

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 101, L.D. 108)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 308

H.P. 283

House of Representatives, January 31, 1983

Reported by Representative Ingraham from the Committee on Local and
County Government and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Deorganize Elliottsville
Plantation.

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

Whereas, the voters of Elliottsville Plantation
desire to deorganize as soon as possible; and

Whereas, the voters feel it necessary to imple-
ment this change at the next meeting of the
plantation to deorganize; and

Whereas, the deorganization cannot be accom-
plished until the provisions of this Act take effect;
and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 **Sec. 1. Deorganization of Elliottsville.** El-
10 liottsville Plantation in Piscataquis County is
11 hereby deorganized; provided that the corporate
12 existence, powers, duties and liabilities of the
13 plantation shall survive for the purpose of prosecut-
14 ing and defending all pending suits and causes of
15 suits to which the plantation is, or may be, a party
16 and all needful process growing out of the same,
17 including provisions for the payment of all or any
18 judgments or debts which may be rendered against the
19 plantation or exist in favor of any creditor. For
20 purposes of this Act, Elliottsville shall also
21 include references to Elliottsville in the private and
22 special laws.

23 **Sec. 2. Unexpended school funds.** The treasurer
24 of the plantation or such other person as may have
25 custody of the funds of the plantation shall pay to
26 the Treasurer of State all unexpended school funds,
27 which school funds, together with the proceeds of any
28 credits due the plantation for school purposes, are
29 to be used by the State Tax Assessor to settle any
30 school obligations contracted by the plantation pre-
31 vious to deorganization. Any unexpended school funds
32 remaining in the hands of the Treasurer of State
33 after all the obligations have been met shall be add-
34 ed to the Unorganized Territory School and Capital
35 Working Funds, as provided in the Revised Statutes,
36 Title 20-A, section 3351.

37 **Sec. 3. Referendum; certificate to Secretary of**
38 **State.** The board of assessors of the plantation
39 shall submit this Act to the legal voters within the
40 territory embraced within the limits of
41 Elliottsville, by ballot at a special election to be
42 held on or before the regular March, 1983, plantation

1 meeting. This election shall be called, advertised
2 and conducted according to the Revised Statutes,
3 Title 30, sections 2061 and 2065. The plantation
4 clerk shall prepare the required ballots, on which he
5 shall reduce the subject matter of this Act to the
6 following question:

7 "Shall Elliottsville Plantation be deorganized?"

8 The voters shall indicate by a cross or check
9 mark placed against the word "Yes" or "No" their
10 opinion of the same. The Act shall be approved by a
11 majority of the legal voters voting at the plantation
12 meeting, provided that the total number of votes cast
13 for and against the acceptance of this Act at the
14 election equaled or exceeded 50% of the total number
15 of votes cast in the plantation for Governor at the
16 last gubernatorial election.

17 The result of the vote shall be declared by the
18 board of assessors of Elliottsville and due certifi-
19 cate shall be filed by the plantation clerk with the
20 Secretary of State within 10 days from the date of
21 that vote.

22 **Emergency clause.** In view of the emergency cited
23 in the preamble, section 3 of this Act shall take
24 effect when approved. Sections 1 and 2 of this Act
25 shall take effect on March 31, 1983, if approved by a
26 majority of the legal voters at the special election.

27 STATEMENT OF FACT

28 This new draft replaces the original bill and
29 makes certain language corrections, corrects a refer-
30 ence to a repealed statute, provides timely notifica-
31 tion of the vote to the Secretary of State, corrects
32 the effective date and clarifies the reference to
33 Elliottsville Plantation which has been spelled 2
34 different ways in the private and special laws since
35 its organization in 1850.

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