

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)
(New Draft of H.P. 321, L.D. 420)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 738

H.P. 551 House of Representatives, March 12, 1987
Reported by Representative WENTWORTH from the Committee
on State and Local Government and printed under Joint Rule 2.
Original bill sponsored by Representative GREENLAW of
Standish. Cosponsored by Senators USHER of Cumberland, BLACK
of Cumberland and Representative BROWN of Gorham.
EDWIN H. PERT, Clerk

STATE OF MAINE

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

1 AN ACT to Clarify the Taxing Powers of the
2 Frye Island Municipal Services
3 Corporation.
4

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

8 Whereas, the Frye Island Municipal Services Cor-
9 poration was established by the Legislature in 1975
10 as a result of the developer, known or formerly known
11 as Sebago Lake Shores, Inc., then Leisure Living Com-
12 munities, Inc., a Massachusetts corporation, being in
13 serious financial difficulties and unable to provide
14 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 Muni-
14 cipal 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**
38 **portion of Frye Island, so-called in Sebago Lake, ex-**

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

22 Sec. 2. P&SL 1975, c. 138, §§1-A and 1-B are en-
23 acted to read:

24 Sec. 1-A. Tax assessments on certain lands. All
25 currently owned taxes assessed by Frye Island Muni-
26 cipal Services Corporation on real estate within that
27 portion of Frye Island excepted from the territory of
28 the Frye Island Municipal Services Corporation are
29 abated. Any currently owed taxes described herein
30 paid to the Frye Island Municipal Services Corpora-
31 tion shall be returned by Frye Island Municipal Ser-
32 vices Corporation to the payor within 30 days of the
33 effective date of this Act, provided that the payor
34 does not elect to become a member of the Frye Island
35 Municipal Services Corporation prior to the effective
36 date of this Act. Any tax liens on real estate lo-
37 cated within that portion of Frye Island excepted
38 from the territory of the Frye Island Municipal Ser-
39 vices Corporation shall be discharged by Frye Island
40 Municipal Services Corporation within 30 days of the
41 effective date of this Act.

42 Sec. 1-B. Agreement for provision of services
43 and payment of taxes. Owners of real estate located
44 on that portion of Frye Island excepted from the ter-

1 ritory of the Frye Island Municipal Services Corpora-
2 tion shall not receive utility or recreational ser-
3 vices from the Frye Island Municipal Services Corpo-
4 ration until an owner provides written notice that
5 the owner desires irrevocably to place his real es-
6 tate within the territory of the Frye Island Muni-
7 cipal Services Corporation. Upon receipt of this noti-
8 fication, the Frye Island Municipal Services Corpora-
9 tion shall provide all services generally provided to
10 other members of the Frye Island Municipal Services
11 Corporation, including, without limitation, access
12 over Shoreview Circle, as shown on an index sheet of
13 Sebago Lake Shores, Frye's Island, Sebago Lake, pre-
14 pared by Wright, Pierce, Barnes and Wyman, or other
15 reasonable access, from the developed road system to
16 the northerly boarder of that portion of Frye Island
17 excepted by this Act from the territory of the Frye
18 Island Municipal Services Corporation.

19 **Emergency clause.** In view of the emergency cited
20 in the preamble, this Act shall take effect when ap-
21 proved.

22 STATEMENT OF FACT

23 The original bill clarified that the landowners
24 in the southerly tip of Frye Island, which was never
25 intended to be part of the development, are not, and
26 have not been, subject to the taxing power of the
27 Frye Island Municipal Services Corporation.

28 This new draft provides that the landowners of
29 the southerly tip of Frye Island will not receive
30 services from the Frye Island Municipal Services Cor-
31 poration until they agree to become members of the
32 corporation. Upon agreement to become members of the
33 corporation, the landowners will become subject to
34 the taxing authority and rules of the corporation.

35 It also provides that if the landowners who have
36 not been receiving services from the corporation pay
37 some back taxes to avoid lien proceedings, the corpo-
38 ration shall return that money within 30 days of the
39 effective date of this Act.

1 Finally, this new draft requires the corporation
2 to discharge within 30 days of the effective date of
3 this new draft any liens filed on the real estate ex-
4 cepted from its territory.

5

2173031087