

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 782

H. P. 631

House of Representatives, February 26, 1979

Referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Wentworth of Wells.

Cosponsors: Mr. Lancaster of Kittery, Mr. LaPlante of Sabattus.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Abolish the Ogunquit Village Corporation.

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

Sec. 1. P&SL 1913, c. 203, as amended, is repealed.

Sec. 2. Rights of the Ogunquit Village Corporation vested in the Town of Wells. Upon ratification date of this Act, all real and personal property, or any interest therein, then owned by the Ogunquit Village Corporation, together with all accounts receivable, choses in action, all other rights and benefits that may be either then due and payable to, or would accrue to or for the benefit of the Ogunquit Village Corporation but for this Act, shall be and become the property of the Town of Wells; the town being hereby vested with all rights and powers of holding, disposing of or enforcing the rights so acquired, and subject to any restriction which may exist.

Sec. 3. Contracts to be assumed by the Town of Wells. Upon the ratification of this Act, all valid contracts, obligations and liabilities of the Ogunquit Village Corporation incurred on or before January 1, 1979, shall be assumed and executed by the Town of Wells.

Sec. 4. Local approval provided for; procedure of election; form of question; certificate to Secretary of State. This Act shall be submitted to the legal voters

within the territory of the Town of Wells including the legal voters within the Village of Ogunquit, voting by ballot at an election to be specially called and held for the purpose no sooner than 90 nor more than 150 days after its passage by the Legislature. The municipal officers of the Town of Wells shall call the election to be held at a place within the territory and upon a date to be specified in writing by them. Such election shall be called, advertised and conducted according to the law relating to municipal elections. The clerk of the Town of Wells shall prepare the required ballots on which he shall reduce the subject matter of this Act to the following question:

“Shall the Ogunquit Village Corporation be abolished?”

The voters shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. This Act shall take effect for all purposes effective immediately upon its acceptance by a majority of the legal voters voting at the special election.

The result of the vote shall be declared by the municipal officers of the Town of Wells and due certificate thereof shall be filed by the clerk with the Secretary of State.

Sec. 5. Transitional provision. All ordinances of the Village of Ogunquit, including zoning ordinances and any other police power ordinances, shall remain in effect and shall become ordinances of the Town of Wells and shall remain as the ordinances enforceable by the Town of Wells until duly amended or repealed by the inhabitants of the Town of Wells.

STATEMENT OF FACT

Since 1643, the 4 square miles of land located in the Town of Wells commonly know as the Village of Ogunquit has been part of the Town of Wells. In 1913, the Legislature created the Ogunquit Village Corporation and authorized it to perform some of the local government functions within this territory. The authorized functions include land use controls, fire protection and police protection. The Town of Wells has the power of taxation and among other functions is responsible for providing education to the children residing within the village corporation. A formula enacted by the Legislature provides for the sharing of “common costs” and provides that Wells return to Ogunquit a certain sum for Ogunquit’s use annually.

This arrangement worked satisfactorily for many years. During the last 10 years, unfortunately the problems of administration have increased and unnecessary, time-consuming and expensive disputes have arisen. It has now reached the point that Ogunquit is attempting to secede and form a new town. Because approximately 30% of the town’s valuation is located in Ogunquit, if Ogunquit is allowed to secede, it will cost Wells approximately \$250,000 on the 1979-80 budget or 2 mills on the tax rate, and more in future years, all this to the benefit of Ogunquit.

At one point there were 70 village corporations in Maine. There are now 11. This bill will abolish the Ogunquit Village Corporation, subject to approval by the inhabitants of Wells, including residents of Ogunquit.