

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 104

S. P. 47

In Senate, January 10, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Hichens of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Repealing the York Beach Village Corporation and the York Harbor Village Corporation.

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

Sec. 1. P. & S. L., 1901, c. 455, repealed. Subject to the provisions of section 6 hereof, chapter 455 of the private and special laws of 1901, as amended, entitled "An Act to Incorporate the York Beach Village Corporation," is repealed.

Sec. 2. P. & S. L., 1901, c. 481, repealed. Subject to the provisions of section 6, chapter 481 of the private and special laws of 1901, as amended, entitled "An Act to Incorporate the York Harbor Village Corporation," is repealed.

Sec. 3. Rights, etc. of the York Beach Village Corporation and the York Harbor Village Corporation vested in the Town of York. Upon the acceptance of this Act as provided in section 6 hereof, all real and personal property, or any interests therein, then owned by the York Beach Village Corporation and the York Harbor Village Corporation, together with all accounts receivable, choses in action and all other rights and benefits that may be either then due and payable to, or would accrue to, or for the benefit of said York Beach Village Corporation and York Harbor Village Corporation but for this Act, shall be and become the property of the Town of York without the payment of any consideration; said town being hereby vested with all rights and powers of holding, disposing of or enforcing such rights so acquired.

Sec. 4. Contracts, etc. to be assumed by the Town of York. Upon the acceptance of this Act as provided in section 6 hereof, all valid contracts,

obligations and liabilities of said York Beach Village Corporation and York Harbor Village Corporation shall be assumed and performed by the Town of York.

Sec. 5. Existing ordinances to remain in force. Upon the acceptance of this Act as provided in section 6 hereof, all valid traffic, parking, zoning, building and surfing ordinances then in force in either Village Corporation shall become valid and enforceable ordinances within the Town of York until otherwise amended by the Town of York.

Sec. 6. Referendum; effective date; certificate to Secretary of State. This Act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of presenting its submission to the legal voters of the Town of York at a special meeting thereof held on or before January 1, 1974, providing that the warrant calling such meeting contains an appropriate article for that purpose. Said meeting shall be called and conducted according to the law governing annual and special meetings of said town, except voting on the article relating to this Act shall be accomplished by written ballot to be prepared for said meeting by the town clerk. Said town clerk shall prepare proper ballots upon which this action will be reduced to the following question:

“Shall ‘An Act Repealing the York Beach Village Corporation and the York Harbor Village Corporation’ passed by the 106th Legislature be accepted?” Qualified voters of said town shall record by a cross or check mark placed in the box next to the words “Yes” or “No” their opinion of the same.

This Act shall take effect for all purposes hereof on April 1, 1974, if accepted by the inhabitants of the Town of York by a majority of the legal voters present and voting at said meeting.

The result of the vote taken at the meeting above specified shall be declared in open meeting by the municipal officers of said Town of York and a certificate of the result of the voting shall be filed by the clerk of said town with the Secretary of State.

STATEMENT OF FACT

In 1901 the Legislature created the York Beach Village Corporation and the York Harbor Village Corporation. Both of these corporations are part of the Town of York. The Town of York is 63 square miles and has a resident population of 5,567. The York Beach Village Corporation is approximately 2 square miles and has a resident population of 630. The York Harbor Village Corporation is approximately 2 square miles and has a resident population of 700.

The real property of each village corporation is assessed and taxes collected by the Town of York. The York Beach Village Corporation has returned to it 45% of the taxes collected from the taxable property within its jurisdiction

for the purpose of fulfilling its corporate functions. The York Harbor Village Corporation has a similar formula. Both of these formulas have been set by the Legislature. The Town of York operates the public schools, maintenance program for the poor and aid to dependent children program. The Legislature's action in creating the two village corporations within the Town of York means that the town has three municipal offices, three boards of municipal officials, three police departments each with its own chief, three road departments, three planning boards, three different zoning ordinances, three appeal boards, etc. This duplication results in waste, inefficiency and a tremendous amount of confusion especially among the nonresident population. The voters of the Town of York have voted twice at the annual town meeting to abolish the two village corporations.

This bill would abolish the York Beach Village Corporation and the York Harbor Village Corporation if a majority of the qualified voters of the Town of York so vote at referendum to be held on or before January 1, 1974.