

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 49

S.P. 41

In Senate, January 4, 2023

An Act to Authorize the Deorganization of Drew Plantation

(EMERGENCY)

Submitted by the Office of the State Auditor pursuant to Joint Rule 204.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.

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Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
Whereas, prompt authorization of the deorganization of Drew Plantation is necessary to meet the July 1, 2023 deorganization effective date; 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,

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

PART A

Sec. A-1. Deorganization of Drew Plantation. Notwithstanding any contrary requirement of the Maine Revised Statutes, Title 30-A, chapter 302, if in accordance with Title 30-A, section 7207 a majority of the voters in Drew Plantation approve the deorganization procedure developed in accordance with Title 30-A, section 7205, the question of Drew Plantation's deorganization is approved by the registered voters of Drew Plantation pursuant to section 8 of this Part and education services in Drew Plantation transition from services provided through a municipal school unit education agreement to services provided through the unorganized territory education service, Drew Plantation in Penobscot County is deorganized, except that the corporate existence, powers, duties and liabilities of the plantation survive for the purposes of prosecuting and defending all pending suits to which the plantation 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 plantation or exist in favor of any creditor.

Sec. A-2. Financial obligations and other liabilities. Any financial obligations or other liabilities that were incurred by Drew Plantation as a municipality or that were incurred by Drew Plantation as a part of a municipal school unit are hereby excepted and reserved in accordance with the Maine Revised Statutes, Title 30-A, section 7303 and remain liabilities for the inhabitants of lawful age residing in the territory included in the deorganized Drew Township for the duration of the liabilities. The State Tax Assessor shall assess taxes against the property owners in the deorganized Drew Township to provide funds to satisfy any municipal or education obligations or other liabilities. These financial obligations or other liabilities are not the responsibility of either the Department of Education or the taxpayers in the Unorganized Territory Tax District created in Title 36, section 1601.

Sec. A-3. Deorganization procedure. The deorganization of Drew Plantation must be conducted in accordance with the approved deorganization procedure for the plantation dated May 24, 2022 that was developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 and approved by a majority of the plantation's voters as required in Title 30-A, section 7207, subsection 2.

Sec. A-4. Unexpended school funds. The treasurer of Drew Plantation or any other person who has custody of the funds of the plantation shall pay the Treasurer of State all unexpended school funds that, together with the credits due the plantation for school purposes, are to be used by the State Tax Assessor to settle any school obligations incurred

1 by the plantation before deorganization. The State Tax Assessor shall approve any written
2 requests or invoices for payments and submit the approved documents to the fiscal
3 administrator of the unorganized territory within the Office of the State Auditor to process
4 through the Office of the State Controller. Any unexpended school funds remaining with
5 the Treasurer of State after all the obligations have been met must be deposited to the
6 Unorganized Territory Education and Services Fund, as established in the Maine Revised
7 Statutes, Title 36, section 1605.

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

22 Any property of the plantation that has not been sold must be held by the State in trust
23 for the unorganized territory or transferred to Penobscot County to be held in trust for the
24 unorganized territory. Income from the use or sale of that property held by the State must
25 be credited to or deposited in the Unorganized Territory Education and Services Fund under
26 Title 36, section 1605. Income from the use or sale of that property held by Penobscot
27 County must be credited to the unorganized territory fund of the county pursuant to Title
28 36, section 1604, subsection 4.

29 **Sec. A-6. Provision of education services.** Notwithstanding any provision of law
30 to the contrary, education in the unorganized territory of Drew Township must be provided
31 under the direction of the Commissioner of Education as described in the Maine Revised
32 Statutes, Title 20-A, chapter 119 and must meet the general standards for elementary and
33 secondary education and special education established pursuant to Title 20-A. The
34 provisions of subsections 1 to 4 must be implemented at the time of deorganization.

35 1. Students in prekindergarten and kindergarten to grade 5 whose parents or legal
36 guardians are legal residents of the unorganized territory of Drew Township must be
37 provided education services at school facilities located in Kingman Township.
38 Transportation services to and from the designated schools must be provided under the
39 direction of the Department of Education's division of state schools, education in the
40 unorganized territory.

41 2. Students in grade 6 to grade 12 whose parents or legal guardians are legal residents
42 of the unorganized territory of Drew Township must be provided education services at Mt.
43 Jefferson Junior High School for students in grades 6 to 8 and at Lee Academy for students
44 in grades 9 to 12. Transportation services to and from the designated schools must be

1 provided under the direction of the Department of Education's division of state schools,
2 education in the unorganized territory.

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

9 4. Special education services must be provided to eligible resident students as required
10 by federal and state laws, rules and regulations. Special education services are administered
11 by the director of special education for the Department of Education's division of state
12 schools, education in the unorganized territory.

13 The provision of education services is subject to future modification in response to
14 changes in education conditions.

15 **Sec. A-7. Assessment of taxes.** The State Tax Assessor shall assess the real and
16 personal property taxes in Drew Plantation as of April 1, 2023 as provided in the Maine
17 Revised Statutes, Title 36, section 1602.

18 **Sec. A-8. Referendum; certificate to Secretary of State.** Notwithstanding the
19 Maine Revised Statutes, Title 30-A, section 7209, this Part takes effect immediately after
20 its approval only for the purpose of permitting its submission by the plantation officers of
21 Drew Plantation to the legal voters of the plantation by ballot at the special election held
22 immediately after approval. This election must be called, advertised and conducted
23 according to Title 30-A, sections 2528 and 2532. The plantation clerk shall prepare the
24 required ballots on which the clerk shall reduce the subject matter of this Part to the
25 following question:

26 "Shall Drew Plantation be deorganized?"

27 The voters shall indicate their opinion on this question by a cross or check mark placed
28 against the word "Yes" or "No." Before becoming effective, this Part must be approved by
29 at least 2/3 of the legal voters casting ballots at the special election, and the total number
30 of votes cast for and against the acceptance of this Part at the election must equal or exceed
31 50% of the total number of votes cast in the plantation for Governor at the last gubernatorial
32 election.

33 The plantation officers of Drew Plantation shall declare the result of the vote. The
34 plantation clerk shall file a certificate of the election result with the Secretary of State
35 within 10 days after the date of the election.

36 **Sec. A-9. Effective date.** Sections 1 to 7 of this Part take effect July 1, 2023 if the
37 legal voters of Drew Plantation approve the referendum under section 8 of this Part.

38 PART B

39 **Sec. B-1. Register and transmit copy of approved deorganization**
40 **procedure.** Before the effective date of the deorganization of Drew Plantation pursuant
41 to Part A, the fiscal administrator of the unorganized territory within the Office of the State
42 Auditor shall transmit a copy of the approved deorganization procedure for the plantation
43 dated May 24, 2022 that was developed in accordance with the Maine Revised Statutes,

1 Title 30-A, section 7205 and approved by a majority of the plantation's voters as required
2 under section 7207, subsection 2 to the Penobscot County Administrator and register the
3 approved deorganization procedure with the Penobscot County Registry of Deeds.

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

6 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
7 takes effect when approved, except as otherwise indicated.

8 **SUMMARY**

9 This bill provides for the deorganization of Drew Plantation in Penobscot County,
10 subject to approval at a local special election.