

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE

FIRST SPECIAL SESSION
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Chapters 583-588

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 471

S.P. 458 - L.D. 1389

AN ACT to Change the Method of Financing County Services in the Unorganized Territory.

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

Sec. 1. 13 MRSA §1103 is repealed.

Sec. 2. 23 MRSA §4001, first ¶ is amended to read:

The county commissioners, on petition as provided in section 2051, may lay out, alter or discontinue a highway on any tract of land in their county not within any town or plantation required to raise money to make and repair highways. All expenses for making and opening the same shall be paid by the owners thereof, excluding lands reserved for public uses, in proportion to their interest in the lands over any part of which it is laid, except as provided in section 4102.

Sec. 3. 23 MRSA c. 403, as amended, is repealed.

Sec. 4. 23 MRSA c. 405, as amended, is repealed.

Sec. 5. 30 MRSA §252, 5th ¶, as amended by PL 1981, c. 406, §1, is further amended to read:

Prior to the convening of the Legislature, the county commissioners of each county shall meet with the respective county legislative delegation to finalize estimates for the year. The county commissioners shall also show the county legislative delegation any assessment for services to be provided to unorganized territories under Title 36, section 1603, subsection 1, paragraph G. These assessments shall be provided to the delegation, prior to being submitted to the State Tax Assessor, in a form that shows how the funds are to be spent on the unorganized territories and any current balance of unorganized territory funds held by the county.

Sec. 6. 30 MRSA §403-A, as amended by PL 1981, c. 698, §139, is repealed.

Sec. 7. 30 MRSA §1201, as amended by PL 1979, c. 666, §2, is repealed.

Sec. 8. 30 MRSA §1202, as amended by PL 1979, c. 666, §3, is repealed.

Sec. 9. 30 MRSA §1203, as enacted by PL 1969, c. 292, §1, is repealed.

Sec. 10. 30 MRSA §1203-A, as enacted by PL 1973, c. 126, is repealed.

Sec. 11. 30 MRSA §1204, as amended by PL 1973, c. 625, §199, is repealed.

Sec. 12. 30 MRSA §5702 is amended to read:

§5702. Power and authority of State Tax Assessor

Whenever the organization of any town or plantation has been terminated by Act of the Legislature, the powers, duties and obligations relating to the affairs of said that town or plantation shall be vested in the State Tax Assessor for not more than 5 years. The State Tax Assessor shall have the authority to sell or otherwise dispose of any property, other than property formerly used or still being used for school purposes, the title of which rests in the town at the time of deorganization or may come to the town subsequent to deorganization. The State Tax Assessor shall have the power and authority to assess taxes any time after the act terminating the organization of the town or plantation becomes operative by making assessment once a year under the laws now relating to the assessment of state property taxes in unorganized territory, and the State Tax Assessor shall have the same power and authority to enforce the collection of said taxes as is now provided for the collection of state taxes. All moneys received by virtue of said assessment and collection, or disposal of property, under this section shall be applied to the payment of necessary expenses of the State Tax Assessor in making such that assessment, and to the payment of any obligations of said the town or plantation outstanding at the time of termination of its organization, and to the payment of state and county taxes assessed against such the town or plantation and for the completion of any public works of said the town or plantation already begun. When in the best judgment of said the State Tax Assessor final payment of all known accounts against said the town, which has been or may be deorganized, has been made, or at the end of said the period of 5 years, any funds unexpended, if any exist, shall be deposited by the former town if still in its possession, or by the Treasurer of State if in his possession, with the county commissioners as an off-set against future road taxes in such deorganized town, as already set forth in Title 23, section 4051 undicated revenues for the unorganized territory fund for that county. If no road maintenance as described exists in said town, said unexpended funds shall be expended on

repairs, maintenance or restoration of such town enterprise as may be designated by the State Tax Assessor in his capacity as described in this section. Assessor in his capacity as described in this section.

Sec. 13. 30 MRSA §5801, as enacted by PL 1977, c. 698, §4 is repealed.

Sec. 14. 30 MRSA c. 407 is enacted to read:

CHAPTER 407

MUNICIPAL SERVICES IN UNORGANIZED AREAS

§5901. Municipal services authorized

The county commissioners of each county may provide or contract for the provision of the following municipal services for the residents of the unorganized territory in their county:

1. Fire protection. Fire protection other than forest fires;
2. Dumps. Public dumps;
3. Roads and bridges. Construction, repair and maintenance, including snow removal on roads and bridges;
4. Polling places. Establishment of polling places;
5. Administrative services. Coordination of services provided, payment of expenses, administration of the unorganized territory fund. The amount charged for administrative services shall not exceed 5% of the budget for the year; and
6. Other services. Any other service which a municipality may provide for its inhabitants and which is not provided by the State.

§5902. Unorganized territory funds

1. Fund established. There is established in each county, one unorganized territory fund into which shall be credited all receipts under Title 36, sections 1489 and 1606 and all other receipts which are allocated for municipal services in the unorganized territory, and from which all disbursements for municipal services in the unorganized territory shall be made.

2. Prior receipts and surpluses. All moneys

received by the county for municipal services for the unorganized territory prior to the effective date of this chapter and remaining unspent shall be deposited into the fund. Any surplus in revenue received by the fund for the year, not including amounts allocated to the contingent account or set aside in capital reserve accounts established after November 1, 1983, which is in excess of 10% of the amount of expenditures for that year, shall be used to reduce the amount to be collected in taxes during the next year.

3. Comingling; interest. This fund shall be accounted for separately from the funds raised for countywide activities. The return on investment of unorganized territory funds shall be credited to those funds and shall be used only for the unorganized territories. No countywide funds, nor return on investments of countywide funds, may be used to fund expenditures for services that a county is providing to unorganized territories in lieu of municipal government.

4. Uses of the fund. The fund may be used for any of the services authorized in section 5901 in any area of the unorganized territory of the county.

5. Contingent account. The county commissioners may establish within the fund a contingent account not to exceed \$25,000. Funds within the contingent account may be transferred to any other accounts within the fund when those accounts are not sufficient to meet the needs for municipal services to the unorganized territory of the county.

6. Capital reserve accounts. The county commissioners may establish capital reserve accounts by following the procedures specified in section 403.

§5903. Budget

Prior to November 7th of each year, the county commissioners of each county shall provide to the members of the legislative delegation a preliminary budget for the services to be provided under this chapter to the unorganized territory in the next year. These preliminary budgets shall be provided in a form that shows how the funds are to be spent for each category of service identified in section 5901 and any projected surplus for the year of unorganized territory funds held by the county. The county commissioners shall provide an opportunity for public comment on the preliminary budget at the same time as a public hearing is held on the county budget, as provided under section 252. The budget for the

unorganized territory shall be finalized at the same time as the regular county budget. A copy of the finalized budget and an accurate identification of any surplus which can be used to reduce the amount needed to be collected in taxes shall be submitted to the State Tax Assessor by January 1st of each year.

Sec. 15. 36 MRSA §1489, sub-§2, as amended by PL 1977, c. 698, §7, is repealed and the following enacted in its place:

2. County treasurer. Excise taxes collected in unorganized places shall be credited by the county treasurer as undedicated funds for the unorganized areas in the county where the tax was payable and may be appropriated by the county commissioners pursuant to Title 30, chapter 407.

Sec. 16. 36 MRSA §1602, sub-§4, as enacted by PL 1977, c. 698, §8, is repealed and the following enacted in its place:

4. Establishment of mill rate.

A. The State Tax Assessor shall establish a separate mill rate for each county, which is calculated to raise the amount certified by the Legislature as the cost of county-provided services in the unorganized territory.

B. The State Tax Assessor shall establish a district-wide mill rate calculated to raise the cost of all other portions of the municipal cost component certified by the Legislature.

C. The rates calculated under paragraphs A and B shall be added and rounded to the next highest 1/4 of a mill to determine the mill rate for the municipal cost component which will be assessed against the taxable property in each county.

Sec. 17. 36 MRSA §1603, sub-§1, ¶C, as amended by PL 1979, c. 646, §3, is further amended to read:

C. The cost of reimbursement by the State for services a county provides to the unorganized territory in accordance with ~~Title 23, Part 47~~ and Title 30, chapter 5 407. No county shall ~~may~~ be reimbursed for services provided on or after January 1, 1979, unless a legislative allocation is obtained pursuant to this chapter.

Sec. 18. 36 MRSA §1604, sub-§2, as amended by PL 1981, c. 364, §26, is repealed and the following

enacted in its place:

2. Legislative determination of municipal cost components. The Legislature shall consider the Governor's recommendations and, not later than May 1st of each year, enact legislation which shall determine the amounts of the municipal cost component for services provided by each county and the amount of all other portions of the municipal cost component. The Legislature shall promptly certify the amounts to the State Tax Assessor.

Effective September 23, 1983.

CHAPTER 472

S.P. 547 - L.D. 1598

AN ACT Relating to Emergency Planning for the Area Around Nuclear Power Plants.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, federal approval has not yet been given for the Emergency Radiological Response Plan for the area around Maine Yankee; and

Whereas, the addition of public members to the oversight committee and the additional reporting requirements in this bill are designed to help expedite production of a workable federally-approved plan; 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:

Sec. 1. 37-A MRS §124, sub-§1, as enacted by PL 1981, c. 444, §3, is repealed and the following enacted in its place:

1. Created. There is created a Radiological Emergency Preparedness Committee composed of 7 voting members as listed in this subsection. The duties of