

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 40

7
8 H.P. 38

House of Representatives, January 9, 1985

9 Reference to the Committee on Local and County Government suggested
10 and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.
Cosponsored by Senator Clark of Cumberland.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Amend the Charter of the Bustin's
19 Island Village Corporation.
20

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

24 Whereas, legislation is urgently needed to amend
25 the charter of the Bustin's Island Village Corpora-
26 tion; and

27 Whereas, this legislation will relieve the Town
28 of Freeport and the corporation from long and unduly
29 burdensome regulations; and

30 Whereas, in the judgment of the Legislature,
31 these facts create an emergency within the meaning of
32 the Constitution of Maine and require the following
33 legislation as immediately necessary for the preser-
34 vation of the public peace, health and safety; now,
35 therefore,

1 Be it enacted by the People of the State of Maine as
2 follows:

3 Sec. 1. P&SL 1913, c. 213, §2, as amended by
4 P&SL 1967, c. 17, is further amended by adding at the
5 end a new sentence to read:

6 The corporation is further authorized to borrow funds
7 towards accomplishing the purposes of this section.

8 Sec. 2. P&SL 1913, c. 213, §§2-A and 3-A are en-
9 acted to read:

10 Sec. 2-A. Town of Freeport relieved of certain
11 obligations. The Town of Freeport is relieved from
12 any and all duty to build, repair or maintain roads,
13 streets or ways upon Bustin's Island or to perform
14 any of the duties for which the corporation is autho-
15 riized by Private and Special Laws of 1913, chapter
16 213, section 2, to raise money, and the town shall
17 not be liable for any failure to perform any duty
18 from which it is relieved by this section, but the
19 corporation shall assume all of those duties.

20 Sec. 3-A. Annual payments by Town of
21 Freeport. The Town of Freeport shall annually pay to
22 the treasurer of the corporation a sum equal to 60%
23 of all real estate and personal property taxes col-
24 lected by the town out of the taxes and estates on
25 Bustin's Island, exclusive of any state or county tax
26 or tax collected pursuant to the Private and Special
27 Laws of 1913, chapter 213, section 8, that money to
28 be expended by the corporation for its municipal pur-
29 poses. The money to be paid annually to the treasur-
30 er of the corporation shall be paid each year as soon
31 as practicable, but in no event later than 30 days
32 after the start of each fiscal year, and the amount
33 to be paid shall be computed on the basis of the
34 taxes collected during the immediate preceding fiscal
35 year.

36 Sec. 3. P&SL 1913, c.213, §4, first sentence is
37 amended to read:

38 All moneys which shall be raised by said the corpora-
39 tion for the purposes named in section ~~two~~ 2 of this
40 Act or for any other purpose, for which the corpora-

1 tion may lawfully raise money, shall be assessed upon
2 the taxable polls and estates embraced within the
3 limits of the corporation by the assessors of the
4 Town of Freeport in the same manner as is provided by
5 law for the assessment of town and county taxes; pre-
6 vided, that it shall not be legal for said assessment
7 to exceed 5 mills on the dollar on estates, and that
8 the total appropriations together with any indebted-
9 ness of said corporation shall not exceed two and
10 one-half percent total valuation of said island as
11 shown on the assessor's books of said town at the
12 last preceding assessment.

13 Emergency clause. In view of the emergency cited
14 in the preamble, this Act shall take effect when ap-
15 proved.

16 STATEMENT OF FACT

17 The Town of Freeport, a municipality of the
18 State, and the Bustin's Island Village Corporation, a
19 village corporation within the limits of Freeport,
20 jointly request the adoption, as expeditiously as
21 possible, of legislation making changes to the Pri-
22 vate and Special Laws of 1913, chapter 213, as
23 amended, which created Bustin's Island Village Corpo-
24 ration. The changes are for the mutual benefit of
25 Freeport and the Bustin's Island Village Corporation
26 and do not involve any request for funds.

27 This bill provides for a return to the Bustin's
28 Island Village Corporation each year, for municipal
29 purposes, of 60% of the taxes paid to Freeport by the
30 residents of Bustin's Island and in return Freeport
31 would be relieved of its duties to maintain roads and
32 provide certain other services on the island. The
33 other changes provide for the grant of specific bor-
34 rowing authority to the Bustin's Island Village Cor-
35 poration and elimination of the present limits on
36 self-assessment and incurrence of indebtedness by the
37 Bustin's Island Village Corporation. These latter
38 changes are necessary so that the Bustin's Island
39 Village Corporation would have sufficient means to
40 raise funds for municipal purposes in the event the
41 funds received from Freeport were insufficient, due
42 to emergency spending needs or otherwise.

1 The purpose of this bill is solely to improve the
2 budget process between Freeport and the Bustin's Is-
3 land Village Corporation, to assist Freeport by elim-
4 inating unpredictable variations in Bustin's Island
5 Village Corporation requests for funds and fixing the
6 rate of spending on Bustin's Island Village Corpora-
7 tion requirements, and to put the Bustin's Island
8 Village Corporation in a better position to deal
9 first hand with Bustin's Island Village Corporation
10 monetary needs and priorities. The changes are not
11 intended to affect otherwise the relationship between
12 Freeport and the Bustin's Island Village Corporation.

13 Unlike the charters of most village corporations,
14 the enabling act does not specify the percentage of
15 the taxes paid to Freeport by Bustin's Island proper-
16 ty owners to be applied by Freeport to island re-
17 quirements. This has resulted in the need each year
18 for budget negotiations, sometimes lengthy, between
19 representatives of Freeport and the Bustin's Island
20 Village Corporation to the disadvantage of both par-
21 ties. From the Freeport point of view, the Bustin's
22 Island budget is only a small part of the overall
23 town budget and discussions with regard to Bustin's
24 Island can take up a disproportionate amount of time.
25 In addition, since Bustin's Island needs are fre-
26 quently affected by unpredictable storms and other
27 weather conditions, Bustin's Island Village Corpora-
28 tion requests for funds can have wide year-to-year
29 fluctuations. From the Bustin's Island point of
30 view, the Bustin's Island Village Corporation feels
31 it could do a better job of planning for and attend-
32 ing to island needs, and assigning priorities to is-
33 land projects, if it could count on a regular rate of
34 return from Freeport.

35 Both Freeport and the Bustin's Island Village
36 Corporation believe, based on experience going back
37 several decades, that the Bustin's Island Village
38 Corporation should be able to take care of its antic-
39 ipated requirements under the 60-40 proposal, absent
40 extraordinary events. If the event should occur, it

1 may be necessary for the Bustin's Island Village Cor-
2 poration to borrow funds or self-assess, and hence
3 the requested borrowing authority and removal of lim-
4 its on indebtedness and self-assessment. The
5 islanders are prepared to assume the risk that in
6 certain instances self-assessment may be necessary.

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