

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

S. CP
D OF R

STATE OF MAINE
SENATE
107TH LEGISLATURE

COMMITTEE AMENDMENT "A " to S.P. 468, L.D. 1563, Bill, "AN ACT Repealing the York Harbor Village Corporation."

Amend said Bill by inserting before the enacting clause the following:

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

Whereas, the York Harbor Village Corporation, under the provisions of its charter as set forth in the private and special laws of 1901, chapter 481, section 4, as repealed and replaced by the private and special laws of 1951, chapter 30, can no longer continue to preserve the high standards and qualities of the York Harbor Village Corporation because of the lack of funding to do so; and

Whereas, for this reason, the said York Harbor Village Corporation can no longer provide the necessary services for its citizens; 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, '

Further amend said Bill by striking out everything after the enacting clause and before the Statement of Fact and inserting in place thereof the following:

'Sec. 1. P&SL 1901, c. 481, as last amended by P&SL 1951, of this Act c. 30, is repealed. Subject to the provisions of section 7, chapter 481 of the private and special laws of 1901, as amended, entitled "An Act to Incorporate the York Harbor Village Corporation," is repealed.

D O E B

Sec. 2. Rights, etc. of the York Harbor Village Corporation vested in the Town of York. Upon the acceptance of this Act as provided in section 7 hereof, all real and personal property, or any interests therein, then owned by 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 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 of such rights so acquired. All litigation pending in any court involving the York Harbor Village Corporation shall not abate and shall be prosecuted or defended, as the case may be, by the Town of York and said Town of York shall, in all instances, be held to be the successor in interest to said York Harbor Village Corporation.

Sec. 3. Contracts, etc. to be assumed by the Town of York. Upon the acceptance of this Act as provided in section 7 hereof, all contracts, obligations and liabilities of said York Harbor Village Corporation, incurred prior to the acceptance of this Act, shall be assumed and performed by the Town of York. The term "liabilities" shall include the maintenance and snow plowing of all roads and ways customarily maintained and plowed by said Village Corporation as of the date of the acceptance of this legislation by the voters of the Town of York.

of F.

Sec. 4. Existing ordinances to remain in force. Upon the acceptance of this Act as provided in section 7 hereof, all valid ordinances then in force in the York Harbor Village Corporation, including the zoning bylaws, the building code and those relating to traffic and parking control, to the bathing beaches and to public health and safety, shall become valid and enforceable ordinances within the Town of York. All building permits, variances, special permits and other licenses issued or granted by the York Harbor Village Corporation prior to the acceptance of this legislation by the voters of the Town of York shall remain in full force and effect in accordance with their terms when issued or granted.

Sec. 5. Existing facilities to be maintained. Upon and after the acceptance of this Act as provided in section 7 hereof, the Town of York shall maintain all street lights and signs, fire hydrants, corporation-owned sewer system, traffic signals and signs, public beaches, public walks, including fisherman's walk, so called, and public parks as they exist at the time of such acceptance or as they may be from time to time improved.

Sec. 6. Authority; documents. The assessors of York Harbor are authorized and empowered to execute any and all such documents, including but not limited to, instruments of conveyance and assignments, as may be necessary to carry this Act into effect and their authority to so act shall extend until such date as their terms would have expired but for the passage and acceptance of this Act.

I OF R.

Sec. 7. Referendum; effective date; certificate to Secretary of State. In view of the emergency cited in the preamble, ^{when approved,} this Act shall take effect only for the purpose of permitting its submission to the legal voters of the Town of York at a special meeting thereof held on or before September 1, 1975, 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 action 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 Harbor Village Corporation,' as jointly agreed to by the municipal boards of York and York Harbor and as passed by the 107th 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 will take effect for all purposes hereof on October 1, 1975, 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 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

This amendment is a direct product and result of the joint efforts of the governing bodies of York Harbor and the Town of York.

D OF :

Historically, a number of bills have been presented to the Maine Legislature to attempt to resolve the long-standing problems between York and York Harbor and this legislation recognizes that there are equities on both sides of the issue and attempts to resolve the differences.

Under the provisions of this Act, the Town of York will assume all rights of York Harbor Village Corporation and will undertake its liabilities and responsibilities. Existing ordinances of York Harbor and facilities owned and maintained by York Harbor will be continued and the legislation attempts to spell out in some detail exactly what will occur.

This legislation is tangible evidence of the many discussions and negotiations between York and York Harbor and its substance has been agreed to by the governing boards of both York and York Harbor as the only vehicle to solve existing problems.

Reported by the Committee on Local and County Government.
Reproduced and distributed pursuant to Senate Rule 11-A.
May 9, 1975. (Filing No. S-138).