

MAINE STATE LEGISLATURE

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No. 671

H.P. 491

House of Representatives, February 8, 2005

An Act To Provide a Method of Self-governance to Unorganized Areas

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JOY of Crystal.
Cosponsored by Representatives: ANNIS of Dover-Foxcroft, CLARK of Millinocket,
RICHARDSON of Carmel, SAVIELLO of Wilton, THOMAS of Ripley, THOMPSON of
China, VAUGHAN of Durham.

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

4 **Sec. 1. 30-A MRSA c. 307** is enacted to read:

6 **CHAPTER 307**

8 **SELF-GOVERNANCE FOR UNORGANIZED AREAS**

10 **§7601. Self-governance for unorganized areas**

12 The citizens of the unorganized townships, plantations and
14 deorganized municipalities within a county have the right to
16 establish a single town within that county for the purpose of
self-governance. In order to establish a town for unorganized
townships, plantations and deorganized municipalities within a
county, the conditions under this section must be met.

18 1. **Petition submitted.** A petition requesting a public
20 referendum vote to establish a town under this chapter must be
22 submitted to the commissioners of the county in which the
24 petitioners reside. The petition must be signed by at least 10%
26 of the number of registered voters in the unorganized areas of
28 the county who voted in the last gubernatorial election and who
30 are residents of the unorganized areas. The county commissioners
shall certify the petition signatures within 45 days of the
submission of the petition. Having certified that the required
number of eligible voters have signed the petition, the
commissioners shall within 15 days call a public hearing for the
purpose of discussing the establishment of a town for the
residents of unorganized areas within that county.

32 2. **Public vote.** Within 45 days of the public hearing on
34 the proposal to establish a town for the unorganized areas within
36 a county under subsection 1, the county commissioners shall hold
a public referendum vote within the unorganized areas of that
county on the following question:

38 "Do you favor creating a single town within the County of
40 (name of county) for the purpose of providing
42 self-governance to residents who live within the unorganized
areas of the County of (name of county)?"

44 3. **Certification and declaration.** Within 15 days of the
46 completion of the public referendum vote under subsection 2, the
48 county commissioners shall certify the results. In the event
that residents vote in favor of the question, the county
commissioners shall so declare in writing to the Secretary of
State and forward an original copy of the referendum
certification to the Office of the Secretary of State.

2 **§7602. Authority and organization**

4 A town established under this chapter may organize and
6 conduct its affairs in the same manner as other towns organized
8 and operating under general law. The powers and duties of the
 town are identical to those of other towns under general law.
 Upon incorporation, registered voters of the town shall vote to
 name the town, to elect municipal officers and to establish a
 seat of government for the town.

10 **§7603. Municipal services**

12 The county commissioners of a town established under this
14 chapter shall develop a plan to phase out the provision of
16 municipal services to the residents of the previously unorganized
18 areas as authorized under section 7501, except that the town may
20 choose to contract with the county commissioners of the county in
22 which the town is located to continue to provide municipal
 services to some or all of the previously unorganized areas that
 constitute the town. The contracting authority must be granted
 by the registered voters of the town to the municipal officers at
 annual meetings.

24 **§7604. Taxation and revenue**

26 The municipal officers of a town established under this
28 chapter may raise and collect all taxes necessary for the
30 operation of the town and its schools. Municipal officials may
32 allocate and expend all municipal tax revenue raised and
 collected in the town for the operation of the town's government
 and schools.

34 **§7605. Disposition of unorganized territory funds, contingency**
 and reserve accounts

36 The county commissioners of the county in which a town
38 established under this chapter is located shall transfer to the
40 town, once the town is incorporated, the balance of funds in the
42 county's unorganized territory fund established under section
44 7502. Upon transfer of the funds into the town's general
 operating account, the town may expend the funds for any services
 authorized by the town in any area of the town. The transferred
 funds may also be used to reduce the amount to be collected in
 taxes in the same town during any budget year.

46 The county commissioners of the county in which a town
48 established under this chapter is located shall transfer to the
50 town, once the town is incorporated, the balance of any
 contingent account or capital reserve account established by the
 county under section 7502. The funds must be transferred into

contingent or capital reserve accounts established by the town.
The town may expend the funds in the same manner provided in
section 7502, subsections 5 and 6.

§7606. Education

Consistent with Title 20-A, each town established under this
chapter may determine educational policy for the previously
unorganized areas constituting the town, including operating its
own school or schools or contracting for school services with
other school administrative units, the county or the State. The
town may establish an elected school committee composed of
representatives from each of the previously unorganized areas in
the town to set out educational policy and to propose and oversee
the town's school budget.

§7607. Planning and land use

A town organized under this chapter shall establish its own
growth management program consistent with chapter 187. Once a
town has been established for 3 years, the town's growth
management program takes effect and its land use regulation is no
longer under the jurisdiction of the Maine Land Use Regulation
Commission.

§7608. Sovereignty of Native Americans

This chapter does not affect the sovereign rights of Native
Americans over land that they own in a formerly unorganized area
that is established as a single town under this chapter.

Sec. 2. Reimbursement for tree growth. The Department of
Administrative and Financial Services, Maine Revenue Services
shall develop rules to establish a fair system of reimbursement
under the Maine Tree Growth Tax Law to towns established under
the Maine Revised Statutes, Title 30-A, chapter 307. Rules
adopted pursuant to this section are routine technical rules as
defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill establishes a new chapter in the Maine Revised
Statutes, Title 30-A that provides a method for unorganized areas
to develop a system of self-governance. The bill delineates the
requirements that must be met for a town to be created in the
unorganized areas and outlines the powers, duties and
responsibilities of the new town's government. It also requires
the Department of Administrative and Financial Services, Maine

2 Revenue Services to develop a fair system of reimbursement for tree growth to towns established under the new chapter.