

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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Legislative Document

No. 1626

S.P. 603

In Senate, May 3, 2005

### An Act To Authorize the Deorganization of the Town of Cooper

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.  
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator RAYE of Washington.  
Cosponsored by Representative McFADDEN of Dennysville.

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

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**Sec. 1. Deorganization of Town of Cooper.** The Town of Cooper in Washington 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.

**Sec. 2. Unexpended school funds.** The treasurer of the town or any other person who has custody of the funds of the town shall pay to the Treasurer of State all unexpended school funds that, together with the credits due the town for school purposes, are 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 after all the obligations have been met must be added to the Unorganized Territory Education and Services Fund, as established in the Maine Revised Statutes, Title 36, chapter 115.

**Sec. 3. Withdrawal from School Union 107.** The Town of Cooper is withdrawn from School Union No. 107.

**Sec. 4. Provision of education services.** Notwithstanding any other law, this section entitles all kindergarten to grade 8 pupils in Cooper to attend school in Alexander or East Machias and all secondary school pupils to attend school within School Union No. 106 (Calais High School) or at Washington Academy in East Machias. Pupils must be provided transportation at state expense to those schools.

**Sec. 5. Assessment of taxes.** The State Tax Assessor shall assess the real and personal property taxes in the Town of Cooper as of April 1, 2006, as provided in the Maine Revised Statutes, Title 36, chapter 115.

**Sec. 6. Referendum; certificate to Secretary of State.** This Act takes effect 90 days after its approval only for the purpose of permitting its submission by the municipal officers to the legal voters of the Town of Cooper by ballot at the next statewide election to be held in November. This election must be called, advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532. The town clerk shall prepare the required ballots on which the clerk shall reduce the subject matter of this Act to the following question:

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

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

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

14 **Sec. 7. Effective date.** Sections 1 to 5 of this Act take effect  
16 on July 1, 2006 if deorganization is approved by the voters of  
the Town of Cooper pursuant to section 6 of this Act.

## 20 SUMMARY

22 This bill provides for the deorganization of the Town of  
Cooper in Washington County, subject to approval at local  
24 referendum.