

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1673

H.P. 1160

House of Representatives, December 15, 2017

An Act Authorizing the Deorganization of Codyville Plantation

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

Received by the Clerk of the House on December 13, 2017. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TURNER of Burlington.

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

2 **PART A**

3 **Sec. A-1. Deorganization of Codyville 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 Codyville Plantation
6 approve the deorganization procedure developed in accordance with Title 30-A, section
7 7205 and if the question of Codyville Plantation's deorganization is approved by the
8 registered voters of Codyville Plantation pursuant to section 8 of this Part, Codyville
9 Plantation in Washington County is deorganized, except that the corporate existence,
10 powers, duties and liabilities of the plantation survive for the purposes of prosecuting and
11 defending all pending suits to which the plantation is, or may be, a party and all needful
12 process arising out of any suits, including provisions for the payment of all or any
13 judgments or debts that may be rendered against the plantation or exist in favor of any
14 creditor.

15 **Sec. A-2. Financial obligations and other liabilities.** Any financial
16 obligations or other liabilities that were incurred by Codyville Plantation as a
17 municipality or that were incurred by Codyville Plantation as a member of a regional
18 school unit, school district or school union are hereby excepted and reserved in
19 accordance with the Maine Revised Statutes, Title 30-A, section 7303 and remain
20 liabilities for the inhabitants of lawful age residing in the territory included in the
21 deorganized Codyville Township for the duration of the liabilities. The State Tax
22 Assessor shall assess taxes against the property owners in the deorganized Codyville
23 Township to provide funds to satisfy any municipal or educational obligations or other
24 liabilities. These financial obligations or other liabilities are not the responsibility of
25 either the Department of Education or the taxpayers in the Unorganized Territory Tax
26 District as described in Title 36, chapter 115.

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

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

1 **Sec. A-5. Unexpended municipal funds and property.** The treasurer of
2 Codyville 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 unexpended funds must be deposited by the Treasurer of State into a private trust
7 fund under the control of the State Tax Assessor. The State Tax Assessor shall approve
8 any written requests or invoices for payments and shall provide copies of the approved
9 documents to the fiscal administrator of the unorganized territory within the Office of the
10 State Auditor. Pursuant to the Maine Revised Statutes, Title 30-A, section 7304, at the
11 end of the 5-year period during which the powers, duties and obligations relating to the
12 affairs of the plantation are vested in the State Tax Assessor or when in the judgment of
13 the State Tax Assessor final payment of all known obligations against the plantation has
14 been made, any funds that have not been expended must be deposited with the county
15 commissioners of Washington County as undedicated revenue for the unorganized
16 territory fund of Washington County.

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

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

30 1. Students in prekindergarten and kindergarten to grade 5 whose parents or legal
31 guardians are legal residents of the unorganized territory of Codyville Township must be
32 provided educational services at a nearby school facility. Transportation services to and
33 from the designated school must be provided under the direction of the Department of
34 Education's division of state schools, education in the unorganized territory.

35 2. Students in grade 6 to grade 12 whose parents or legal guardians are legal
36 residents of the unorganized territory of Codyville Plantation must be provided
37 educational services at a nearby school facility. Transportation services to and from the
38 designated school facility must be provided under the direction of the Department of
39 Education's division of state schools, education in the unorganized territory.

40 3. Special education services must be provided to identify eligible resident students
41 as required by federal and state laws, rules and regulations. Special education services
42 are administered by the director of special education for the division of state schools,
43 education in the unorganized territory within the Department of Education.

1 Tuition to schools other than those that are identified in subsection 2 may be provided
2 on behalf of resident students with the prior approval of the director of state schools,
3 education in the unorganized territory within the Department of Education. Tuition may
4 not exceed limits set out in the Maine Revised Statutes, Title 20-A, section 3304, and
5 transportation is the responsibility of the parents or legal guardians. The receiving school
6 must be approved by the Commissioner of Education for the purpose of tuition.

7 The provision of educational services under this section is subject to future
8 modification in response to changes in educational conditions.

9 **Sec. A-7. Assessment of taxes.** The State Tax Assessor shall assess the real and
10 personal property taxes in Codyville Plantation as of April 1, 2019 as provided in the
11 Maine Revised Statutes, Title 36, section 1602.

12 **Sec. A-8. Referendum; certificate to Secretary of State.** This Part takes
13 effect 90 days after its approval only for the purpose of permitting its submission by the
14 municipal officers of Codyville Plantation to the legal voters of the plantation by ballot at
15 the next general election to be held in November. This election must be called,
16 advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections
17 2528 and 2532. The plantation clerk shall prepare the required ballots on which the clerk
18 shall reduce the subject matter of this Part to the following question:

19 "Shall Codyville Plantation be deorganized?"

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

26 The municipal officers of Codyville Plantation shall declare the result of the vote.
27 The plantation clerk shall file a certificate of the election result with the Secretary of State
28 within 10 days after the date of the election.

29 **Sec. A-9. Effective date.** Sections 1 to 7 of this Part take effect July 1, 2019 if the
30 legal voters of Codyville Plantation approve the referendum under section 8 of this Part.

31 **PART B**

32 **Sec. B-1. Register and transmit copy of approved deorganization**
33 **procedure.** Before the effective date of the deorganization of Codyville Plantation
34 pursuant to Part A, the fiscal administrator of the unorganized territory within the Office
35 of the State Auditor shall transmit a copy of the approved deorganization procedure
36 developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 to the
37 Washington County Administrator and register the approved deorganization procedure
38 with the Washington County Registry of Deeds.

