

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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Kennebec Journal
Augusta, Maine
1979

**PRIVATE AND
SPECIAL LAWS**
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Sec. 9. Acceptance of funds. The commission is authorized to accept funds from any agency of the United States, from any private foundation and from any other public or private source for the purposes of carrying out this Act.

Sec. 10. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of the Act:

1979-80

GROUND WATER PROTECTION
COMMISSION

All Other \$5,000

Effective September 14, 1979

CHAPTER 44

H. P. 199 — L. D. 248

AN ACT Providing Additional Funds to Acquire Land for a Passenger Terminal, Transfer Bridge and a Parking Area for the Casco Bay Ferry Service in Portland and to Provide Funds for their Construction.

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

Funds not to lapse in certain transportation project. Funds allotted from the appropriation in PL 1977, c. 380, for the purpose of carrying out the provisions of P&SL 1977, c. 79, shall not lapse but shall be a continuing carrying account until the purpose for which the funds were allotted has been accomplished.

Effective September 14, 1979

CHAPTER 45

H. P. 753 — L. D. 959

AN ACT to Separate Ogunquit Village Corporation from the Town of Wells.

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

Sec. 1. Separation. All that section of the Town of Wells in the County of York now chartered and known as Ogunquit Village Corporation described as follows: Commencing at the southeasterly point of the boundary line between the Village of Ogunquit in the Town of Wells and the Town of York, at the Atlantic Ocean and extending northwesterly along the boundary line to the south branch of the Ogunquit River; thence by the Ogunquit River to the intersection of Stevens Brook with the Ogunquit River, thence south 55 degrees east course to the Atlantic Ocean, thence by the Atlantic Ocean to the boundary line between the Village of Ogunquit in the Town of Wells and the Town of York and point of beginning, together with the inhabitants thereof is hereby separated and set off from the Town of Wells and incorporated into a separate town by the name of Ogunquit; and the Town of Ogunquit is hereby invested with all the powers and privileges and subject to all the duties and obligations incident to the other towns functioning under the general laws of the State. The adoption of this Act shall have no effect on any boundary dispute between Wells and Ogunquit.

Sec. 2. Taxes. The inhabitants of the Town of Ogunquit shall be bound to pay all taxes which have been legally assessed upon them by the Town of Wells, and the collector of taxes for the Town of Wells is hereby authorized and required to collect and pay over all taxes to him already committed according to his warrants. All moneys now in the treasury of the Town of Wells, excluding those moneys raised for Wells' noncommon costs, and gifts or grants, and all sums which shall hereafter be received from taxes heretofore assessed, shall be applied to the several purposes for which they were raised, excluding those sums raised for Wells' noncommon costs, and gifts or grants, and in the case of any excess, the excess shall be apportioned to the Towns of Wells and Ogunquit in proportion to the valuation of the property and polls as made April 1, 1978, and the treasurer of the Town of Wells shall pay over to the treasurer of the Town of Ogunquit such sums as may be found due the Town of Ogunquit. The county commissioners of York county shall make the apportionment.

Sec. 3. Division of property. All the property, real and personal, of the Town of Wells and of Ogunquit Village Corporation, excluding educational properties and property on which the Town of Wells has a tax lien or has taken property for the nonpayment of taxes, shall be the property of the town in which it is now located.

Sec. 4. First town meeting. After the effective date of this Act and after approval of the same by the voters of Ogunquit Village Corporation, any justice of the peace or notary public in the County of York may issue his warrant to any legal voter in the Town of Ogunquit, directing him to notify the inhabitants thereof to meet at a time and place specified in the warrant, giving at least 7 days' notice thereof, for the choice to town officers, and to transact such business as towns are authorized to do.

Sec. 5. Referendum vote. This Act shall take effect 90 days after the adjournment of the Legislature, for the purpose of permitting its submission to the legal voters of Ogunquit Village Corporation at a special corporation election

to be held prior to November 1, 1979 and warrants shall be issued for the election in the manner now provided by the charter for the holding of these elections, notifying and warning the qualified voters of the corporation to vote on the approval or rejection of this Act.

The corporation clerk of Ogunquit Village Corporation 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 separated from the Town of Wells as an incorporated town and shall the Town of Ogunquit join a community school district with the Town of Wells for grades kindergarten to 12 to be known as “Wells-Ogunquit Community School District” to share 100% of the costs based upon each town’s state valuation?”

The voters shall indicate by a cross or checkmark placed against the words “Yes” or “No” their opinion of the same.

This Act shall take effect for Ogunquit Village Corporation upon its acceptance by a majority of the legal voters of the corporation voting at the election. If the corporation approves this Act, the Act shall become effective July 1, 1980.

The results of the vote of the corporation shall be declared by the overseers of the corporation and due certification thereof shall be filed by the clerk of the corporation with the Secretary of State.

Sec. 6. Education. Subsequent to approval of section 5, a referendum vote shall be called in the manner now provided by statute for legal voters of the Town of Wells excluding those resident of the Ogunquit Village Corporation to be held at the time and place as the state general election of November 6, 1979, to vote on the following question:

“Shall the town of Wells join a community school district with the Town of Ogunquit for grades kindergarten to 12 to be known as “Wells-Ogunquit Community School District” to share 100% of the costs based upon each town’s state valuation?”

The following is to be included on the referendum ballot:

“If a majority vote of the Town of Wells is negative on the above question there shall be established a separate school unit for the Town of Wells and a separate school unit for the Town of Ogunquit with educational facilities to be the property of the town in which the facilities are geographically located.”

The voters shall indicate by a cross or checkmark placed against the words “Yes” or “No” their opinion of the same.

Pursuant to the joining by the Town of Wells to the community school district, the following section shall apply as part of this Act:

If a declared vote is affirmative in regard to the question, there is hereby created a community school district for grades kindergarten to 12 under the Revised Statutes, Title 20, notwithstanding the formation and organizational requirements of the statute. The community school district, consisting of the Town of Ogunquit and the Town of Wells, shall be deemed to have been formed, organized and in existence on the effective date of this Act as provided in section 5 of this Act. The duties of the trustees of the community school district school committee in the organization and management of the affairs of the district in accordance with the Revised Statutes, Title 20, shall be carried out by a school committee consisting of 6 members, 3 from each town, to be appointed and elected as are trustees under the statute.

The method of voting by members of the school committee shall be in accordance with Method B: Weighted Votes of the Revised Statutes, Title 20, section 301.

Existing debt service in the form of bonded indebtedness granted by the Town of Wells arising from the construction of the existing high school situated within the Town of Wells, and educational liabilities of record as of June 1, 1979, shall be assumed by the community school district created in this Act.

Operational, maintenance and capital costs apportionment between the Town of Wells and Town of Ogunquit: The total expenses of the Wells-Ogunquit Community School District, including operational, maintenance, debt retirement, interest costs, etc., shall be apportioned between the participating towns of Ogunquit and Wells according to the following formula:

One hundred percent of the total will be assessed between the towns in the same proportion as the state valuation of each town for the year preceding that year to which the budget applies bears to the total for both towns.

A withdrawal from the community school district must be authorized by special Act of the Legislature upon such terms as shall be contained in such special Act.

Until June 30, 1996, the community school district created in this Act shall not receive any state educational subsidy greater in amount than that which the Town of Wells would have received separately.

Sec. 7. Reimbursement to State. If a declared vote is negative in regard to the question, the following applies:

In the event of an increase in the subsidy payments by the State to the Town of Wells under the Revised Statutes, Title 20, excluding any increase in the subsidy payments brought about by major capital costs, as a result of the separation of Ogunquit Village Corporation and the Town of Wells, then the Town of Ogunquit

shall reimburse the state's General Fund in an amount representing the difference between the state subsidy actually paid to the Town of Wells as a separate administrative unit and the state subsidy which would have been paid to the combined administrative units of Wells and Ogunquit. The liability of the Town of Ogunquit of this section, with consideration given to the exclusions of this paragraph, shall terminate June 30, 1996.

The amounts so reimbursed by the Town of Ogunquit shall be dedicated to the General Purpose Aid Appropriation for the use of the Department of Educational and Cultural Services.

The obligation of the Town of Ogunquit, created by this section, shall automatically terminate in the event that the Legislature should require the Town of Ogunquit to raise and appropriate funds in excess of those needed to meet its own educational obligation.

Sec. 8. P&SL 1913, c. 203, as last amended by P&SL 1975, c. 59, §§ 1 and 2, is repealed.

Effective September 14, 1979

CHAPTER 46

H. P. 335 — L. D. 434

AN ACT Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine law requires municipal clerks to perform certain vital duties on behalf of the State; and

Whereas, prior to January 1, 1978 a substantial part of clerks compensation was derived from fees received for filing financing statements under the Uniform Commercial Code, Article 9; and

Whereas, changes in the law effective January 1, 1978 have significantly reduced these revenues; and

Whereas, the 108th Legislature provided reimbursement for these lost revenues only during the 1978 calendar year; and

Whereas, the 108th Legislature directed a study of the duties performed by municipal clerks and municipalities on behalf of the State for the purpose of devising a reasonable and appropriate method of compensation for the duties required of them; and