

MAINE STATE LEGISLATURE

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(EMERGENCY)

(New Draft of H.P. 617, L.D. 765)
(New Title)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1783

H.P. 1344

House of Representatives, June 22, 1983

Reported by Representative Higgins from the Committee on Taxation
and printed under Joint Rule 2.

Original bill presented by Representative Higgins of Portland.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT Relating to Services of a
Municipal Character in the Unorganized
Territory.

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

Whereas, prompt determination and certification
of the municipal cost components in the unorganized
territory tax district is necessary to the establish-
ment of a mill rate and the levy of the unorganized
territory educational and services tax; and

Whereas, in the judgment of the Legislature,
these facts create an emergency within the meaning of
the Constitution of Maine and require the following
legislation as immediately necessary for the preser-

1 vation of the public peace, health and safety; now,
2 therefore,

3 Be it enacted by the People of the State of Maine as
4 follows:

5 Sec. 1. 12 MRSA §685-D is enacted to read:

6 §685-D. Funding

7 Services and activities of the commission which
8 benefit the unorganized and deorganized areas of the
9 State, other than plantations, shall be charged to
10 the unorganized territory and collected through the
11 Unorganized Territory Educational and Services Tax
12 established in Title 36, chapter 115. Services and
13 activities of the commission which benefit planta-
14 tions, towns and cities shall be paid from the Gen-
15 eral Fund which shall be reimbursed by charges made
16 by the commission directly to the plantation, town or
17 city receiving the benefit. Services and activities
18 of the commission which are available on a general
19 statewide level shall be paid from the General Fund.

20 The Department of Conservation shall report annu-
21 ally to the Legislature its estimate of the amount of
22 its budget for the next fiscal year to be collected
23 through the Unorganized Territory Educational and
24 Services Tax, the amount to be charged to planta-
25 tions, towns and cities and the amount to be borne by
26 the General Fund.

27 Sec. 2. 30 MRSA §4165, as repealed and replaced
28 by P&SL 1975, c. 147, Pt. C., §8, is amended to read:

29 §4165. Unorganized Territory School Fund

30 There shall continue in existence the Unorganized
31 Territory School Fund which shall include the exist-
32 ing principal of said fund arising from the public
33 reserved lands prior to October 3, 1973 and any ac-
34 crued but unexpended income from said fund as of said
35 date. Said fund shall be held and administered by the
36 Treasurer of State. ~~The income only of said fund~~
37 ~~shall be credited to the General Fund in lieu of edu-~~
38 ~~ational expenditures from other General Fund reve-~~
39 ~~nuces.~~ The income only of that fund shall be credited

1 on December 31st annually to the Unorganized Ter-
2 ritory Educational and Services Fund established by
3 Title 36, chapter 115 and used to reduce the amount
4 determined to be the municipal cost components for
5 the next fiscal year.

6 **Sec. 3. Franklin County commissioners; alloca-**
7 **tion to Salem Volunteer Fire Department.** The county
8 commissioners of Franklin County shall pay, from any
9 amount previously collected through the Unorganized
10 Territory Educational and Services Tax and received
11 from the Treasurer of State, to the Salem Volunteer
12 Fire Department to cover the 1982 year the amount of
13 \$10,500 less any payments previously made to that
14 department for that year, but not to exceed the
15 department's actual expenses.

16 **Sec. 4. Studies and reports.** The Department of
17 Conservation shall study whether it is advisable for
18 the Maine Land Use Regulation Commission to continue
19 as the "one-stop" land use permitting agency for
20 other agencies of State Government within unorganized
21 areas and whether services provided by the commission
22 which are provided elsewhere by other state agencies
23 should be continued. The department shall submit a
24 report to the Second Regular Session of the 111th
25 Legislature which shall list other agencies which
26 could provide these services and the advantages or
27 disadvantages of transferring these functions to
28 other agencies, as well as the advantages or disad-
29 vantages of continuing these functions within one
30 agency for unorganized areas.

31 The Bureau of Taxation shall make a report to the
32 Second Regular Session of the 111th Legislature con-
33 taining the following information: An estimate of
34 the amount that would be required to reimburse the
35 Unorganized Territory Educational and Services Fund
36 for 50% of the property tax revenue loss suffered
37 during the 1983 calendar year because of statutory
38 property tax exemptions or credits enacted after
39 April 1, 1983; and an estimate of the amount of reim-
40 bursement that the unorganized territory would
41 receive if it were treated as a municipality for pur-
42 poses of reimbursement under Title 36, section 578.
43 The Treasurer of State shall make a report to the
44 Second Regular Session of the 111th Legislature con-

1 taining an estimate of the percentage of the Local
2 Government Fund that would be paid to the unorganized
3 territory if it were treated in the same manner as a
4 municipality under Title 30, section 5055.

5 The Bureau of Public Lands shall make a report to
6 the Second Regular Session of the 111th Legislature
7 containing an estimate of the amount that would be
8 required if the plantations and the unorganized ter-
9 ritory were entitled to 25% of the net revenues from
10 any public lands in the same manner as municipalities
11 under Title 12, section 557.

12 The reports required by this section shall con-
13 tain a detailed explanation of the method that was
14 used in arriving at the estimates that are submitted.

15 Sec. 5. Municipal cost components for services
16 rendered. In accordance with the Revised Statutes,
17 Title 36, chapter 115, the Legislature determines
18 that the net municipal cost component for services
19 and reimbursements to be rendered in fiscal year
20 1983-84 is \$5,430,159, as reflected by the following
21 tabulation:

	<u>1983-84</u>
22	
23 Forest Fire Protection	\$747,163
24 Maine Land Use Regulation Commission	378,494
25 Secretary of State	2,400
26 Property Tax Assessment	385,000
27 County reimbursement for services:	
28 Aroostook	\$154,950
29 Franklin	39,000
30 Oxford	75,500
31 Penobscot	50,000
32 Piscataquis	214,601
33 Somerset	127,938
34 Washington	<u>202,700</u>
35 Total	864,689

