

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1389

6
7 S.P. 458

In Senate, March 30, 1983

8 Referred to the Committee on Taxation. Sent down for concurrence and
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator McBreairty of Aroostook.

Cosponsors: Senator Emerson of Penobscot, Representative Dexter of
Kingfield and Representative Vose of Eastport.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Change the Method of Financing
18 County Services in the Unorganized Territory.
19

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

22 Sec. 1. 13 MRSA §1103 is repealed.

23 Sec. 2. 23 MRSA §4001, first ¶ is amended to
24 read:

25 The county commissioners, on petition as provided
26 in section 2051, may lay out, alter or discontinue a
27 highway on any tract of land in their county not
28 within any town or plantation required to raise money
29 to make and repair highways. All expenses for making
30 and opening the same shall be paid by the owners
31 thereof, excluding lands reserved for public uses, in
32 proportion to their interest in the lands over any
33 part of which it is laid, except as provided in
34 section 4102.

1 Sec. 3. 23 MRSA c. 403, as amended, is repealed.

2 Sec. 4. 23 MRSA c. 405, as amended, is repealed.

3 Sec. 5. 30 MRSA §252, 5th ¶, as amended by PL
4 1981, c. 406, §1, is further amended to read:

5 Prior to the convening of the Legislature, the
6 county commissioners of each county shall meet with
7 the respective county legislative delegation to
8 finalize estimates for the year. The county commis-
9 sioners shall also show the county legislative dele-
10 gation any assessment for services to be provided to
11 unorganized territories under Title 36, section 1603,
12 subsection 1, paragraph C. These assessments shall be
13 provided to the delegation, prior to being submitted
14 to the State Tax Assessor, in a form that shows how
15 the funds are to be spent on the unorganized territo-
16 ries and any current balance of unorganized territory
17 funds held by the county.

18 Sec. 6. 30 MRSA §403-A, as amended by PL 1981,
19 c. 698, §139, is repealed.

20 Sec. 7. 30 MRSA §1201, as amended by PL 1979, c.
21 666, §2, is repealed.

22 Sec. 8. 30 MRSA §1202, as amended by PL 1979, c.
23 666, §3, is repealed.

24 Sec. 9. 30 MRSA §1203, as enacted by PL 1969, c.
25 292, §1, is repealed.

26 Sec. 10. 30 MRSA §1203-A, as enacted by PL 1973,
27 c. 126, is repealed.

28 Sec. 11. 30 MRSA §1204, as amended by PL 1973,
29 c. 625, §199, is repealed.

30 Sec. 12. 30 MRSA §5702 is amended to read:

31 §5702. Power and authority of State Tax Assessor

32 Whenever the organization of any town or
33 plantation has been terminated by Act of the Legis-
34 lature, the powers, duties and obligations relating
35 to the affairs of said that town or plantation shall

1 be vested in the State Tax Assessor for not more than
2 5 years. The State Tax Assessor shall have the
3 authority to sell or otherwise dispose of any prop-
4 erty, other than property formerly used or still
5 being used for school purposes, the title of which
6 rests in the town at the time of deorganization or
7 may come to the town subsequent to deorganization.
8 The State Tax Assessor shall have the power and
9 authority to assess taxes any time after the act
10 terminating the organization of the town or
11 plantation becomes operative by making assessment
12 once a year under the laws now relating to the
13 assessment of state property taxes in unorganized
14 territory, and the State Tax Assessor shall have the
15 same power and authority to enforce the collection of
16 said taxes as is now provided for the collection of
17 state taxes. All moneys received by virtue of said
18 assessment and collection, or disposal of property,
19 under this section shall be applied to the payment of
20 necessary expenses of the State Tax Assessor in
21 making such that assessment, and to the payment of
22 any obligations of said the town or plantation out-
23 standing at the time of termination of its organiza-
24 tion, and to the payment of state and county taxes
25 assessed against such the town or plantation and for
26 the completion of any public works of said the town
27 or plantation already begun. When in the best judg-
28 ment of said the State Tax Assessor final payment of
29 all known accounts against said the town, which has
30 been or may be deorganized, has been made, or at the
31 end of said the period of 5 years, any funds unex-
32 pended, if any exist, shall be deposited by the
33 former town if still in its possession, or by the
34 Treasurer of State if in his possession, with the
35 county commissioners as an off-set against future
36 road taxes in such deorganized town, as already set
37 forth in Title 23, section 405:1 undedicated revenues
38 for the unorganized territory fund for that county.
39 if no road maintenance as described exists in said
40 town, said unexpended funds shall be expended on
41 repairs, maintenance or restoration of such town
42 enterprise as may be designated by the State Tax
43 Assessor in his capacity as described in this
44 section. Assessor in his capacity as described in
45 this section.

46 Sec. 13. 30 MRSA §5801, as enacted by PL 1977,
47 c. 698, §4 is repealed.

1 Sec. 14. 30 MRSA c. 407 is enacted to read:

2 CHAPTER 407

3 MUNICIPAL SERVICES IN UNORGANIZED AREAS

4 §5901. Municipal services authorized

5 The county commissioners of each county may pro-
6 vide or contract for the provision of the following
7 municipal services for the residents of the unorgan-
8 ized territory in their county:

9 1. Fire protection. Fire protection other than
10 forest fires;

11 2. Dumps. Public dumps;

12 3. Roads and bridges. Construction, repair and
13 maintenance, including snow removal on roads and
14 bridges;

15 4. Polling places. Establishment of polling
16 places;

17 5. Administrative services. Coordination of
18 services provided, payment of expenses,
19 administration of the unorganized territory fund.
20 The amount charged for administrative services
21 shall not exceed 5% of the budget for the year;
22 and

23 6. Other services. Any other service which a
24 municipality may provide for its inhabitants and
25 which is not provided by the State.

26 §5902. Unorganized territory funds

27 1. Fund established. There is established in
28 each county, one unorganized territory fund into
29 which shall be credited all receipts under Title 36,
30 sections 1489 and 1606, and from which all disburse-
31 ments for municipal services in the unorganized ter-
32 ritory shall be made.

33 2. Prior receipts and surpluses. All moneys
34 received by the county for municipal services for the

1 unorganized territory prior to the effective date of
2 this chapter and remaining unspent shall be deposited
3 into the fund. Any surplus in revenue received by
4 the fund for the year, not including amounts allo-
5 cated to the contingent account or set aside in capi-
6 tal reserve accounts established after November 1,
7 1983, which is in excess of 10% of the amount of
8 expenditures for that year, shall be used to reduce
9 the amount to be collected in taxes during the next
10 year.

11 3. Comingling; interest. This fund shall be ac-
12 counted for separately from the funds raised for
13 countywide activities. The return on investment of
14 unorganized territory funds shall be used only for
15 the unorganized territories. No countywide funds,
16 nor return on investments of countywide funds, may be
17 used to fund expenditures for services that a county
18 is providing to unorganized territories in lieu of
19 municipal government.

20 4. Uses of the fund. The fund may be used for
21 any of the services authorized in section 5901 in any
22 area of the unorganized territory of the county.

23 5. Contingent account. The county commissioners
24 may establish within the fund a contingent account
25 not to exceed \$25,000. Funds within the contingent
26 account may be transferred to any other accounts
27 within the fund when those accounts are not suffi-
28 cient to meet the needs for municipal services to the
29 unorganized territory of the county.

30 6. Capital reserve accounts. The county commis-
31 sioners may establish capital reserve accounts by
32 following the procedures specified in section 403.

33 §5903. Budget

34 Prior to November 7th of each year, the county
35 commissioners of each county shall provide to the
36 members of the legislative delegation a preliminary
37 budget for the services to be provided under this
38 chapter to the unorganized territory in the next
39 year. These preliminary budgets shall be provided in
40 a form that shows how the funds are to be spent for
41 each category of service identified in section 5901

1 and any projected surplus for the year of unorganized
2 territory funds held by the county. The county com-
3 missioners shall provide an opportunity for public
4 comment on the preliminary budget at the same time as
5 a public hearing is held on the county budget, as
6 provided under section 252. The budget for the
7 unorganized territory shall be finalized at the same
8 time as the regular county budget. A copy of the
9 finalized budget and on accurate identification of
10 any surplus which can be used to reduce the amount
11 needed to be collected in taxes shall be submitted to
12 the State Tax Assessor by February 1st of each year.

13 Sec. 15. 36 MRSA §1489, sub-§2, as amended by PL
14 1977, c. 698, §7, is repealed and the following
15 enacted in its place:

16 2. County treasurer. Excise taxes collected in
17 unorganized places shall be credited by the county
18 treasurer as undedicated funds for the unorganized
19 areas in the county where the tax was payable and may
20 be appropriated by the county commissioners pursuant
21 to Title 30, chapter 407.

22 Sec. 16. 36 MRSA §1602, sub-§4, as enacted by PL
23 1977, c. 698, §8, is repealed and the following
24 enacted in its place:

25 4. Establishment of mill rate.

26 A. The State Tax Assessor shall establish a
27 separate mill rate for each county, which is
28 calculated to raise the amount certified by
29 the Legislature as the cost of
30 county-provided services in the unorganized
31 territory.

32 B. The State Tax Assessor shall establish a
33 district-wide mill rate calculated to raise
34 the cost of all other portions of the munic-
35 ipal cost component certified by the Legis-
36 lature.

37 C. The rates calculated under paragraphs A
38 and B shall be added and rounded to the
39 nearest 1/4 of a mill to determine the mill
40 rate which will be assessed against the tax-
41 able property in each county.

