

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1563

S. P. 468

In Senate, April 7, 1975

Referred to Committee on Local and County Government. 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-FIVE

AN ACT Repealing the York Harbor Village Corporation.

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

Sec. 1. P&SL 1901, c. 481, as last amended by P&SL 1951, c. 30, is repealed. Subject to the provisions of section 5, 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private and special laws of 1901, as amended, entitled "An Act to Incorporate the York Harbor Village Corporation," is repealed.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. 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 5 hereof, all real and personal property, or any interest therein, then owned by the York Harbor Village Corporation, together with all accounts receivable, choses of 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.

Sec. 3. Contracts, etc. to be assumed by the Town of York.

Upon the acceptance of this Act as provided in section 5 hereof, all valid contracts, obligations and liabilities of said York Harbor Village Corporation, incurred prior to February 1, 1975, shall be assumed and performed by the Town of York. In regard to contracts, obligations and liabilities of the York Harbor Village Corporation, the Town of York shall not assume or be liable for any debts incurred on or after February 1, 1975. If the York Harbor Village Corporation is abolished pursuant to section 5 hereof and if it incurs

debt on or after February 1, 1975 and prior to April 1, 1976 which remains outstanding on April 1, 1976, the York Harbor Village Corporation shall remain in existence for the sole purpose of assessing and collecting revenues from the estates within its boundaries to pay said debt.

Sec. 4. Existing ordinances to remain in force. Upon the acceptance of this Act as provided in section 5 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 until otherwise amended by the Town of York.

Sec. 5. Referendum; effective date; certificate to Secretary of State. This action 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, 1976, 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’ 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 shall take effect for all purposes hereof on April 1, 1976, if accepted by the inhabitants of the Town of York by a $\frac{2}{3}$ 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

In 1901, the Legislature created the York Harbor Village Corporation. This Corporation is part of the Town of York. The Town of York is 63 square miles and has a resident population of 5,567 (1970 census) and 8,000 in 1974. The York Harbor Village Corporation is approximately 2 square miles and has a resident population of 700.

The real property of the village corporation is assessed and taxes collected by the Town of York. The York Harbor Village Corporation has returned to it a portion of the taxes collected from the taxable property within its juris-

diction for the purpose of fulfilling its corporate functions. The formula having been set by the Legislature. In 1974, the real and personal property located within the boundaries of the York Harbor Village Corporation accounted for 17.7% of the valuation within the Town of York. The Town of York operates the public schools, general welfare program, health department, public library, tax assessment and collection department, fire protection, recreation, conservation, and refuse disposal departments. The Voters of York Harbor Village Corporation are also voters of the Town of York and are eligible to vote for appropriations to support the above services which are available to the corporation.

The York Harbor Village Corporation is authorized under the terms of their charter to levy an assessment on the real estate within the corporation to provide supplementary funds if needed. Their officers have not invoked this provision.

The York Harbor Village Corporation officers solicited voluntary contributions from their residents and nonresidents to meet their corporation expenses for 1974 and 1975.

This bill would abolish the York Harbor Village Corporation if a majority of the qualified voters of the Town of York so voted at a referendum to be held on or before January 1, 1976.