



120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1909

S.P. 707

In Senate, December 17, 2001

An Act to Permit the Town of Atkinson to Deorganize.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 17, 2001. Referred to the Committee on State and Local Government and ordered printed pursuant to Joint Rule 308.2

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PAMELA L. CAHILL Secretary of the Senate

Presented by Senator DAVIS of Piscataquis. Cosponsored by Representative ANNIS of Dover-Foxcroft. **Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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Whereas, the citizens of the Town of Atkinson must vote on the deorganization of the plantation before the 90-day period after adjournment has elapsed; 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,
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Be it enacted by the People of the State of Maine as follows:

Sec. 1. Deorganization of Town of Atkinson. The Town of Atkinson in Piscataquis County is deorganized, except that the corporate existence, powers, duties and liabilities of the town survive for the purposes of prosecuting and defending all pending suits to which the town is, or may be, a party and all needful process arising out of any suits, including provisions for the payment of all or any judgments or debts that may be rendered against the town or exist in favor of any creditor.

26 Sec. 2. Unexpended school funds. The treasurer of the town or any other person who has custody of the funds of the town shall 28 pay to the Treasurer of State all unexpended school funds that, together with the credits due the town for school purposes, are 30 to be used by the State Tax Assessor to settle any school obligations contracted by the town before deorganization. Any unexpended school funds remaining with the Treasurer of State 32 after all the obligations have been met must be added to the 34 Unorganized Territory Education and Services Fund, as established in the Maine Revised Statutes, Title 36, chapter 115.

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Sec. 3. School debt. The town treasurer or the person who has 38 custody of the town funds shall pay to School Administrative District No. 41 the town's share of the debt service. This 40 amount must be paid within 30 days of the effective date of this School Administrative District No. 41 may retain any section. interest earned on this amount. Any remaining unexpended school 42 funds, together with any credits due the town for school 44 purposes, must be paid to the State Treasurer. These funds, if any, must be added to the Unorganized Territory Education and Services Fund. 46

 48 Sec. 4. Withdrawal from School Administrative District No. 41. The Town of Atkinson is withdrawn from School Administrative District
50 No. 41. Sec. 5. Assessment of taxes. The State Tax Assessor shall assess the real and personal property taxes in the Town of Atkinson as of April 1, 2002, as provided in the Maine Revised Statutes, Title 36, chapter 115.

Sec. 6. **Referendum:** certificate to Secretary of State. Notwithstanding the Maine Revised Statutes, Title 30-A, section 8 7209, the board of assessors of the town shall submit this Act to 10 the legal voters of the Town of Atkinson by ballot at a special election held after passage of this Act. This election must be 12 called. advertised and conducted according to Title 30-A, sections 2528 and 2532. The town clerk shall prepare the required ballots on which the clerk shall reduce the subject 14 matter of this Act to the following question:

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"Do you favor the deorganization of the Town of Atkinson?"

The voters shall indicate their opinion on this question by 20 a cross or check mark placed against the word "Yes" or "No." Before becoming effective, this Act must be approved by at least 22 2/3 of the legal voters voting at the special election, and the total number of votes cast for and against the acceptance of this 24 Act at the election must equal or exceed 50% of the total number of votes cast in the town for Governor at the last gubernatorial 26 election.

28 The municipal officers of the Town of Atkinson shall declare the result of the vote. The town clerk shall file a certificate 30 of the election result with the Secretary of State within 10 days from the date of the election.

Emergency clause. Sections 1 to 5 of this Act take effect 34 on July 1, 2002 if deorganization is approved by the voters of the Town of Atkinson pursuant to section 6 of this Act.

38 SUMMARY40 This bill would allow the Town of Atkinson to deorganize.