

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 420

H.P. 321 House of Representatives, February 19, 1987  
Reference to the Committee on State and Local Government  
suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative GREENLAW of Standish.  
Cosponsored by Senators USHER of Cumberland, BLACK of  
Cumberland, and Representative BROWN of Gorham.

STATE OF MAINE

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

AN ACT to Clarify the Taxing Powers  
of the Frye Island Municipal Services  
Corporation.

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

Whereas, the Frye Island Municipal Services Cor-  
poration was established by the Legislature in 1975  
as a result of the developer, known or formerly known  
as Sebago Lake Shores, Inc., then Leisure Living Com-  
munities, Inc., a Massachusetts corporation, being in  
serious financial difficulties and unable to provide  
common service to the development; and

1       Whereas, to provide these services for the devel-  
2       opment the Legislature empowered the Frye Island Mu-  
3       nicipal Services Corporation to lay and collect taxes  
4       for the provision of these services; and

5       Whereas, the Legislature inadvertently granted  
6       the Frye Island Municipal Services Corporation the  
7       power to tax a portion of the island which was not  
8       part of the development; and

9       Whereas, the landowners of land which is not part  
10      of the development and who derive no benefit from the  
11      development; and

12      Whereas, those landowners who should not be sub-  
13      ject to the taxing powers of the Frye Island Municip-  
14      al Services Corporation may lose their property in  
15      tax lien proceedings; and

16      Whereas, the loss of the landowners' property  
17      would be a grave injustice because the Legislature  
18      did not intend them to be subject to the taxing pow-  
19      ers of the Frye Island Municipal Services Corpora-  
20      tion; and

21      Whereas, this legislation is necessary to clarify  
22      the legislative intent regarding the taxing powers of  
23      the Frye Island Municipal Services Corporation; and

24      Whereas, in the judgment of the Legislature,  
25      these facts create an emergency within the meaning of  
26      the Constitution of Maine and require the following  
27      legislation as immediately necessary for the preser-  
28      vation of the public peace, health and safety; now,  
29      therefore,

30      Be it enacted by the People of the State of Maine as  
31      follows:

32      Sec. 1. P&SL 1975, c. 138, §1, is amended to  
33      read:

34      Sec. 1. Territory of Frye Island Municipal Ser-  
35      vices Corporation defined. So much of the territory  
36      of the Town of Standish, in the County of Cumberland,  
37      as is bounded and described as follows, to wit: That

1 portion of Frye Island, so-called in Sebago Lake, ex-  
2 cept the parcel of land situated at the southerly tip  
3 of Frye Island, more specifically, all that land sit-  
4 uated southerly of a straight line running in a gen-  
5 erally east-west direction between the following 2  
6 points: The first point is on the westerly side of  
7 Frye Island, at the shore of Sebago Lake, and is  
8 shown as "124 + 11.35 D.H." on a plan entitled "Plan  
9 of Property in Raymond and Standish, Me. adjoining  
10 Sebago Lake surveyed for Thomas Avery Lamb," dated  
11 June, 1907, prepared by E. C. Jordan and Company,  
12 Civil Engineers, Portland, Maine; and the 2nd point  
13 is on the easterly side of Frye Island, at the shore  
14 of Sebago Lake, and is shown as "97 + 37.75" on the  
15 plan, being the same parcel of land conveyed in a  
16 deed from Sebago Lake Shores, Inc. to John P. Porell  
17 dated April 20, 1968, and recorded in the Cumberland  
18 County Registry of Deeds in Book 3037, Page 85, to-  
19 gether with the inhabitants residing therein and the  
20 owners of real estate therein, be and the same is  
21 hereby created a body politic and corporate by the  
22 name of Frye Island Municipal Services Corporation.

23       Sec. 2. P&SL 1975, c. 138, §1-A is enacted to  
24 read:

25       Sec. 1-A. Tax assessments on certain land. All  
26 past and present taxes assessed on land located in  
27 the area of Frye Island excepted out of the Frye Is-  
28 land Municipal Services Corporation territory in sec-  
29 tion 1 are void.

30       Emergency clause. In view of the emergency cited  
31 in the preamble, this Act shall take effect when ap-  
32 proved.

STATEMENT OF FACT

In 1968, the late John P. Porell owned as parcel of land situated at the southerly tip of Frye Island, Sebago Lake, Maine. A corporation known as Sebago Lake Shores, Inc., proceeded to develop the remainder of Frye Island, which was known for awhile as Leisure Living Community, Inc. The southerly parcel owned by Mr. Porell was sold to other landowners. It was never part of the development by Sebago Lake Shores, Inc. and Leisure Living Communities, Inc.

In 1975, the Legislature enacted a private and special law which established the Frye Island Municipal Services Corporation. Sebago Lake Shores, Inc. had developed financial difficulties and was unable to provide common services to the owners of the land in the development. The municipal corporation was created and empowered to tax the landowners in the development.

In 1985, the landowners of the land in the southerly tip of Frye Island, which was never part of the development, received tax bills from the Frye Island Municipal Service Corporation. Those landowners derive no benefit from the Municipal Services Corporation; they are not connected to the municipal utilities, nor do they have access to municipal roads. The only way they are able to travel to their property is by private boat.

This bill clarifies that the landowners in the southerly tip of the island, which was never intended to be part of the development, are not, and have not been, subject to the taxing power of the Frye Island Municipal Services Corporation.

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