

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1669

H. P. 1445

House of Representatives, April 21, 1977

Reported by Mr. Gray from Committee on Local and County Government
and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Repealing the Lucerne-in-Maine Village Corporation.

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

Sec. 1. P & SL 1927, c. 43, repealed. Subject to the provisions of this Act, chapter 43 of the private and special laws of 1927, as amended by the private and special laws of 1969, c. 200, is repealed.

Sec. 2. Winding up of corporate affairs. Upon acceptance of this Act in accordance with section 7, Lucerne-in-Maine Village Corporation shall remain in existence as a legal entity only for the purpose of carrying out its orderly dissolution. It shall be the duty of the overseers to carry out all procedures leading toward the orderly dissolution of the corporation within a reasonable period of time, and the overseers shall retain all powers appropriate to that purpose.

Sec. 3. Discharge of liabilities. Upon acceptance of this Act as provided in section 9, the overseers shall perform or enforce all valid contracts, meet existing obligations and pay all debts of the Lucerne-in-Maine Village Corporation with a view to closing down corporate affairs. The overseers may negotiate with the selectmen of the Town of Dedham to have the town assume certain liabilities upon conditions as may be mutually agreed upon, subject always to ratification by the voters of the Town of Dedham at a special town meeting called for that purpose.

Sec. 4. Conveyance of interests in real estate. Following the discharge of liabilities or their assumption by the Town of Dedham in accordance with section 3, the overseers shall transfer to the Town of Dedham by appropriate deeds, assignments or other instruments: All real property and any interests in real property, legal or equitable, whether acquired by liens for unpaid real estate taxes or otherwise; and all interests of Lucerne-in-Maine Village Cor-

poration in Lucerne Land Company and Lucerne-in-Maine Improvement Corporation.

Sec. 5. Cancellation and assignment of certain indebtedness. All indebtedness owing between the Lucerne-in-Maine Village Corporation and the Town of Dedham, with the exception of amounts owing by reason of apportionment of taxes, shall be cancelled. No apportionment of taxes between the Town of Dedham and Lucerne-in-Maine Village Corporation shall be made for any municipal tax year beginning April 1, 1978, or thereafter. All sums owing to Lucerne-in-Maine Village Corporation as unpaid real estate and personal property taxes and interest and costs on such taxes, shall be assigned by the overseers to the Town of Dedham.

Sec. 6. Distribution of remaining property. After the discharge of liabilities under section 3, all remaining personal property, whether tangible or intangible and including remaining accounts receivable and choses in action, shall be liquidated and converted to cash within a reasonable time. The cash shall be paid over to those persons who are real estate taxpayers of Lucerne-in-Maine Village Corporation on April 1, 1978, in proportion to the "value" of each parcel of real estate owned by such taxpayers on that date which is located within the boundaries of the village corporation. For the purposes of this Act, the "value" of each such parcel of real estate shall be the average assessed value as determined by the assessors in accordance with the Revised Statutes, Title 36, section 708, for the years 1973 through 1977.

Sec. 7. Final dissolution. When all liabilities of the corporation have been discharged or assumed by the Town of Dedham in accordance with section 3, and all transfers and adjustments of property and indebtedness are completed in accordance with sections 4, 5 and 6, the overseers shall file a certificate with the selectmen of the Town of Dedham and the Secretary of State stating that the dissolution process is complete. Following the filings of such certificates, the existence of Lucerne-in-Maine Village Corporation shall cease.

Sec. 8. Existing ordinances to remain in force. Upon the acceptance of this Act as provided in section 9, hereof, all valid ordinances then in force in Lucerne-in-Maine Village Corporation shall become valid and enforceable ordinances within the Town of Dedham, unless otherwise amended by the Town of Dedham.

Sec. 9. Referendum, effective date; certificate to Secretary of State. This Act shall be submitted to the legal voters of the Lucerne-in-Maine Village Corporation at a regular or special meeting thereof, held between July 1, 1977, and September 30, 1977, provided that the warrant calling the meeting contains an appropriate article for that purpose. The meeting shall be called and conducted according to the law governing meetings of the Lucerne-in-Maine Village Corporation; except voting on the article relating to this Act shall be accomplished by written ballot to be prepared for the meeting by the clerk and voting by proxy shall not be allowed on this article, but voting by absentee ballot as provided in the Revised Statutes, Title 21, chapter 29, shall be allowed.

The overseers shall prepare proper ballots upon which this action will be reduced to the following question: "Shall 'An Act Repealing the Lucerne-in-Maine Village Corporation,' passed by the First Regular Session of the 108th Legislature, be accepted?"

The qualified voters of the village corporation shall record by a cross or check mark placed in the box next to the words "Yes" or "No" their opinion of the same. The result of the vote taken at the meeting shall be declared in open meeting by the overseers of the village corporation, and a certificate of the result of the meeting shall be filed by the clerk with the municipal officers of the Town of Dedham and the Secretary of State.

If this Act is accepted by a majority of the legal voters present and voting at the meeting, and the total number of votes cast for and against this Act at the meeting equaled or exceeded 20% of the total number of votes cast in the village corporation at the last regular corporation election of overseers, then the issue shall be submitted to the voters of the Town of Dedham.

This Act shall be submitted to the legal voters of the Town of Dedham at a regular or special meeting thereof, held not less than 15 days nor more than 90 days after the village corporation meeting, provided that the warrant calling such meeting contains an appropriate article for that purpose. The meeting shall be called and conducted according to the law governing annual and special meetings of the town; except voting on the article relating to this Act shall be accomplished by written ballot to be prepared for that meeting by the town clerk. The 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 Lucerne-in-Maine Village Corporation,' as passed by the First Regular Session of the 108th Legislature, be accepted?"

The qualified voters of that 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, when accepted by the inhabitants of the Town of Dedham by a majority of the legal voters present and voting at the meeting; provided that the total number of votes cast for and against the acceptance of this Act at the meeting equaled or exceeded 20% of the total number of votes cast in the town at the last gubernatorial election.

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

STATEMENT OF FACT

The purpose of the new draft is to clarify the Act repealing the Lucerne-in-Maine Village Corporation.