

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)

E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 763

S. P. 393

In Senate, February 14, 1939.

Referred to Committee on Legal Affairs. Sent down for concurrence and 1000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Burns of Aroostook.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

**AN ACT to Provide for the Repeal of the Charter of the Fort Kent
Village Corporation.**

Emergency preamble. Whereas, within the geographical limits of the town of Fort Kent, there exists two separate forms of government consisting of the town of Fort Kent and the Fort Kent Village Corporation, and

Whereas, the inhabitants of said Fort Kent Village Corporation are assessed taxes by both the town of Fort Kent and the Fort Kent Village Corporation and are obliged to maintain 2 separate forms of municipal government together with their necessary functions including the salaries of 2 distinct boards of municipal officers; and to provide for the expense of the same, they are obliged to submit to a form of double taxation without benefit therefrom, and

Whereas, the Fort Kent Village Corporation has large sums of money due it for delinquent taxes, and whereas the non-collection of these taxes has prevented the Fort Kent Village Corporation from meeting its financial obligations, and

Whereas, there are persons resident within the Fort Kent Village Corporation who are destitute and in need of immediate relief, including medicines and medical aid and attention, and

Whereas, the Fort Kent Village Corporation is, by reason of lack of available funds, unable to relieve said destitute persons, and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of the state 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. Act repealed. The act incorporating the Fort Kent Village Corporation in Aroostook County as heretofore enacted is hereby repealed; provided, however, that the corporate existence, powers, duties, and liabilities of said Fort Kent Village Corporation and the inhabitants thereof shall survive for the purpose of prosecuting and defending suits and causes of suits to which said village corporation and the inhabitants thereof are, or may be, a party and all needful process growing out of the same, including provisions for the payment of all or any judgments which may be or have been rendered against such village corporation or the inhabitants thereof or outstanding debts which exist in favor of any creditor. Suits may be commenced and maintained by or against the Fort Kent Village Corporation or the inhabitants thereof and judgments recovered as hereafter provided and executions issued shall be entitled to the same issue of process in favor of or against said village corporation or the inhabitants thereof notwithstanding the repeal of the charter of the Fort Kent Village Corporation made operative as hereinafter provided.

Provided this act is approved by said Fort Kent Village Corporation as hereafter provided, the inhabitants of the Fort Kent Village Corporation shall remain inhabitants of the town of Fort Kent and the right to assess all real property and personal property and polls heretofore assessed in the name of the Fort Kent Village Corporation shall be assessed by the town of Fort Kent and the town of Fort Kent by reason thereof becomes vested with such powers, corporate or otherwise, now held by the Fort Kent Village Corporation, except as provided in the following section. Nothing hereby provided shall include the assumption of existing liabilities or the settlement of such liabilities of the Fort Kent Village Corporation by the town of Fort Kent. The fire house, fire truck, hose and fire-fighting equipment now owned by the Fort Kent Village Corporation shall become the property of the town of Fort Kent when this act becomes operative.

Sec. 2. Powers; duties. The powers, duties, and obligations relating to the affairs of the Fort Kent Village Corporation not hereby vested in the

town of Fort Kent shall be vested in the state tax assessor when this act becomes operative by the affirmative vote of the legal and qualified voters of the Fort Kent Village Corporation. Said state tax assessor shall also have the power and authority to assess taxes at any time after the act repealing the Fort Kent Village charter becomes operative, for whatever purposes may appear to said state tax assessor as necessary in pursuance of his duties as set forth under this act. Said tax assessor shall have the same power and authority which tax collectors now have to enforce the collection of such taxes in any manner now provided by law. All moneys received by virtue of said assessment and collection as aforesaid shall be applied to the payment of necessary expenses of the said tax assessor in making such assessment and collection, and the payment of any outstanding obligations of said Fort Kent Village Corporation and for the completion of any public works of said Fort Kent Village Corporation already begun. Said tax assessor for the purpose of carrying out the provisions of this act is hereby authorized and directed to appoint from among the resident inhabitants of the Fort Kent Village Corporation an administrative assistant who shall possess the necessary qualifications for the duties thereby entrusted to him and who shall receive reasonable compensation for his duties, said compensation to be fixed and paid by said state tax assessor, which expense shall be included in the foregoing necessary expenses for assessment and collection.

Sec. 3. Effective date of act. This act shall take effect upon its approval by the governor for the purpose of permitting its acceptance or rejection by said Fort Kent Village Corporation at an annual village corporation meeting or a special village corporation meeting called for that purpose by an appropriate article inserted in the call for said meeting. If a majority of the qualified voters of the said Fort Kent Village Corporation, present and voting, vote in favor of the acceptance of this act, it shall become operative the following day. Notice of said ratification by the Fort Kent Village Corporation shall be filed in the office of the secretary of state by a certificate to that effect signed by the clerk of said Fort Kent Village Corporation.

Sec. 4. Saving clause. The provisions of chapter 73 of the laws of 1937 are excluded from the operation of this act when adopted and ratified as aforesaid but nothing herein contained is intended to repeal or shall be construed as repealing, the whole or any part of any existing statute except the act incorporating the Fort Kent Village Corporation and any acts or amendments thereto.

Sec. 5. Constitutionality. If any term or provision of this act shall be

declared unconstitutional or invalid in whole or in part by a court of competent jurisdiction, then to the extent that it is not unconstitutional or invalid such term or provision shall be enforced and effectuated, and such determination shall not be deemed to invalidate the remaining terms or provisions hereof.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.