

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2013

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H.P. 1408

House of Representatives, March 23, 1999

**An Act to Allow the East Side of Machiasport to Annex with East Machias.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GILLIS of Danforth. (By Request)  
Cosponsored by Representative SHOREY of Calais.

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

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**Sec. 1. Separation and incorporation.** Subject to referendum elections as set forth in section 3 of this Act and as otherwise specified in this Act, the territory in section 2, the east side of Machiasport, now within the Town of Machiasport, Washington County, together with the inhabitants of that territory, is separated and set off from the Town of Machiasport and incorporated into the Town of East Machias, Washington County.

**Sec. 2. Boundaries.** The boundaries of the territory affected by this Act are as follows.

All of the land, including buildings, intertidal land, submerged land, fresh or salt water ponds, roads and land owned by the Town of Machiasport, generally referred to as the east side of Machiasport, containing 3,160 acres, more or less, and bounded as follows: on the north by East Machias, on the south by Machias Bay and on the east by Whiting.

**Sec. 3. Referendum elections.** In order for the separation and incorporation described in this Act to take effect, the east side of Machiasport must vote in an election to secede from the Town of Machiasport and join the Town of East Machias and further, the Town of East Machias must vote in an election to accept the territory after that territory has voted in the affirmative for secession and incorporation. A simple majority of the voters in each referendum is necessary to approve the referendum.

**1. East side of Machiasport; secession vote.** Within 3 months of the effective date of this Act, this Act must be submitted to the legal voters of the east side of Machiasport in a referendum election for the purpose of approval of this Act. Warrants must be issued for this election notifying the qualified voters to vote on the approval or rejection of this Act.

For purposes of this referendum election, all persons resident of the east side of Machiasport and legally registered to vote within the east side of Machiasport as set out in section 2 of this Act are eligible to vote on the question with respect to the separation of the east side of Machiasport from the Town of Machiasport and its annexation to the Town of East Machias.

The Town Clerk of the Town of Machiasport shall prepare the required ballots on which the subject matter of this Act must be reduced to the following question:

"Do you favor the separation of the east side of Machiasport from the Town of Machiasport and the annexation of the east side of Machiasport to the Town of East Machias?"

2           The voters shall indicate by a cross or check mark placed  
against the word "Yes" or "No" their opinion of the same.

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6           The referendum election must be conducted by the Town Clerk  
of the Town of Machiasport, who shall declare the result of the  
election. The town clerk's declaration of the election results  
8 is final, subject to review by the Superior Court for Washington  
County. The result of the vote must be filed by the town clerk  
10 with the Secretary of State.

12           **2. Town of East Machias; annexation vote.** Within 6 months  
of the effective date of this Act, if the referendum in the east  
14 side of Machiasport passes, then this Act must be submitted to  
the legal voters of the Town of East Machias in a referendum  
16 election for the purpose of approval of this Act. Warrants must  
be issued for this election notifying the qualified voters to  
18 vote on the approval or rejection of this Act.

20           For purposes of this referendum election, all persons  
resident of East Machias and legally registered to vote within  
22 East Machias are eligible to vote on the question with respect to  
the separation of the east side of Machiasport from the Town of  
24 Machiasport and its annexation to the Town of East Machias.

26           The Town Clerk of the Town of East Machias shall prepare the  
required ballots on which the subject matter of this Act must be  
28 reduced to the following question:

30           "Do you favor the annexation of the east side of Machiasport  
to the Town of East Machias?"

32           The voters shall indicate by a cross or check mark placed  
34 against the word "Yes" or "No" their opinion of the same.

36           The referendum election must be conducted by the Town Clerk  
of the Town of East Machias, who shall declare the result of the  
38 election. The town clerk's declaration of the election results  
is final, subject to review by the Superior Court for Washington  
40 County. The result of the referendum election must be filed by  
the town clerk with the Secretary of State.

42           **Sec. 4. Town of Machiasport property.** If the territory  
44 consisting of the east side of Machiasport separates from the  
Town of Machiasport and is incorporated within the Town of East  
46 Machias, all real property owned by the Town of Machiasport for  
the east side of Machiasport and located within that territory  
48 must be conveyed to the Town of East Machias on the effective  
date of separation.

50           Before the effective date of separation, the Town of  
52 Machiasport shall remove all personal property owned by the Town  
of Machiasport that is customarily located in the east side of  
54 Machiasport.

2           **Sec. 5. Allocation of debts and assets.** If the territory  
3 consisting of the east side of Machiasport separates from the  
4 Town of Machiasport and the Town of East Machias approves the  
5 annexation, the owners of the taxable real property within the  
6 territory of the east side of Machiasport shall assume their just  
7 and due proportion of the long-term general fund debts and  
8 enterprise fund debts of the Town of Machiasport. "Just and due  
9 proportion" means the proportion of the valuation of all taxable  
10 real estate in the territory of the east side of Machiasport as  
11 set forth in section 2 of this Act to the entire valuation of all  
12 taxable real estate in the Town of Machiasport according to the  
13 most recent tax valuation of the Town of Machiasport on the  
14 effective date of this Act. The valuation of the long-term  
15 general fund and enterprise fund debts is the valuation as of  
16 January 1, 2000.

17           Upon the effective date of separation, any interest that the  
18 Town of Machiasport has in assets, whether real, personal or  
19 mixed, and however and whenever acquired, within the territory of  
20 the east side of Machiasport becomes the property of the Town of  
21 East Machias. If the owners of the taxable real property within  
22 the territory of the east side of Machiasport do not receive  
23 credit for any proportion of other assets of the Town of  
24 Machiasport that may be due them, the debt payments to the Town  
25 of Machiasport are without interest.

26           **Sec. 6. Town of East Machias powers.** The Town of East Machias  
27 is authorized to assess a property tax that is in addition to the  
28 regular property tax within the territory of the east side of  
29 Machiasport against the owners of the taxable real property  
30 within the boundaries of the east side of Machiasport, to deposit  
31 the additional property tax in a separate account of which the  
32 principal may be withdrawn only for paying to the Town of  
33 Machiasport the debt owed to the Town of Machiasport from the  
34 east side of Machiasport, to collect and enforce all additional  
35 taxes in the same manner as provided by law for the collection  
36 and enforcement of real property taxes by municipalities and to  
37 pay annually to the Town of Machiasport no later than June 30th  
38 of each year from the additional taxes collected from the owners  
39 of taxable real property within the east side of Machiasport to  
40 the Town of Machiasport in 10 equal annual installments without  
41 interest. Interest that accumulates in the separate account must  
42 first be applied by the Town of East Machias to any costs in  
43 administration of this section. Any remaining interest must be  
44 refunded to the owners of taxable real property within the  
45 territory of the east side of Machiasport.

46           The power granted to the Town of East Machias to assess an  
47 additional tax against the owners of the taxable real property  
48 within the boundaries of the east side of Machiasport terminates  
49 when the debt owed to the Town of Machiasport from the east side  
50 of Machiasport has been paid in full.  
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2           **Sec. 7. Property taxes; municipal services.** The east side of  
4 Machiasport remains a part of the Town of Machiasport for all  
6 purposes including liabilities, obligations and the collection  
8 and disbursement of property taxes up to the effective date of  
10 separation and the Town of Machiasport shall maintain its  
12 customary level of municipal services to the east side of  
14 Machiasport until that date. After the effective date of  
16 separation, the Town of East Machias shall assess and collect  
18 property taxes and provide municipal services to the east side of  
20 Machiasport.

12           **Sec. 8. Costs not funded.** Any requirements of this Act that  
14 result in additional costs to local or county government are not  
16 state mandates and the State is not required to fund those costs.

16           **Sec. 9. Effective date of separation.** The effective date of  
18 separation and annexation of the territory consisting of the east  
20 side of Machiasport is 60 days following the approval of the  
referendum set out in section 3, subsection 2.

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#### SUMMARY

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26           Subject to approval by the voters in the east side of  
28 Machiasport and the Town of East Machias, this bill authorizes  
the separation of the territory consisting of the east side of  
Machiasport from the Town of Machiasport and the annexation of  
that territory to the Town of East Machias.