

MAINE STATE LEGISLATURE

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D. DE R.

STATE OF MAINE
SENATE
106TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S. P. 920, L.D. 2545, Bill, "AN ACT to Organize the Mainland Unorganized and Deorganized Territories of the State into Grand Plantations."

Amend said Bill by inserting after section 16 the following:

'Sec. 16-A. R. S., T. 21, §§1573, 1573-A and 1573-B, repealed. Section 1573, section 1573-A as enacted by section 1 of chapter 12 of the public laws of 1965 and section 1573-B, as enacted by section 69-A of chapter 622 of the public laws of 1971 and as amended by section 115 of chapter 625 of the public laws of 1973, are repealed.'

Further amend said Bill in section 40 in that part designated "§4166-A." by striking out in the last line of the first and 3rd paragraphs the underlined figure "1977" and inserting in place thereof the underlined figure '1978'

Further amend said Bill in section 42 in that part designated "§5752." in the part relating to Grand Plantation II in the last line (same in LD) b striking out before the underlined abbreviation and figure "; TC, R.2;" the underlined abbreviation and figure "TD, R.3" and inserting in place thereof the underlined abbreviation and figure 'TD, R.2'

Further amend said Bill in section 42 in that part designated "§5752." in that part relating to Grand Plantation III by striking out in the 2nd line (first line in L.D.) the underlined figures and punctuation "32;"

Further amend said Bill in section 42 in that part designated "§5752." in the part relating to Grand Plantation V by striking out in the 3rd line (2nd line in L.D.) the following: "TA, R.5. Townships N.B.P.P.:" and inserting in place thereof the following: '1, R. 4 (Upper Molunkus); 1, R. 4 (North Yarmouth Academy); TA, R.5. Townships N.B.P.P.: 9, R. 4;'
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Further amend said Bill in section 42 in that part designated "§5752." in the part relating to Grand Plantation VI by striking out in the 3rd line (same in L.D.) the following: "3, R.11" and in the 5th line (4th line in L.D.) by striking out the following: "2, R.11;" and by inserting at the end before the period the following: '; all islands in Moosehead Lake'

Further amend said Bill in section 42 in that part designated "§5752." in the part relating to Grand Plantation VII by striking out in the 3rd and 4th lines (3rd line in L.D.) the following: "4, R.7; 3, R.8; 3, R.7;" and inserting in place thereof the following: '4, R.7; 3, R.11; 3, R.8; 3, R.7; 2, R.11;' and by inserting in the last line (next to last line in L.D.) before the underlined words "Veazie Gore" the following: 'M.D.:32;'

Further amend said Bill in section 42 in that part designated "§5753." by striking out the 5th line (same in L.D.) the underlined figures "1974" and inserting in place thereof the underlined figures '1975'

Further amend said Bill in section 42 in that part designated "§5754." by striking out all of the 3rd and 4th underlined sentences and inserting in place thereof the following: 'A council of 3, 5 or 7 persons, the number to be determined by the voters present shall be chosen by ballot and sworn in by the moderator or by a justice of the peace. Council members shall be subject to the same requirements and conditions as are municipal officers under chapter 213, subchapter I, and as are school committee members under Title 20, section 472. The council members shall hold office for one, 2 and 3 years respectively in the following manner: If 7 persons are elected, the 3 receiving the highest number of votes for 3 years, the 2 receiving the next highest number of votes for 2 years and the 2 receiving the least number of votes for one year; if 5 are elected, the 2 receiving the highest number of votes for 3 years, the 2 receiving the next highest number of votes for 2 years and the person receiving the least number of votes for'

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one year; and if 3 are elected, the person receiving the highest number of votes for 3 years, the person receiving the next highest number of votes for 2 years and the person receiving the least number of votes for one year. The moderator shall certify such designation to the manager, when appointed, to be recorded by him.'

Further amend said Bill in section 42 by inserting after that part designated "§5757." the following:

'§5757-A. Election district ordinance alternative

1. Adoption by ordinance. When any grand plantation accepts this section at its organizational meeting or at an annual meeting, the council shall establish by ordinance, not less than 60 days prior to the next annual meeting, districts for the purpose of electing one council member from each district, subject to the following conditions:

A. Territory. Each district shall be formed of compact, proximate territory and its boundary lines may follow the center lines of roads.

B. Voters. Each district shall contain as nearly as possible the same number of qualified voters, determined from the registration for the last presidential election, or if no presidential election has been held within the grand plantation, the last general election. Districts shall not differ in number of registered voters by more than 10% of the voters in the smallest district created.

C. Form. The ordinance shall include a map and a description of the districts.

D. Effect. The ordinance shall be effective as of the 30th day after adoption by the council.

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E. Terms. The terms of all persons serving as council members shall expire at the next annual meeting after the ordinance becomes effective and, until such time as a grand plantation shall reject this section, council members, sections 5754 and 5758 notwithstanding, shall hold office for terms of one year.

2. Reapportionment. The council shall enact, subject to the conditions of subsection 1, a reapportionment ordinance in the calendar year following a presidential election and at least 60 days prior to an annual grand plantation meeting. If the council fails to do so, all council members shall be elected at large and shall serve until their terms expire. Such at-large elections shall continue until the council enacts an ordinance in accordance with subsection 1 except that the ordinance shall be enacted at least 60 days prior to an annual grand plantation meeting.

3. Referendum. The qualified voters of a grand plantation shall have the power to require reconsideration by the council of any adopted apportionment or reapportionment ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a grand plantation election. The procedures for such a referendum shall be the same as for municipal reapportionment ordinance referenda under section 5353.

§5757-B. Number of council members

A grand plantation, by majority vote in any grand plantation election, may change the number of members of the council, provided that the new number is 3, 5 or 7. The term of all persons serving as council members shall expire at the next annual meeting after such a change and persons elected to the council at that annual meeting shall hold office for one, 2 and 3 years respectively in the manner stated in section 5754. *(Filing No. S-420)*

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Further amend said Bill in section 42 in that part designated "§5758." by striking out in the 2nd and 3rd lines (same in L.D.) the underlined word "attending" and by striking out in the last line (same in L.D.) the underlined word "council"

Further amend said Bill in section 42 in that part designated "§5761." in subsection 12 by striking out in the last line (same in L.D.) the underlined word and figures "and 5765" and inserting in place thereof the following:
', 5765 and 5766'

Further amend said Bill in section 42 in that part designated "§5765." by striking out in the 3rd line (2nd and 3rd in L.D.) the underlined word and figures "July 1, 1977" and inserting in place thereof the underlined word and figures 'July 1, 1978'

Further amend said Bill in section 42 in that part designated "§5765." in subsection 5 by striking out in the last line (same in L.D.) the underlined figure "1977" and inserting in place thereof the underlined figure '1978'

Further amend said Bill in section 42 in that part designated "§5765." in the line following subsection 5 (same in L.D.) by striking out the underlined figure "1977" and inserting in place thereof the underlined figure '1978'

Further amend said Bill in section 42 in that part designated "§5769." in the 2nd line (same in L.D.) by inserting after the underlined word "deorganizes" the following: ', except under section 5771,'

Further amend said Bill in section 42 by inserting at the end the following:
'§ 5771. Deorganization of grand plantations

After July 1, 1978 a grand plantation may deorganize by a majority vote of the registered

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voters within that grand plantation at its annual meeting or grand plantation election. Such vote shall be certified to the Secretary of State by the manager and such grand plantation shall be deemed deorganized one year after the recording of such vote by the Secretary of State.'

Further amend said Bill in section 63 in the last line (same in L.D.) by inserting after the word "islands" the following: 'and the territory included in grand plantations deorganized under Title 30, section 5771'

Further amend said Bill by striking out all of section 64 and inserting in place thereof the following:

'Sec. 64. Effective date. This Act shall become effective June 1, 1975.'

Further amend said Bill by inserting at end of the Statement of Fact the following:

'In House Paper 84, 106th Legislature, the committee was authorized to review and report on legislation referred to it or introduced in the 106th Legislature in connection with public lands including public lots. One such bill was L.D. 1812, "AN ACT to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved Lands." L. D. 1812 called for the organization of the entire unorganized territory into traditional plantations of one or more townships and the establishment of a commission to determine their boundaries. Because most, if not all, of the private timber cutting rights on approximately 320,000 acres of public lots terminate by their own terms, if they have not already expired, upon such an organization, L. D. 1812 had a direct bearing on the future of the public lots. The committee deleted the organizational aspect of L.D. 1812 for further study and recommendations by it in accordance with H. P. 84. The present bill reflects the results of that study.'

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The State will undoubtedly take the position that this bill, like L.D. 1812, terminates any outstanding grass and timber rights on the public lots. That position will be challenged in the courts and it will be the courts that will properly and finally decide that question.'

Statement of Fact

This amendment incorporates suggestions made by residents of unorganized territory speaking at public hearings held by the committee, clarifies the Statement of Fact and extends the effective date of this Act to June 1, 1975.

Reported by the Committee on Public Lands.

Reproduced and distributed pursuant to Senate Rule 11-A.

March 21, 1974 (Filing No. S-420)