

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (After Deadline)

3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 1641

9 H.P. 1234

House of Representatives, May 18, 1983

10 Approved for introduction by a majority of the Legislative Council
11 pursuant to Joint Rule 27.

12 Received by the Clerk of the House on May 18, 1983. Referred to the
Committee on Local and County Government, and ordered printed pursuant
to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Swazey of Bucksport.

13 Sponsponsor: Senator Perkins of Hancock.

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-THREE
18

19 AN ACT to Amend the Lucerne-in-Maine
20 Village Corporation Charter.
21

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

25 Whereas, the provisions of Private and Special
26 Law 1927, chapter 43, Charter of Lucerne-in-Maine
27 Village Corporation, as amended, are outdated in
28 regard to tax assessment and contribution toward
29 expenses of the Town of Dedham and the Dedham school
30 budget because of substantial changes in the makeup
31 of Lucerne-in-Maine and the Town of Dedham and of
32 their present fiscal circumstances; and

33 Whereas, the present system of double tax assess-
34 ment, commitments and collection of Lucerne-in-Maine
35 is inefficient and contributes to controversies with

1 the Town of Dedham regarding disposition of tax ac-
2 quired property; and

3 Whereas, the following amendments are necessary
4 to implement proposed tax assessment and budget
5 changes in the Town of Dedham and Lucerne-in-Maine
6 for their 1983 fiscal years, commencing July 1, 1983;
7 and

8 Whereas, in the judgment of the Legislature,
9 these facts create an emergency within the meaning of
10 the Constitution of Maine and require the following
11 legislation as immediately necessary for the preser-
12 vation of the public peace, health and safety; now,
13 therefore,

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

16 Sec. 1. P&SL 1927, c. 43, §3, first sentence, as
17 amended by P&SL 1969, c. 200, is further amended to
18 read:

19 The Town of Dedham, in said County of Hancock, is
20 hereby relieved from any and all duty to build,
21 repair or maintain roads, streets or ways upon said
22 territory, or within its limits, or to perform any of
23 the duties for which said village corporation is
24 authorized by section 2 of this Act to raise money,
25 except that the Town of Dedham shall pay the oper-
26 ating costs of the Lucerne Fire Department and shall
27 include those costs in the same budget and the same
28 town meeting warrant article as the request for funds
29 for the Dedham Fire Department; and said town shall
30 not be liable for defects in streets, ways or roads
31 in said village corporation's territory nor for fail-
32 ure to perform any duty from which it is relieved by
33 this Act, but said village corporation shall assume
34 all, of said duties and be liable for said defects in
35 said streets, ways and roads and for failure to per-
36 form the duties assumed as the Town of Dedham would
37 have been liable except for this Act, provided, how-
38 ever, that said village corporation shall not be lia-
39 ble to build school houses or to maintain schools for
40 children resident in its territory or to transport
41 any such children to school or to otherwise provide
42 for the education of children resident in the village

1 corporation's territory; which liability may be
2 enforced under the same conditions, in the same man-
3 ner and with the same remedies as are provided by law
4 in relation to towns.

5 Sec. 2. P&SL 1927, c. 43, §5, as amended by P&SL
6 1969, c. 200, §2, is repealed.

7 Sec. 3. P&SL 1927, c. 43, §5-A is enacted to
8 read:

9 Sec. 5-A. Apportionment of taxes and revenues
10 between town and corporation. The village corpora-
11 tion shall annually pay over to the treasurer of the
12 Town of Dedham, in monthly installments due by the
13 20th of each month, a sum equal to 2/3 of the most
14 recent ratio of the village corporation territory
15 state real estate tax valuations to the total Dedham
16 state real estate tax valuations multiplied by the
17 net Dedham municipal service appropriations for the
18 ensuing year. "Net municipal service appropriations"
19 consist of all appropriations approved at the Dedham
20 town meeting, exclusive of the education budget and
21 the Hancock County tax, less all anticipated
22 noneducation revenues and transfers from surplus.
23 Net municipal service appropriations also includes
24 the operating costs of the Lucerne Fire Department
25 which shall be included in the same budget and in the
26 same article of the Dedham town meeting warrant as
27 the Dedham Fire Department.

28 The village corporation shall also pay over annu-
29 ally to the Dedham treasurer, in monthly installments
30 due by the 20th of each month, as the corporation's
31 full share of education expenses, the percentage of
32 the net Dedham education budget for the ensuing year
33 equal to the most recent year's ratio of state real
34 estate tax valuations of the village corporation ter-
35 ritory as compared to the Dedham total state valua-
36 tions.

37 The Hancock County tax shall be apportioned
38 between the Town of Dedham and the village corpora-
39 tion on the same basis of respective state valuations
40 as noted above. At least 15 days before the date for
41 interest on that tax specified by the county, the
42 corporation treasurer shall remit that fraction of

1 the tax to the Dedham treasurer for payment to the
2 Hancock County treasurer.

3 The Town of Dedham shall retain only the amount
4 of excise taxes raised outside of the village corpo-
5 ration territory, and it shall pay over to the treas-
6 urer of the village corporation in monthly
7 installments due by the 20th of each month, the
8 amount of excise taxes collected from the inhabitants
9 of the village corporation territory.

10 For purposes of the above-mentioned apportion-
11 ments, no property owned by Lucerne-in-Maine Village
12 Corporation may be included in any valuation.

13 **Sec. 4. P&SL 1927, c. 43, §6 is repealed.**

14 **Sec. 5. P&SL 1927, c. 43, §6-A is enacted to**
15 **read:**

16 Sec. 6-A. Assessment and collection of
17 taxes. All moneys which shall be raised, for the
18 purposes named in section 2, for the payments to the
19 Town of Dedham and the County of Hancock, as speci-
20 fied in section 5-A, or for any other purpose for
21 which the village corporation may lawfully raise
22 money shall be assessed upon the property within the
23 limits of the corporation's territory by a single tax
24 warrant in the same manner as is provided by law for
25 the assessment of municipal taxes. The assessors and
26 tax collector for the corporation shall also be the
27 assessors or tax collector of the Town of Dedham.

28 Each and every year the annual meeting shall be
29 held at the time and place determined, in accordance
30 with section 9-A, at which a majority of the legal
31 voters there assembled shall determine the amount of
32 money to be raised or appropriated for the corporate
33 purposes, the corporation's share of the Dedham
34 school budget and net municipal services, and the
35 corporation's share of the Hancock County tax, during
36 and for that year, or the ensuing fiscal year, if the
37 annual meeting is held prior to the beginning of the
38 fiscal year. A certificate reciting the total appro-
39 priations, estimated revenues from all sources,
40 transfers from surplus and the amount of money to be
41 raised by taxes and signed by the chairman of the

1 Board of Overseers and attested by the clerk shall
2 thereupon, within 10 days after the final adjournment
3 of that meeting, be filed with the assessors. It
4 shall be the duty of the assessors to assess the
5 total amounts shown by that certificate in the manner
6 required above and to then certify and deliver the
7 lists of the assessments so made to the tax collec-
8 tor, whose duty it shall be to collect the same in
9 like manner as municipal taxes are collected by law,
10 and the tax collector shall, within 30 days, pay over
11 all such moneys collected by him directly to the
12 treasurer of the village corporation. The tax col-
13 lector shall also deliver to the treasurer a list of
14 those assessments. The tax collector shall have the
15 same rights and powers as a municipal tax collector
16 to collect and recover any taxes committed to him by
17 suit, tax lien mortgage proceedings, or otherwise.
18 It shall be the duty of the treasurer to receive all
19 moneys belonging to the village corporation and to
20 pay them out only upon the written order of a major-
21 ity of the Board of Overseers, and to keep regular
22 accounts of all moneys received and paid out and to
23 exhibit the same to the Board of Overseers whenever
24 requested.

25 Sec 6. P&SL 1927, c. 43, §7, as repealed and
26 replaced by P&SL 1981, c. 108, §§2 to 4, is repealed.

27 Sec. 7. P&SL 1927, c. 43, §7-A is enacted to
28 read:

29 Sec. 7-A. Officers; adoption of bylaws; officers
30 to be sworn; treasurer to give bond; budget committee
31 established. The officers of the corporation shall
32 be a board of 3 overseers, a treasurer, a clerk and
33 such other officers as the bylaws of the corporation
34 may require. The Board of Overseers, when elected as
35 provided below, shall forthwith proceed to appoint a
36 treasurer, and a clerk to serve at their pleasure.
37 Any nonresident officers shall be permanent residents
38 of an area included within a radius of 25 miles of
39 the fire station at Lucerne-in-Maine. Officers shall
40 serve until their successors have been sworn and duly
41 qualified.

42 The officers shall be sworn before the corpora-
43 tion clerk or anyone authorized to administer oaths

1 in this State and the treasurer shall give bond to
2 the corporation in such sum as the overseers may
3 direct, which bond shall be approved by the Board of
4 Overseers. There shall be established a budget com-
5 mittee consisting of not less than 4 nor more than 6
6 members who shall be appointed by the Board of
7 Overseers. The budget committee shall be responsible
8 for studying the finances, expenditures, books of ac-
9 count and other financial documents of the corpora-
10 tion with the view to developing a financial plan
11 that is in the best interests of the village commu-
12 nity. The budget committee shall hold a public hear-
13 ing annually in June or July for reviewing the budget
14 recommendations for the ensuing fiscal year.

15 The corporation may adopt at any legal meeting
16 called for that purpose a code of bylaws for the
17 proper management of its business affairs and other
18 purposes connected therewith, provided the bylaws are
19 not repugnant to the laws of this State. The code of
20 bylaws may be amended or altered at any legal meeting
21 of the corporation in the call for which notice of
22 the proposed change has been given.

23 At the 1983 summer meeting of the village corpo-
24 ration, the resident and nonresident voters, as de-
25 fined in section 12, shall elect 3 overseers: One
26 for a term of 3 years; one for a term of 2 years; and
27 one for a term of one year. The overseer to serve
28 the one-year term and the overseer to serve the
29 3-year term shall be resident voters. The overseer
30 to serve a 2-year term shall be a nonresident voter.

31 Commencing at the 1984 summer meeting and for
32 even-numbered years thereafter, nonresident voters
33 shall be elected to serve a 3-year term as overseer.
34 Commencing at the 1985 summer meeting and for odd-
35 numbered years thereafter, resident voters shall be
36 elected to serve a 3-year term as an overseer. At
37 the first Board of Overseers' meeting following each
38 summer meeting, they shall choose a chairman for the
39 ensuing year.

40 The nomination for the office of an overseer
41 shall be made by nomination papers signed by not less
42 than 25 nor more than 75 voters. Nomination paper
43 forms shall be provided by the corporation clerk upon

1 request within 30 days prior to their final filing
2 deadline. Before issuance, the clerk may complete
3 each sheet by filling in the name of the candidate
4 and the term of the office being sought. Each voter
5 who signs a nomination paper shall add his place of
6 residence. He may subscribe only one nomination
7 paper.

8 All nomination papers shall be filed with the
9 corporation clerk at least 30 days prior to the day
10 of election and shall be accompanied by a written
11 consent of the proposed candidate agreeing to accept
12 the nomination and to serve if elected. When filed,
13 the nomination papers shall be made available for
14 public inspection. The clerk shall review each nom-
15 ination paper and determine if the necessary number
16 of voters for each candidate has been presented in
17 order, and notify the candidate within 3 days of the
18 result of his review. An objection to a nomination
19 paper determined by the clerk to be valid or invalid
20 may be filed in writing at least 21 days before the
21 day of election. That objection shall be determined
22 by the Board of Overseers at least 18 days before the
23 day of election and their decision is final.

24 By order of the Board of Overseers or on the
25 written petition of 25 voters, the Board of Overseers
26 shall require that a particular referendum article be
27 placed on the next printed ballot. The petition for
28 placing a referendum article on the ballot is subject
29 to the same filing requirements as are nomination
30 papers under this section.

31 Ballots and specimen ballots shall be prepared
32 and posted by the corporation clerk in the manner
33 provided for town secret ballot elections.

34 The Board of Overseers shall appoint ballot
35 clerks who shall be sworn before assuming their
36 duties. They shall receive, count and tabulate the
37 votes cast in the manner provided for town secret
38 ballot elections. Election shall be by plurality
39 vote. In case of a tie vote, the meeting shall be
40 adjourned to a day certain when ballots shall again
41 be cast for the candidates tied for the office in
42 question.

1 is inefficient and contributes to controversies with
2 the Town of Dedham regarding disposition of tax ac-
3 quired property. Therefore, the following legis-
4 lation is necessary to implement proposed tax assess-
5 ment and budget changes in the Town of Dedham and
6 Lucerne-in-Maine for their 1983 fiscal years, com-
7 mencing July 1, 1983.

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