

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1635

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H.P. 1112

House of Representatives, March 3, 2016

### **An Act Authorizing the Deorganization of Oxbow Plantation**

(AFTER DEADLINE)

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Submitted by the Office of the State Auditor and 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 "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MARTIN of Eagle Lake.

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

2 **PART A**

3 **Sec. A-1. Deorganization of Oxbow Plantation.** Notwithstanding any  
4 contrary requirement of the Maine Revised Statutes, Title 30-A, chapter 302, if in  
5 accordance with Title 30-A, section 7207 a majority of the voters in Oxbow Plantation  
6 approve the deorganization procedure developed in accordance with Title 30-A, section  
7 7205 and if the question of Oxbow Plantation's deorganization is approved by the  
8 registered voters of Oxbow Plantation pursuant to section 8 of this Part and if Oxbow  
9 Plantation has executed a withdrawal agreement with School Administrative District No.  
10 32 or Regional School Unit No. 32, Oxbow Plantation in Aroostook County is  
11 deorganized, except that the corporate existence, powers, duties and liabilities of the  
12 plantation survive for the purposes of prosecuting and defending all pending suits to  
13 which the plantation is, or may be, a party and all needful process arising out of any suits,  
14 including provisions for the payment of all or any judgments or debts that may be  
15 rendered against the plantation or exist in favor of any creditor.

16 **Sec. A-2. Financial obligations and other liabilities.** Any financial  
17 obligations or other liabilities that were incurred by Oxbow Plantation as a municipality  
18 or that were incurred by Oxbow Plantation as a member of School Administrative District  
19 No. 32 or Regional School Unit No. 32 are hereby excepted and reserved in accordance  
20 with the Maine Revised Statutes, Title 30-A, section 7303 and remain liabilities for the  
21 inhabitants of lawful age residing in the territory included in the deorganized Oxbow  
22 Township for the duration of the liabilities. The State Tax Assessor shall assess taxes  
23 against the property owners in the deorganized Oxbow Township to provide funds to  
24 satisfy any municipal or educational obligations or other liabilities. These financial  
25 obligations or other liabilities are not the responsibility of either the Department of  
26 Education or the taxpayers in the Unorganized Territory Tax District as described in Title  
27 36, chapter 115.

28 **Sec. A-3. Deorganization procedure.** The deorganization of Oxbow Plantation  
29 must be conducted in accordance with the approved deorganization procedure developed  
30 in accordance with the Maine Revised Statutes, Title 30-A, section 7205.

31 **Sec. A-4. Unexpended school funds.** The treasurer of Oxbow Plantation or any  
32 other person who has custody of the funds of the plantation shall pay the Treasurer of  
33 State all unexpended school funds that, together with the credits due the plantation for  
34 school purposes, are to be used by the State Tax Assessor to settle any school obligations  
35 incurred by the plantation before deorganization. The State Tax Assessor shall approve  
36 any written requests or invoices for payments and submit the approved documents to the  
37 fiscal administrator of the unorganized territory within the Office of the State Auditor to  
38 process through the Office of the State Controller. Any unexpended school funds  
39 remaining with the Treasurer of State after all the obligations have been met must be  
40 deposited to the Unorganized Territory Education and Services Fund, as established in  
41 the Maine Revised Statutes, Title 36, chapter 115.

1           **Sec. A-5. Unexpended municipal funds and property.** The treasurer of  
2 Oxbow Plantation or any other person who has custody of the funds of the plantation  
3 shall pay the Treasurer of State all unexpended funds of the plantation that, together with  
4 the credits due the plantation for its purposes, are to be used by the State Tax Assessor to  
5 settle any obligations of the plantation incurred by the plantation before deorganization.  
6 The State Tax Assessor shall approve any written requests or invoices for payments and  
7 shall submit the approved documents to the fiscal administrator of the unorganized  
8 territory within the Office of the State Auditor to process through the Office of the State  
9 Controller. Pursuant to the Maine Revised Statutes, Title 30-A, section 7304, at the end  
10 of the 5-year period during which the powers, duties and obligations relating to the affairs  
11 of the plantation are vested in the State Tax Assessor or when in the judgment of the State  
12 Tax Assessor final payment of all known obligations against the plantation has been  
13 made, any funds that have not been expended must be deposited with the county  
14 commissioners of Aroostook County as undedicated revenue for the unorganized territory  
15 fund of Aroostook County.

16           Any property of the plantation that has not been sold must be held by the State in  
17 trust for the unorganized territory or transferred to Aroostook County to be held in trust  
18 for the unorganized territory. Income from the use or sale of that property held by the  
19 State must be credited to or deposited in the Unorganized Territory Education and  
20 Services Fund under Title 36, chapter 115. Income from the use or sale of that property  
21 held by Aroostook County must be credited to the unorganized territory fund of the  
22 county pursuant to Title 36, section 1604, subsection 4.

23           **Sec. A-6. Provision of education services.** Notwithstanding any other law,  
24 education in the unorganized territory of Oxbow Township must be provided under the  
25 direction of the Commissioner of Education as described in the Maine Revised Statutes,  
26 Title 20-A, chapter 119 and must meet the general standards for elementary and  
27 secondary schooling and special education established pursuant to Title 20-A. The  
28 provisions of subsections 1 to 3 must be implemented at the time of deorganization.

29           1. Students in prekindergarten and kindergarten to grade 12 whose parents or legal  
30 guardians are legal residents of the unorganized territory of Oxbow Township must be  
31 provided educational services at a school located within School Administrative District  
32 No. 32 in Ashland. Transportation services to and from this school must be provided  
33 under the direction of the Department of Education.

34           2. Special education services must be provided to eligible resident students as  
35 required by federal and state laws, rules and regulations.

36           3. Career and technical education must be provided to eligible resident students  
37 pursuant to Title 20-A, section 3253-A.

38           Tuition to schools other than those that are identified in subsection 1 may be provided  
39 on behalf of resident students with the prior approval of the director of state schools  
40 within the Department of Education. Tuition may not exceed limits set out in the Maine  
41 Revised Statutes, Title 20-A, section 3304, and transportation is the responsibility of the  
42 parents or legal guardians. The receiving school must be approved by the Commissioner  
43 of Education for the purpose of tuition.

1 The provision of educational services is subject to future modification in response to  
2 changes in educational conditions.

3 **Sec. A-7. Assessment of taxes.** The State Tax Assessor shall assess the real and  
4 personal property taxes in Oxbow Plantation as of April 1, 2017 as provided in the Maine  
5 Revised Statutes, Title 36, section 1602.

6 **Sec. A-8. Referendum; certificate to Secretary of State.** This Part takes  
7 effect 90 days after its approval only for the purpose of permitting its submission by the  
8 municipal officers of Oxbow Plantation to the legal voters of the plantation by ballot at  
9 the next general election to be held in November. This election must be called,  
10 advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections  
11 2528 and 2532. The plantation clerk shall prepare the required ballots on which the clerk  
12 shall reduce the subject matter of this Part to the following question:

13 "Shall Oxbow Plantation be deorganized?"

14 The voters shall indicate their opinion on this question by a cross or check mark  
15 placed against the word "Yes" or "No." Before becoming effective, this Part must be  
16 approved by at least 2/3 of the legal voters casting ballots at the general election, and the  
17 total number of votes cast for and against the acceptance of this Part at the election must  
18 equal or exceed 50% of the total number of votes cast in the plantation for Governor at  
19 the last gubernatorial election.

20 The municipal officers of Oxbow Plantation shall declare the result of the vote. The  
21 plantation clerk shall file a certificate of the election result with the Secretary of State  
22 within 10 days after the date of the election.

23 **Sec. A-9. Effective date.** Sections 1 to 7 of this Part take effect July 1, 2017 if the  
24 legal voters of Oxbow Plantation approve the referendum under section 8 of this Part.

## 25 PART B

26 **Sec. B-1. Register and transmit copy of approved deorganization**  
27 **procedure.** Before the effective date of the deorganization of Oxbow Plantation  
28 pursuant to Part A, the fiscal administrator of the unorganized territory within the Office  
29 of the State Auditor shall transmit a copy of the approved deorganization procedure  
30 developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 to the  
31 Aroostook County Administrator and register the approved deorganization procedure  
32 with the Aroostook County Registry of Deeds.

33 **Sec. B-2. Effective date.** This Part takes effect upon approval of the referendum  
34 under Part A, section 8.

## 35 SUMMARY

36 This bill provides for the deorganization of Oxbow Plantation in Aroostook County,  
37 subject to approval at local referendum and execution of a withdrawal agreement from  
38 School Administrative District No. 32, also known as Regional School Unit No. 32.