

MAINE STATE LEGISLATURE

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R.efs

L.D. 1586

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DATE: February 8, 2002

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STATE AND LOCAL GOVERNMENT

Reported by:

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 499, L.D. 1586, Bill, "An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, the City of Portland and the Town of Falmouth have jointly agreed to the annexation of the Falmouth property by the City of Portland; and

Whereas, a purchase agreement for a parcel of land along the Presumpscot River that is linked to the transfer of the Falmouth land to Portland requires that the purchase be finalized by March 23, 2002; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend the bill by striking out all of section 2 and inserting in its place the following:

COMMITTEE AMENDMENT

R.efs

2 'Sec. 2. Territory. The territory affected by this Act,
referred to in this Act as the "territory," is as follows:

4 A certain lot or parcel of land situated in the Town of
Falmouth, County of Cumberland, and State of Maine bounded
6 and described as follows:

8 Beginning at a granite monument on the southerly bank of the
Presumpscot River which monument marks the Falmouth-Portland
10 Town line;

12 Thence south 31 degrees, 28 feet, 15 inches west along said
Falmouth-Portland Town line, 1,409.32 feet to a granite
14 monument;

16 Thence north 58 degrees, 27 feet, 10 inches west along said
Falmouth-Portland Town line, 1,047.77 feet to a granite
18 monument;

20 Thence north 30 degrees, 42 feet, 40 inches east along said
Falmouth-Portland Town line, 290.49 feet to a granite
22 monument;

24 Thence north 59 degrees, 9 feet, 11 inches west along said
Falmouth-Portland Town line, 482.24 feet to a granite
26 monument and the Maine Turnpike spur;

28 Thence north 64 degrees, 31 feet, 49 inches east along said
Turnpike Spur, 1,690.60 feet to the Presumpscot River;

30 Thence southeasterly along said Presumpscot River 700 feet
32 more or less to the point of beginning.

34 The territory described above includes all of the land,
buildings, intertidal land, submerged land, freshwater or
36 saltwater ponds and river beds, generally referred to as the
Adams/Wolfe property, containing 37.73 acres, more or less.'

38 Further amend the bill by inserting after section 4 the
40 following:

42 'Emergency clause. In view of the emergency cited in the
preamble, this Act takes effect when approved.'

44 Further amend the bill by inserting at the end before the
46 summary the following:

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REFS

FISCAL NOTE

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This bill separates territory from the town of Falmouth and annexes it to the city of Portland.

The requirement to separate and annex this territory represents a state mandate pursuant to the Constitution of Maine. The additional local costs are expected to be minor but can not be determined at this time. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and 2/3 of the members of each House vote to exempt this mandate from the funding requirement, Falmouth and Portland may not be required to implement these changes.

This territory separation and annexation would impact the future property valuation of Falmouth and Portland. Such a change will not have a fiscal impact upon the operational funds of either the Department of Education or the Office of the Treasurer of State. The change in property valuation will not impact the amount available for distribution but would impact the distribution of funds made to General Purpose Aid for Education and to the State Municipal Revenue Sharing programs in the future. The specific fiscal impact to school administrative units and individual municipalities can not be determined at this time.'

SUMMARY

This amendment amends the original bill by adding a more precise description of the territory to be separated from the Town of Falmouth and annexed to the City of Portland by this legislation. It also adds an emergency preamble, an emergency clause and a fiscal note to the bill.