

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 613

H. P. 494

House of Representatives, February 23, 1977

On motion of Mr. Henderson of Bangor, referred to Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Moody of Richmond.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Repealing the Bay Point 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 Bay Point Village Corporation under the provisions of its charter as set forth in the Private and Special Laws of 1925, chapter 11, and as amended by the Private and Special Laws of 1927, chapter 16; 1951, chapter 222 and 1973, chapter 85, can no longer continue to preserve the standards and qualities of the Bay Point Village Corporation because of the lack of funding to do so; and

Whereas, for this reason, the said Bay Point Village Corporation can no longer provide the necessary services to 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,

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

Sec. 1. P & SL 1925, c. 11, repealed. Subject to the provisions of section 7 of this Act, Chapter 11 of the Private and Special Laws of 1925, as amended by the Private and Special Laws of 1927, chapter 16; 1951, chapter 222 and 1973, chapter 85, is repealed.

Sec. 2. Rights, etc. of the Bay Point Village Corporation vested in the Town of Georgetown. Upon the acceptance of this Act as provided in section

7 hereof, all real and personal property, or any interests therein, owned by the Bay Point 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 Bay Point Village Corporation but for this Act, shall be and become the property of the Town of Georgetown without the payment of any consideration; said town being hereby vested with all rights and power of holding, disposing of or enforcing all of such rights so acquired. Any litigation pending in any court involving the Bay Point Village Corporation shall not abate and shall be prosecuted or defended, as the case may be, by the Town of Georgetown and said Town of Georgetown shall, in all instances, be held to be the successor in interest to said Bay Point Village Corporation.

Sec. 3. Contracts, etc. to be assumed by the Town of Georgetown. Upon the acceptance of this Act as provided in section 7 hereof, all contracts, obligations and liabilities of said Bay Point Village Corporation, incurred prior to the acceptance of this Act, shall be assumed and performed by the Town of Georgetown. 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 Act by the voters of the Town of Georgetown.

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 Bay Point Village Corporation, including any zoning bylaws, any 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 Georgetown. All building permits, variances, special permits and other licenses issued or granted by the Bay Point Village Corporation, prior to the acceptance of this Act by the voters of the Town of Georgetown, 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 Georgetown shall maintain all street lights and signs, traffic signals, public walks as they existed at the time of such acceptance or as they may be from time to time improved.

Sec. 6. Authority; documents. The assessors of Bay Point Village Corporation are authorized and empowered to execute any and all 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.

Sec. 7. Referendum; effective date; certificate to Secretary of State. In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Georgetown at a regular or special meeting thereof held on or before December 1, 1977, provided 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 the subject matter of this Act shall be reduced to the following question :

“Shall ‘An Act Repealing the Bay Point Village Corporation,’ as jointly agreed by the municipal boards of the Town of Georgetown and the Bay Point Village Corporation and as passed by the First Regular Session of the 108th Legislature, be accepted?” The 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 January 1, 1978, if accepted by the inhabitants of the Town of Georgetown by a majority of the legal voters present and voting at said meeting.

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

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.