5,000, in which case said corporation shall receive its 60% of said excess of \$5,000 so collected within its territory. Said 60% shall be payable to said treasurer as follows, viz: One-quarter of said amount on or before May 15th of each year, $\frac{1}{4}$ of said amount on or before July 15th of each year and the balance on or before December 15th of each year. The amount of such 60% in any year shall be determined by computing said 60% upon the amount of money raised by taxation and appropriation upon the property within said Ogunquit Village Corporation the year previous.

The Town of Wells is authorized and directed to pay over to the Ogunquit Village Corporation, immediately upon the effective date of this act, all excise taxes collected and withheld for the years 1959 and 1960, and to pay over all excise taxes collected and withheld for the year 1961, in accordance with the provisions for installment payments hereinabove set forth.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.