

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1216

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H.P. 899

House of Representatives, February 25, 1997

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**An Act to Allow the Separation of Frye Island from the Town of Standish.**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MACK of Standish.  
Cosponsored by Senator BUTLAND of Cumberland and  
Representatives: BRUNO of Raymond, BUMPS of China, KASPRZAK of Newport,  
KONTOS of Windham, LABRECQUE of Gorham, Senators: AMERO of Cumberland,  
O'GARA of Cumberland.

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

2

PART A

4

6       **Sec. A-1. Separation and incorporation; Frye Island.** Subject to a  
8 following territory now within the Town of Standish and the  
10 County of Cumberland, together with the inhabitants of that  
12 territory, is hereby separated from the Town of Standish and  
14 incorporated into a separate town by the name of the Town of Frye  
16 Island: the island in Sebago Lake identified as Frye Island  
18 together with the surrounding waters within two-hundred feet  
(200') from the shoreline of Frye Island, excluding territory  
under the jurisdiction of another municipality, on November 1,  
1997. The island and surrounding waters described in this  
section are referred to in this Act as "the Frye Island  
territory." The Town of Frye Island remains within Cumberland  
County.

20

22       **Sec. A-2. Referendum elections.** Part A of this Act takes  
24 effect 90 days after adjournment of the First Regular Session of  
26 the 118th Legislature for the purpose of permitting its  
submission to the voters of the Frye Island territory at a  
special referendum election to be held on October 3, 1997.  
Warrants must be issued for this election notifying the qualified  
voters to vote on the approval or rejection of this Act.

28

30       For the purposes of this referendum election, all persons  
32 resident and legally registered to vote within the Frye Island  
territory are eligible to vote on the question with respect to  
the separation of that territory from the Town of Standish.

34

36       The town clerk of the Town of Standish shall prepare the  
38 required ballots on which the subject matter of Part A of this  
40 Act must be reduced to the following question:

36

38       "Do you favor the separation of Frye Island and the  
40 surrounding waters within two-hundred feet (200') from the  
shoreline of Frye Island from the Town of Standish and its  
incorporation as a separate town?"

42

44       The voters shall indicate by an appropriate mark placed  
against the word "Yes" or "No" their vote on this question.

44

46       The referendum election must be conducted by the town clerk  
48 of the Town of Standish, who shall declare the result of the  
election. The town clerk's declaration of the election results  
is final, subject to review by the Superior Court for the County  
of Cumberland. The results of the referendum election must be  
50 filed by the town clerk with the Secretary of State.

2           **Sec. A-3. Effective date of separation.** If a majority of those  
4 voting in the Frye Island territory election approves the  
6 question, Part A of this Act takes effect with respect to that  
8 territory and that territory is separated from the Town of  
Standish and is incorporated as the Town of Frye Island on  
November 1, 1997.

10           **Sec. A-4. Provision for first meeting.** If the voters of Frye  
12 Island territory approve the question, a justice of the peace or  
14 notary public may issue a warrant to any legal voter in the Town  
16 of Frye Island directing that legal voter to notify the municipal  
18 inhabitants of a public meeting to select municipal officers and  
20 to transact municipal business to be held at a time and place  
22 specified in the warrant. Notice to the municipal inhabitants  
must be provided at least seven (7) days prior to the meeting.  
Until November 1, 1997, municipal officers selected at the  
meeting are vested with all of the powers and duties that other  
duly elected municipal officers have, including the power to  
raise, borrow and spend money, except as those powers may be  
limited by the Frye Island Municipal Services Corporation, as  
further described in Part C of this Act.

24           **Sec. A-5. Form of government.** If the voters of the Frye  
26 Island territory approve the question, the Town of Frye Island  
28 will be incorporated and separated from the Town of Standish on  
November 1, 1997 and shall adopt the town meeting as its form of  
government.

30           Nothing in this Act prevents the Town of Frye Island from  
32 subsequently voting to change its form of government without the  
necessity of a further act of the Legislature.

34           **Sec. A-6. Allocation of debts and assets.** If the Town of Frye  
36 Island is incorporated and separated from the Town of Standish on  
38 November 1, 1997, the Town of Frye Island shall assume debts and  
assets of the Town of Standish as follows.

40           1. All tangible personal property owned by the Town of  
42 Standish and located within the Frye Island territory on the date  
44 of separation becomes the property of the Town of Frye Island on  
November 1, 1997, and the Town of Standish shall promptly deliver  
to the Town of Frye Island an appropriate quitclaim bill of sale  
for that property.

46           2. Town of Standish taxes that are due from Frye Island  
48 property owners as of November 15, 1997 will continue to be owed  
50 to the Town of Standish after separation. Tax liens on behalf of  
the Town of Standish attributable to those taxes remain valid.  
The Town of Standish shall turn over to the

2 Town of Frye Island in a single payment by December 31, 1997 the  
3 pro rata portion of property taxes paid by Town of Frye Island  
4 property owners for the period November 1, 1997 to November 15,  
5 1997.

6 3. No other tangible property or intangible property of the  
7 Town of Standish, including cash or bank accounts, is due to the  
8 Town of Frye Island.

10 4. The Town of Frye Island shall bear its just and due  
11 proportion of the bonded indebtedness of the Town of Standish, as  
12 determined pursuant to Part B of this Act.

14 **Sec. A-7. Property taxes.** Frye Island remains a part of the  
15 Town of Standish for all purposes including liabilities,  
16 obligations and the collection and disbursement of property taxes  
17 up to the effective date of separation and the Town of Standish  
18 maintains its customary level of service to Frye Island until  
19 that date. After that date, each municipality is separately  
20 responsible for raising and collecting the revenues necessary to  
21 fund its respective government.

22 **Sec. A-8. Educational needs.** If the Town of Frye Island is  
23 incorporated and separated from the Town of Standish, it remains  
24 in the School Administrative District 6 or its successor and pays  
25 its proportional share of costs, unless or until such time as it  
26 withdraws from the school administrative district in accordance  
27 with applicable state law. School transportation services must  
28 be provided as follows: The Town of Frye Island is authorized to  
29 require each resident with a child or children enrolled in School  
30 Administrative District 6 to provide transportation from the  
31 island to the mainland point of pickup at the resident's own  
32 expense; transportation costs from the mainland point of pickup  
33 to the school must be provided, as is customarily done, by the  
34 school administrative district.

## 36 PART B

38 **Sec. B-1. Duty to negotiate in good faith.** In anticipation of the  
39 creation of the Town of Frye Island pursuant to this Act, the  
40 Town of Standish and representatives of the Frye Island  
41 territory, as described in Part A, section 1 of this Act, shall  
42 negotiate in good faith to reach a mutual determination of:  
43

44 1. The just and due proportion of bonded indebtedness of  
45 the Town of Standish to be assumed by the Town of Frye Island; and

46 2. The allocation of other duties and responsibilities  
47 between the Town of Standish and the Town of Frye Island as the  
48 parties determine necessary.  
49  
50



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

20 **Sec. C-3. P&SL 1975, c. 138, §3** is amended to read:

22 **Sec. 3. Bylaws.** The corporation, at any legal meeting  
thereof, called for the purpose, may adopt bylaws, not  
24 inconsistent with the laws and Constitution of ~~this State~~ Maine  
or applicable ordinances or regulations of the Town of ~~Standish~~  
26 Frye Island, as they may deem expedient and necessary for the  
better government and regulation of the municipal affairs within  
28 the corporation, in which case the bylaws so adopted, shall  
extend to the corporation as fully, to all intents and purposes  
30 as the other provisions of this Act.

32 **Sec. C-4. P&SL 1975, c. 138, §5**, as amended by P&SL 1987, c.  
108, §2, is further amended to read:

34 **Sec. 5. Power to raise money; debt.** The corporation is  
36 authorized and vested with the power, at any legal meeting called  
for the purpose, to raise the sums of money necessary for the  
38 following purposes: To construct, maintain and repair roads,  
streets, ways and sidewalks; to procure water for fire, domestic  
40 and other purposes, to provide or procure sewer and refuse  
disposal facilities, and to provide light for public use; to  
42 establish and maintain police and fire protection; to build,  
repair and maintain public wharves and landings; to purchase,  
44 maintain and operate ferries or boats for transportation from the  
island to the mainland; to purchase, construct, maintain and  
46 repair such buildings and equipment as may be necessary or  
desirable for such purposes; to acquire by purchase or gift, and  
48 by deed, will, lease or otherwise title to real estate and  
personal property for the benefit of the corporation; to manage,  
50 operate, mortgage, sell, lease and exchange real estate and

2 personal property for the benefit of the corporation; to contract  
with any individual, firm, association or corporation to  
4 accomplish such purposes; and to pay salaries and expenses of the  
corporation; or for any other lawful purpose relating to public  
6 health and safety, maintenance or improvement of public property  
or public services, acquisition of real or personal property or  
8 compliance with any law, ordinance or regulation.

10 The corporation is further authorized and vested with the  
power, at any legal meeting called for the purpose, to authorize  
12 the borrowing of money and issuing of bonds, notes or other  
evidences of indebtedness in such amounts as the vote of the  
14 legal voters of the corporation ~~shall determine~~ determines for  
the purposes set forth above, in the same manner as is provided  
16 by law for borrowing of money and issuing of bonds, notes or  
other evidences of indebtedness by municipalities. The trustees  
18 of the corporation may determine the rates of interest and the  
terms and conditions of any such indebtedness, subject to the  
20 same limitations as are provided by law for the indebtedness of  
municipalities. Notwithstanding any other provisions of this Act  
22 or any other provision of law, the total outstanding indebtedness  
of the corporation ~~shall~~ may at no time exceed an amount equal to  
24 7.50% of the corporation's last full state valuation, except as  
otherwise permitted by the Maine Revised Statutes, Title 30 30-A,  
section 5061 5702.

26 **Sec. C-5. P&SL 1975, c. 138, §§7 to 9 and 10-B** are amended to  
28 read:

30 **Sec. 7. Assessments levied.** All moneys ~~which shall be~~ that are  
raised by the corporation for purposes for which the corporation  
32 may lawfully raise money, except any fares, rates or charges  
fixed for the use of ferry, water, sewer or refuse disposal  
34 facilities, ~~shall~~ must be assessed upon the taxable estates  
within the corporation's territory by the assessors of the Town  
36 of Standish Frye Island in the same manner as is provided by law  
for the assessment of town and county taxes. The trustees, in  
38 addition to the levy provided, may fix rates, fares or charges  
based on the use of ferry, water, sewer or refuse disposal  
40 facilities as they ~~shall deem~~ determine reasonable and expedient.

42 For all purposes of taxation under this Act, the person or  
persons entitled to the use or occupation of any lot of land  
44 within the limits of the corporation ~~shall be~~ are deemed the  
owner thereof and be are taxed for the lot and the improvements,  
46 if any, thereon.

48 **Sec. 8. Assessment and collection.** Upon a certificate being  
filed with the assessors of the Town of Standish Frye



2 Island by the clerk of the corporation of the amount of money  
3 voted to be raised at any legal meeting of the corporation, it  
4 ~~shall-be~~ is the duty of the Standish Frye Island assessors, or  
5 their successors in office, at the time of the next annual  
6 assessment of town and county taxes in the Town of Standish Frye  
7 Island, to assess in addition thereto the total amounts certified  
8 by the clerk of the corporation, upon the taxable estates within  
9 the corporation's territory and to certify and deliver the lists  
10 of the assessments so made to the treasurer of the corporation.  
11 The treasurer of the corporation shall collect the assessments in  
12 the same manner as county and town taxes are collected by law.  
13 The treasurer of the corporation shall receive all moneys money  
14 belonging to the corporation, pay it out only upon the written  
15 order or direction of the trustees, keep a regular account of all  
16 moneys money received and paid out and exhibit the account to the  
17 trustees whenever requested to do so.

18 The corporation ~~shall-have~~ has the same power to direct the  
19 method of collecting these taxes that a town has in the  
20 collection of town taxes; and the treasurer ~~shall-have~~ has the  
21 same rights and powers to recover any taxes committed to ~~him~~ the  
22 treasurer under the provisions of this Act that a town tax  
23 collector has for the collection of town taxes committed to ~~him~~  
24 the town tax collector. The corporation ~~shall-have~~ has the same  
25 right to recover by suit taxes assessed under this Act as a  
26 municipality has by law to recover taxes assessed therein.

27 The rights and powers of the corporation and its treasurer  
28 to collect corporation taxes, as aforesaid, and any liens or  
29 attachments therefor, ~~shall-be~~ are subordinate to the rights and  
30 powers, liens or attachments of the Town of Standish Frye Island  
31 in collection of the town taxes, assessments or other charges.

32 **Sec. 9. Town tax payments to corporation.** The Town of Standish  
33 Frye Island may appropriate any sum to the corporation from the  
34 annual revenue raised by the town's taxation on the estates  
35 within the corporation's territory. Any sum so appropriated by  
36 the town ~~shall~~ must be paid over to the treasurer of the  
37 corporation and ~~shall~~ must be used and expended for its corporate  
38 purposes and duties.

39 **Sec. 10-B. Property of corporation tax exempt.** ~~No--property~~  
40 Property of the corporation ~~shall-be~~ is exempt from taxation by  
41 ~~reason of this Act or the general laws of the State of Maine to~~  
42 the same extent as property owned by a municipality.  
43  
44  
45  
46

## SUMMARY

2  
4 This bill allows Frye Island and 200 feet of surrounding  
6 waters in Sebago Lake to separate from the Town of Standish and  
8 incorporate as the Town of Frye Island, subject to local  
10 referendum. The Town of Frye Island remains in School  
Administrative District 6 and Cumberland County. The Frye Island  
Municipal Services Corporation continues within the Town of Frye  
Island. Local referendum on the bill is scheduled for October 3,  
1997 and, if approved, separation would be effective November 1,  
1997.