

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1633

H.P. 1109

House of Representatives, March 3, 2016

An Act Authorizing the Deorganization of Cary Plantation

(AFTER DEADLINE)

Submitted by the Office of the State Auditor and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SHERMAN of Hodgdon.

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

2 **PART A**

3 **Sec. A-1. 12 MRSA §12708, sub-§1, ¶B**, as amended by PL 2013, c. 408, §21,
4 is further amended to read:

5 B. The following areas are classified as state-owned wildlife management areas, or
6 "WMAs":

7 (1) Blanchard/AuClair WMA (Roach River Corridor) - T1 R14 WELS -
8 Piscataquis County;

9 (2) Major Gregory Sanborn WMA - Brownfield, Denmark, Fryeburg - Oxford
10 County;

11 (3) George Bucknam WMA (Belgrade Stream) - Mt. Vernon - Kennebec
12 County;

13 (4) Caesar Pond WMA - Bowdoin - Sagadahoc County;

14 (5) Chesterville WMA - Chesterville - Franklin County;

15 (6) Coast of Maine WMA - all state-owned coastal islands that are owned or
16 managed by the Department of Inland Fisheries and Wildlife;

17 (7) Dickwood Lake WMA - Eagle Lake - Aroostook County;

18 (8) Francis D. Dunn WMA (Sawtelle Deadwater) - T6 R7 WELS - Penobscot
19 County;

20 (9) Fahi Pond WMA - Embden - Somerset County;

21 (10) Lyle Frost WMA (formerly Scammon) - Eastbrook, Franklin - Hancock
22 County;

23 (11) Alonzo H. Garcelon WMA (Mud Mill Flowage) - Augusta, Windsor,
24 Vassalboro, China - Kennebec County;

25 (12) Great Works WMA - Edmunds Township - Washington County;

26 (13) Jamies Pond WMA - Manchester, Farmingdale, Hallowell - Kennebec
27 County;

28 (14) Jonesboro WMA - Jonesboro - Washington County;

29 (15) Earle R. Kelley WMA (Dresden Bog) - Alna, Dresden - Lincoln County;

30 (16) Kennebunk Plains WMA - Kennebunk - York County;

31 (17) Bud Leavitt WMA (Bull Hill) - Atkinson, Charleston, Dover-Foxcroft,
32 Garland - Penobscot County and Piscataquis County;

33 (18) Gene Letourneau WMA (Frye Mountain) - Montville, Knox, Morrill -
34 Waldo County;

35 (19) Long Lake WMA - St. Agatha - Aroostook County (all of Long Lake within
36 the Town of St. Agatha);

- 1 (20) Madawaska WMA - Palmyra - Somerset County;
- 2 (20-A) Maine Youth Conservation WMA - T32MD - Hancock County;
- 3 (21) Mainstream WMA - Cambridge, Ripley - Somerset County;
- 4 (22) Lt. Gordon Manuel WMA - Hodgdon, Cary ~~Plantation~~ Township, Linneus -
- 5 Aroostook County;
- 6 (23) Maynard F. Marsh WMA (Killick Pond) - Hollis, Limington - York
- 7 County;
- 8 (24) Mercer Bog WMA - Mercer - Somerset County;
- 9 (25) Merrymeeting Bay WMA - Dresden, Bowdoinham, Woolwich, Bath,
- 10 Topsham - Lincoln County and Sagadahoc County;
- 11 (26) Morgan Meadow WMA - Raymond - Cumberland County;
- 12 (27) Mt. Agamenticus WMA - York, South Berwick - York County;
- 13 (28) Muddy River WMA - Topsham - Sagadahoc County;
- 14 (29) Narraguagus Junction WMA - Cherryfield - Washington County;
- 15 (30) Old Pond Farm WMA - Maxfield, Howland - Penobscot County;
- 16 (31) Orange River WMA - Whiting - Washington County;
- 17 (32) Peaks Island WMA - Portland - Cumberland County;
- 18 (33) Pennamaquam WMA - Pembroke, Charlotte - Washington County;
- 19 (34) Steve Powell WMA - Perkins Township - Sagadahoc County (being the
- 20 islands in the Kennebec River near Richmond known as Swan Island and Little
- 21 Swan Island, formerly known as Alexander Islands);
- 22 (35) David Priest WMA (Dwinal Pond) - Lee, Winn - Penobscot County;
- 23 (36) James Dorso Ruffingham Meadow WMA - Montville, Searsmont - Waldo
- 24 County;
- 25 (37) St. Albans WMA - St. Albans - Somerset County;
- 26 (38) Sandy Point WMA - Stockton Springs - Waldo County;
- 27 (39) Scarborough WMA - Scarborough, Old Orchard Beach, Saco - Cumberland
- 28 County and York County;
- 29 (40) Steep Falls WMA - Standish, Baldwin - Cumberland County;
- 30 (41) Tyler Pond WMA - Manchester, Augusta - Kennebec County;
- 31 (42) Vernon S. Walker WMA - Newfield, Shapleigh - York County;
- 32 (43) R. Waldo Tyler Weskeag Marsh WMA - South Thomaston, Thomaston,
- 33 Rockland, Owl's Head, Friendship - Knox County;
- 34 (43-A) Kennebec River Estuary WMA - Arrowsic, Bath, Georgetown,
- 35 Phippsburg, West Bath, Woolwich - Sagadahoc County;

- 1 (43-B) Tolla Wolla WMA - Livermore - Androscoggin County;
- 2 (43-C) Green Point WMA - Dresden - Lincoln County;
- 3 (43-D) Hurds Pond WMA - Swanville - Waldo County;
- 4 (43-E) Sherman Lake WMA - Newcastle, Damariscotta - Lincoln County;
- 5 (43-F) Ducktrap River WMA - Belmont, Lincolnville - Waldo County;
- 6 (45) Stump Pond WMA - New Vineyard - Franklin County;
- 7 (46) Bog Brook WMA - Beddington, Deblois - Washington County;
- 8 (47) Cobscook Bay WMA - Lubec, Pembroke, Perry, Trescott Township -
- 9 Washington County;
- 10 (48) Mattawamkeag River System WMA - Drew Plantation, Kingman Township,
- 11 Prentiss Township, Webster Township - Penobscot County;
- 12 (49) Booming Ground WMA - Forest City - Washington County;
- 13 (50) Butler Island WMA - Ashland - Aroostook County;
- 14 (51) Pollard Flat WMA - Masardis - Aroostook County;
- 15 (52) Caribou Bog WMA - Old Town, Orono - Penobscot County;
- 16 (53) Delano WMA - Monson - Piscataquis County;
- 17 (54) Egypt Bay WMA - Hancock - Hancock County;
- 18 (55) Spring Brook WMA - Hancock - Hancock County;
- 19 (56) Strong WMA - Strong - Franklin County;
- 20 (57) Plymouth Bog WMA - Plymouth - Penobscot County; and
- 21 (58) Such other areas as the commissioner designates, by rules adopted in
- 22 accordance with section 12701, as state-owned wildlife management areas.

23 **Sec. A-2. 20-A MRSA §8451, sub-§2, ¶B**, as amended by PL 2013, c. 390, Pt.
 24 A, §1 and affected by §2, is further amended to read:

25 B. Region 2. SOUTHERN AROOSTOOK COUNTY. Units located in this region
 26 include:

- 27 (2) Benedicta Township;
- 28 (3) Orient;
- 29 (4) Regional School Unit No. 29 doing business as School Administrative
- 30 District No. 29 (Hammond, Houlton, Littleton and Monticello);
- 31 (5) Regional School Unit No. 50 (Crystal, Dyer Brook, Hersey, Island Falls,
- 32 Merrill, Moro Plantation, Mount Chase, Oakfield, Patten, Sherman, Smyrna and
- 33 Stacyville);

1 (6) Regional School Unit No. 70 doing business as School Administrative
2 District No. 70 (Amity, Cary ~~Plantation~~, Haynesville and Hodgdon) and Linneus,
3 Ludlow and New Limerick; and

4 (7) Regional School Unit No. 84 doing business as School Administrative
5 District No. 14 (Danforth and Weston).

6 **Sec. A-3. 36 MRSA §4602, sub-§3, ¶D**, as repealed and replaced by PL 2001, c.
7 164, §2, is amended to read:

8 D. District 4: Amity, Benedicta, Cary ~~Plantation~~ Township, Crystal, Dyer Brook,
9 Hammond Plantation, Hershey, Hodgdon, Houlton, Island Falls, Linneus, Littleton,
10 Ludlow, Merrill, Monticello, New Limerick, Oakfield, Patten, Sherman and Sherman
11 Mills; and

12 **Sec. A-4. Effective date.** This Part takes effect July 1, 2017, if the legal voters of
13 Cary Plantation approve the referendum under Part B, section 8.

14 **PART B**

15 **Sec. B-1. Deorganization of Cary Plantation.** Notwithstanding any contrary
16 requirement of the Maine Revised Statutes, Title 30-A, chapter 302, if in accordance with
17 Title 30-A, section 7207 a majority of the voters in Cary Plantation approve the
18 deorganization procedure developed in accordance with Title 30-A, section 7205 and if
19 the question of Cary Plantation's deorganization is approved by the registered voters of
20 Cary Plantation pursuant to section 8 of this Part, Cary Plantation in Aroostook County is
21 deorganized, except that the corporate existence, powers, duties and liabilities of the
22 plantation survive for the purposes of prosecuting and defending all pending suits to
23 which the plantation is, or may be, a party and all needful process arising out of any suits,
24 including provisions for the payment of all or any judgments or debts that may be
25 rendered against the plantation or exist in favor of any creditor.

26 **Sec. B-2. Financial obligations and other liabilities.** Any financial
27 obligations or other liabilities that were incurred by Cary Plantation as a municipality or
28 that were incurred by Cary Plantation as a member of School Administrative District No.
29 70 or Regional School Unit No. 70 are excepted and reserved in accordance with the
30 Maine Revised Statutes, Title 30-A, section 7303 and remain liabilities for the inhabitants
31 of lawful age residing in the territory included in the deorganized Cary Township for the
32 duration of the liabilities. The State Tax Assessor shall assess taxes against the property
33 owners in the deorganized municipality of Cary Township to provide funds to satisfy any
34 municipal or educational obligations or other liabilities. These financial obligations or
35 other liabilities are not the responsibility of either the Department of Education or the
36 taxpayers in the Unorganized Territory Tax District as described in Title 36, chapter 115.

37 **Sec. B-3. Deorganization procedure.** The deorganization of Cary Plantation
38 must be conducted in accordance with the approved deorganization procedure developed
39 in accordance with the Maine Revised Statutes, Title 30-A, section 7205 for the
40 municipality.

1 **Sec. B-4. Unexpended school funds.** The treasurer of the plantation or any
2 other person who has custody of the funds of the plantation shall pay the Treasurer of
3 State all unexpended school funds that, together with the credits due the plantation for
4 school purposes, are to be used by the State Tax Assessor to settle any school obligations
5 incurred by the plantation before deorganization. The State Tax Assessor shall approve
6 any written requests or invoices for payments and submit the approved documents to the
7 fiscal administrator of the unorganized territory within the Office of the State Auditor to
8 process through the Office of the State Controller. Any unexpended school funds
9 remaining with the Treasurer of State after all the obligations have been met must be
10 deposited to the Unorganized Territory Education and Services Fund, as directed in the
11 Maine Revised Statutes, Title 36, chapter 115.

12 **Sec. B-5. Unexpended municipal funds and property.** The treasurer of the
13 plantation or any other person who has custody of the funds of the plantation shall pay the
14 Treasurer of State all unexpended funds of the plantation that, together with the credits
15 due the plantation for its purposes, are to be used by the State Tax Assessor to settle any
16 obligations of the plantation incurred by the plantation before deorganization. The State
17 Tax Assessor shall approve any written requests or invoices for payments and shall
18 submit the approved documents to the fiscal administrator of the unorganized territory
19 within the Office of the State Auditor to process through the Office of the State
20 Controller. Pursuant to the Maine Revised Statutes, Title 30-A, section 7304, at the end
21 of a 5-year period during which the powers, duties and obligations relating to the affairs
22 of the plantation are vested in the State Tax Assessor or when in the judgment of the State
23 Tax Assessor final payment of all known obligations against the plantation has been
24 made, any funds that have not been expended must be deposited with the county
25 commissioners of Aroostook County as undedicated revenue for the unorganized territory
26 fund of that county.

27 Any property of the plantation that has not been sold must be held by the State in
28 trust for the unorganized territory or transferred to Aroostook County to be held in trust
29 for the unorganized territory. Income from the use or sale of that property held by the
30 State must be credited to or deposited in the Unorganized Territory Education and
31 Services Fund under Title 36, chapter 115. Income from the use or sale of that property
32 held by Aroostook County must be credited to the unorganized territory fund of the
33 county pursuant to Title 36, section 1604, subsection 4.

34 **Sec. B-6. Provision of education services.** Notwithstanding any other law,
35 education in the unorganized territory of Cary Township must be provided under the
36 direction of the Commissioner of Education as described in the Maine Revised Statutes,
37 Title 20-A, chapter 119 and must meet the general standards for elementary and
38 secondary schooling and special education established pursuant to Title 20-A. The
39 provisions described in subsections 1 to 3 must be implemented at the time of
40 deorganization.

41 1. Students in prekindergarten to grade 12 whose parents or legal guardians are legal
42 residents of the unorganized territory of Cary Township must be provided educational
43 services at Regional School Unit No. 70 school facilities located in the Town of

1 Hodgdon. Transportation services to and from school must be provided under the
2 direction of the Department of Education.

3 2. Special education services must be provided to eligible resident students as
4 required by federal and state laws, rules and regulations.

5 3. Career and technical education must be provided to eligible resident students
6 pursuant to Title 20-A, section 3253-A.

7 Tuition to schools other than those identified in this section may be provided on
8 behalf of resident students with the prior approval of the director of state schools within
9 the Department of Education. Tuition payments may not exceed the limits established in
10 Title 20-A, section 3304 and transportation is the responsibility of the parents or legal
11 guardians. The receiving school must be approved by the Commissioner of Education for
12 the purpose of tuition.

13 The provision of educational services in this section is subject to modification in
14 response to educational conditions.

15 **Sec. B-7. Assessment of taxes.** The State Tax Assessor shall assess the real and
16 personal property taxes in Cary Plantation as of April 1, 2017, as provided in the Maine
17 Revised Statutes, Title 36, section 1602.

18 **Sec. B-8. Referendum; certificate to Secretary of State.** This Part takes
19 effect 90 days after its approval only for the purpose of permitting its submission by the
20 municipal officers to the legal voters of Cary Plantation by ballot at the next general
21 election held in the month of November. This election must be called, advertised and
22 conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532.
23 The Cary Plantation clerk shall prepare the required ballots on which the clerk shall
24 reduce the subject matter of this Part to the following question:

25 "Shall Cary Plantation be deorganized?"

26 The voters shall indicate their opinion on this question by a cross or check mark
27 placed against the word "Yes" or "No." Before becoming effective, the question posed
28 to voters must be approved by at least 2/3 of the legal voters casting ballots during the
29 general election, and the total number of votes that are cast for and against the
30 deorganization in the election must equal or exceed 50% of the total number of votes cast
31 in the plantation for Governor at the last gubernatorial election.

32 The municipal officers of Cary Plantation shall declare the result of the vote. The
33 clerk of Cary Plantation shall file a certificate of the election result with the Secretary of
34 State within 10 days from the date of the election.

35 **Sec. B-9. Effective date.** Sections 1 to 7 of this Part take effect July 1, 2017 if the
36 legal voters of Cary Plantation approve the referendum under section 8 of this Part.

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PART C

Sec. C-1. Register and transmit copy of approved deorganization procedure. Before the effective date of the deorganization of Cary Plantation pursuant to Part B, the fiscal administrator of the unorganized territory within the Office of the State Auditor shall transmit a copy of the approved deorganization procedure developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 to the Aroostook County administrator, and shall register the approved deorganization procedure with the Aroostook County Registry of Deeds.

Sec. C-2. Effective date. This Part takes effect upon approval of the referendum under Part B, section 8.

SUMMARY

This bill provides for the deorganization of Cary Plantation in Aroostook County, subject to approval at local referendum.