

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1498**

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H. P. 1091

House of Representatives, March 12, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Littlefield of North Berwick.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT to Incorporate the Town of Ogunquit.**

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

**Sec. 1. Incorporation.** All that part of the territory of the Town of Wells, in the County of York, contained within the following boundaries, being that area now constituting the Ogunquit Village Corporation, to wit: Beginning at the low water mark of the Atlantic Ocean at the northerly boundary line of the Town of York and running northwesterly along said boundary line to the south branch of the Ogunquit River; thence by the Ogunquit River to the intersection of Stevens Brook with said Ogunquit River; thence on a course of south fifty-five degrees east to the Atlantic Ocean; thence southerly by said Atlantic Ocean to the York-Wells boundary line and the point of beginning, together with the inhabitants within said boundaries, is incorporated into a town to be known by the name of Ogunquit; and said Town of Ogunquit is vested with 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 Wells located northerly of the above described area, together with the inhabitants thereof, shall constitute and continue to constitute the Town of Wells.

**Sec. 2. Taxes assessed before this Act becomes effective.** The several inhabitants of the Town of Ogunquit shall be holden to pay all taxes which have been legally assessed upon them by the Town of Wells and the collectors of taxes for said Town of Wells 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 Wells 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. Town of Wells government and Ogunquit Village Corporation Government to continue until Ogunquit organized.** The respective governments of the Town of Wells and of the Ogunquit Village Corporation shall continue to have jurisdiction and continue all municipal functions and the bylaws and ordinances of the respective communities shall continue until the first meeting of the Town of Ogunquit is held pursuant to this Act, and officials of the Town of Ogunquit have been elected.

**Sec. 4. Apportionment of liabilities and obligations.** Any and all bonded indebtedness incurred for the construction of any capital improvement, except for schools, shall be paid for by the town in which said capital improvement is located. The Town of Ogunquit shall continue to pay its proportionate share of the bonded indebtedness of Town of Wells for School construction as that indebtedness existed on December 31, 1970.

All the poor now supported by the aid of the Town of Wells 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, beaches and other town properties within its respective limits.

Nothing contained in this Act shall be held to impair the obligation of any contracts entered into by the Town of Wells or to impair the rights of any existing creditors of the Town of Wells.

**Sec. 5. Apportionment of surplus funds and reserves.** Any 1971 year-end surplus of the Town of Wells shall be apportioned between the 2 towns on the basis of 1971 tax valuations, and the share or portion for the Town of Ogunquit shall be paid by the Town of Wells to the Town of Ogunquit. Any reserve funds of the Town of Wells appropriated for the proposed capital improvements in the Town of Ogunquit shall be paid to the Town of Ogunquit. If the municipal officials 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 York County for decision. Such questions shall be determined by the county commissioners after due notice and hearing. If the municipal officers of either town are dissatisfied with the decision of the county commissioners, they may appeal to the Superior Court of York County within 30 days from notice of said decision.

**Sec. 6. Division of physical property.** All property, both real and personal, owned by the Town of Wells and located in the Town of Ogunquit, including the Ogunquit Grammar School, at the time of the first meeting of the Town of Ogunquit, shall thereupon automatically become the property of the Town of Ogunquit 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 Wells on real estate located in Ogunquit shall remain the property of the Town of Wells. When said property is sold and said taxes are paid, it shall become subject to taxation thereafter by the Town of Ogunquit.

**Sec. 7. Bylaws and ordinances.** All the bylaws and ordinances which have been adopted by the Ogunquit Village Corporation shall become the bylaws and ordinances of the Town of Ogunquit and shall be effective without the necessity of the reenactment of the same.

**Sec. 8. Town records.** The books and papers and records of the Town of Wells shall be retained by said Town of Wells but the Town of Ogunquit shall have access to the same.

**Sec. 9. First meeting, how called.** Any justice of the peace in the County of York may issue his warrant to any resident of the Town of Ogunquit 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 Ogunquit Village Corporation may be used at said meeting and shall constitute initially the official voting list of the Town of Ogunquit.

Any other provision of law to the contrary notwithstanding, the municipal officers of the Town of Ogunquit 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 Wells for the year 1971 assessed in respect of the area comprising the Town of Ogunquit.

**Sec. 10. Legislative representation for Town of Ogunquit.** Until the next legislative apportionment of Representatives, the Town of Ogunquit shall remain in the same legislative district with which the Town of Wells is now classed.

**Sec. 11. 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 Ogunquit, 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 overseers of the Ogunquit Village Corporation shall call said election to be held at a place within said territory and upon a date to be specified in writing by them. The said board of overseers shall make and provide a checklist of the voters of the Ogunquit Village Corporation. Such election shall otherwise be called, advertised and conducted according to the law relating to municipal elections; provided the overseers of the Ogunquit Village Corporation shall not be required to prepare nor its clerk to post a new checklist of voters, and for this purpose said board of overseers 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 clerk of Ogunquit Village Corporation 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 Ogunquit, as passed by the 105th Legislature, be accepted?" 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 65% of the legal voters voting at said special election.

The result of the vote shall be declared by the overseers of the Ogunquit Village Corporation and due certificate thereof shall be filed by the village clerk with the Secretary of State.

**Sec. 11. Repealing clause.** Chapter 203, P. & S. Laws of 1913; Chapter 107, P. & S. Laws of 1923; Chapter 83 and Chapter 120 of P. & S. Laws of 1931; Chapter 50 of P. & S. Laws of 1933; Chapter 53 of P. & S. Laws of 1939; Chapter 60 of P. & S. Laws of 1941; Chapter 210 of P. & S. Laws of 1951 and Chapter 166 of P. & S. Laws of 1955 are hereby repealed.

#### STATEMENT OF FACT

The purpose of this bill is reflected in the title.