

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 742

H.P. 548

House of Representatives, February 14, 2003

### **An Act To Establish a System of Self-governance for Unorganized Areas**

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Reference to the Committee on State and Local Government suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative JOY of Crystal.  
Cosponsored by Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft.

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

Sec. 1. 30-A MRSA c. 307 is enacted to read:

CHAPTER 307

SELF-GOVERNANCE FOR UNORGANIZED AREAS

§7601. Self-governance for unorganized areas

The citizens of the unorganized towns, plantations or deorganized municipalities within a county have the right to establish a single town within that county for the purpose of self-governance. In order to establish a town for unorganized towns, plantations or deorganized municipalities within a county, the conditions under this section must be met.

1. Petition submitted. A petition requesting a public referendum vote to establish a town under this chapter must be submitted to the commissioners of the county in which the petitioners reside. The petition must be signed by at least 10% of the number of registered voters in the unorganized areas of the county who voted in the last gubernatorial election and who are residents of the unorganized areas. The county commissioners shall certify the petition signatures within 45 days of the submission of the petition. Having certified that a minimum number of eligible voters have signed the petition, the commissioners shall within 15 days call a public hearing for the purposes of discussing the establishment of a town for the residents of unorganized areas within that county.

2. Public vote. Within 45 days of the public hearing on the proposal to establish a town for the unorganized areas within a county under subsection 1, the county commissioners shall hold a public referendum vote within the unorganized areas of that county on the following question:

"Do you favor creating a single town within the County of (name of county) for the purposes of providing self-governance to residents who live within the unorganized areas of the County of (name of county) ?"

3. Certification and declaration. Within 15 days of the completion of the public referendum vote under subsection 2, the county commissioners shall certify the results. In the event that residents vote in favor of the question, the county commissioners shall so declare in writing to the Secretary of State and forward an original copy of the referendum certification to the Office of the Secretary of State.

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3 **§7602. Municipal authority and organization**

4 A town established under this chapter may organize and  
5 conduct its affairs in the same manner as other towns organized  
6 and operating under general law. The powers and duties of the  
7 town are identical to those of other towns under general law.  
8 Upon incorporation, registered voters of the town shall vote to  
9 name the town, to elect municipal officers and to establish a  
10 seat of government for the town.

11 **§7603. Municipal services**

12 The county commissioners of a town established under this  
13 chapter shall develop a plan to phase out the provision of  
14 municipal services to the residents of the previously unorganized  
15 areas as authorized under section 7501, except that a town may  
16 choose to contract with the county commissioners of the county in  
17 which the town is located to continue to provide municipal  
18 services to some or all of the previously unorganized areas that  
19 constitute the town. The contracting authority must be granted  
20 by the registered voters of the town to the municipal officers at  
21 annual meetings.

22 **§7604. Taxation and revenue**

23 The municipal officers of a town established under this  
24 chapter have the authority to raise and collect all taxes  
25 necessary for the operation of the town and its schools.  
26 Municipal officials have the authority to allocate and expend all  
27 municipal tax revenue raised and collected in the town for the  
28 operation of the town's government and schools.

29 **§7605. Disposition of unorganized territory funds, contingency**  
30 **and reserve accounts**

31 The county commissioners of the county in which a town  
32 established under this chapter is located shall transfer to the  
33 town, once the town is incorporated, the balance of funds in the  
34 county's unorganized territory fund established under section  
35 7502. Upon transfer of the funds into the town's general  
36 operating account, the town may expend the funds for any services  
37 authorized by the town in any area of the town. The transferred  
38 funds may also be used to reduce the amount to be collected in  
39 taxes in the same town during any budget year.

40 The county commissioners of the county in which a town  
41 established under this chapter is located shall transfer to the  
42 town, once the town is incorporated, the balance of any  
43 contingent account or capital reserve account established by the  
44 county under section 7502. The funds must be transferred into  
45

2 contingent or capital reserve accounts established by the town.  
3 The town may expend the funds in the same manner provided in  
4 section 7502, subsections 5 and 6.

6 **§7606. Education**

8 Consistent with Title 20-A, each town established under this  
9 chapter has the authority to determine educational policy for the  
10 previously unorganized areas constituting the town, including  
11 operation of its own school or schools or contracting for school  
12 services with other school administrative units, the county or  
13 the State. The town may establish an elected school committee  
14 composed of representatives from each of the previously  
15 unorganized areas in the town to set out educational policy and  
16 to propose and oversee the town's school budget.

18 **§7607. Planning and land use**

20 A town organized under this chapter must establish its own  
21 growth management program consistent with chapter 187. After a  
22 town has been established for 3 years, the town's growth  
23 management program will take effect and its land use regulation  
24 will no longer be under the jurisdiction of the Maine Land Use  
25 Regulation Commission.

26 **§7608. Sovereignty of Native Americans**

28 This chapter does not affect the sovereign rights of Native  
29 Americans over land that they own in a formerly unorganized area  
30 that is established as a single town in a county.

32 **Sec. 2. Reimbursement for tree growth.** The Department of  
33 Administrative and Financial Services, Maine Revenue Services  
34 shall develop rules to establish a fair system of reimbursement  
35 for tree growth to towns established under the Maine Revised  
36 Statutes, Title 30-A chapter 307. Rules adopted pursuant to this  
37 section are routine technical rules as defined in Title 5,  
38 chapter 375, subchapter 2-A.

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41 **SUMMARY**

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43 This bill establishes a new chapter in the Maine Revised  
44 Statutes, Title 30-A that provides a method for unorganized areas  
45 to develop a system of self-governance. The bill delineates the  
46 requirements that must be met for a town to be created in the  
47 unorganized areas. It also outlines the powers, duties and  
48 responsibilities of the new town's government. It also requires  
the Department of Administrative Services, Maine Revenue Services

2 to develop a fair system of reimbursement for tree growth to towns established under this chapter.