

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

1987-88, 1988-89 and 1989-90, the amount of \$100,000 shall be transferred from the General Fund to the Unorganized Territory Education and Services Fund.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund for the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>UNORGANIZED TERRITORY</u>		
<u>EDUCATION AND SERVICES</u>		
<u>ACCOUNT</u>		
All Other	\$100,000	\$100,000
Provides funds to make transfers provided by this Act to the Unorganized Territory Education and Services Fund.		

Effective September 19, 1985.

CHAPTER 459

H.P. 672 - L.D. 955

AN ACT Establishing Municipal Cost Components for Services to be Rendered in Fiscal Year 1985-86 and Relating to the Financing and Provision of Services in the Unorganized Territory.

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District is necessary to the establishment of a mill rate and the levy of the unorganized territory educational and services tax; 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Sec. 1. 12 MRSA §685-D, as repealed and replaced by PL 1983, c. 827, §2, is repealed and the following enacted in its place:

§685-D. Funding

Beginning with fiscal year 1985-86, funding for the services and activities of the commission shall come from the General Fund and not be allocated to the unorganized territory under Title 36, chapter 115. It is also the intent of the Legislature that no charges may be made to plantations, towns or cities for fiscal years 1983-84 or 1984-85.

Sec. 2. Municipal cost component for state services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services in fiscal year 1985-86 is \$4,608,342 as reflected in the following list:

	<u>1985-86</u>
Audit	\$ 44,500
Forest Fire Protection	92,630
Property Tax Assessment	330,102
Education	3,926,332
Human Services-General Assistance	212,778
Bureau of the Budget	<u>2,000</u>
Net Requirement	\$4,608,342

Sec. 3. Municipal cost component for county services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the amounts of the municipal cost component for services provided by counties for fiscal year 1985-86 are as follows:

Aroostook	\$ 205,342
Franklin	174,444
Lincoln	969
Oxford	240,180
Penobscot	168,363
Piscataquis	244,802
Somerset	292,946
Washington	<u>41,000</u>
Total	\$1,368,046

Sec. 4. Brookton school. The amount appropriated in section 3 of this Part for improvements to the Brookton School shall not lapse, but shall remain available for the specified purpose if the completion of this project is not possible before June 30, 1986.

Sec. 5. Extension. Notwithstanding the provisions of Title 36, section 1604, subsection 2, for fiscal year 1985-86, the deadline for the Legislature to determine the amounts of the municipal cost component is extended to July 1, 1985.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1985-86

EDUCATIONAL AND CULTURAL SERVICES,
DEPARTMENT OF

Education in Unorganized
Territory

All Other \$550,000

Provides for im-
provements to
the Brookton
School.

PART B

Sec. 1. 22 M RSA §4312, as enacted by PL 1983, c. 577, §1, is repealed and the following enacted in its place:

§4312. Unorganized territory

Residents of the unorganized territory shall be eligible for general assistance in the same manner as provided in this chapter. The commissioner shall establish standards of eligibility for the unorganized territory and shall have the same responsibilities with regard to the unorganized territory as apply to overseers in a municipality. The commissioner may appoint agents to administer the general assistance program within the unorganized territory. All costs of providing general assistance in the unorganized territory shall be charged to the Unorganized Territory Education and Services Fund established under Title 36, chapter 115, except that costs which the State would reimburse under section 4311, if the un-

organized territory were a municipality, shall be paid by the General Fund.

Sec. 2. 30 MRSA §5055, sub-§7 is enacted to read:

7. Unorganized territory. For purposes of state-municipal revenue sharing, the unorganized territory shall be treated as if it were a municipality.

Sec. 3. 30 MRSA §5057, sub-§1-A is enacted to read:

1-A. Unorganized territory. For purposes of this section, the unorganized territory shall be treated as if it were a municipality.

Sec. 4. 36 MRSA §661, sub-§5 is enacted to read:

5. Unorganized territory. The unorganized territory shall be entitled to reimbursement under this section in the same manner provided by this section for municipalities. The amount of reimbursement due shall be paid into the Unorganized Territory Education and Services Fund established in chapter 115.

Sec. 5. 36 MRSA §2861, sub-§5 is enacted to read:

5. Unorganized territory. The unorganized territory shall be entitled to reimbursement under this section in the same manner provided by this section for municipalities. The amount of reimbursement due shall be paid into the Unorganized Territory Education and Services Fund established in chapter 115.

PART C

Sec. 1. 5 MRSA §246 is enacted to read:

§246. Administration of the Unorganized Territory Education and Services Fund

1. Position created. There is created within the Department of Audit the position of fiscal administrator of the unorganized territory. The fiscal administrator shall be a person qualified by education or experience in the administration of budgets. The position shall be subject to the Personnel Law.

2. Duties. The fiscal administrator of the unorganized territory shall have the following duties:

A. To review, analyze and investigate the budgets and expenditures of all counties and state agencies requesting funds under Title 36, chapter 115;

B. To prepare and submit, by March 1st, annually, a report of his review, analysis and investigation to the joint standing committee of the Legislature having jurisdiction over taxation, each Legislator representing a county containing unorganized territory and the office of the county commissioners of each county having unorganized territory. The report shall contain sufficient detail to explain fully each agency or county request and may contain recommendations by the administrator regarding legislative or administrative action;

C. To publish an annual financial report, signed by the administrator, as required by Title 36, section 1608, and to make that report available to taxpayers in the unorganized territory upon request;

D. To attend public hearings, if necessary, on county budgets relating to the unorganized territory and to attend legislative hearings on bills relating to property taxes and the funding of services in the unorganized territory;

E. To design budget request forms to be used by counties and by agencies requesting funds under Title 36, chapter 115;

F. To design contract forms to be used by counties and state agencies for all contracted services; and

G. To design forms for agencies reporting actual annual expenses for reimbursement from the Unorganized Territory Education and Services Fund.

3. Legislation. The fiscal administrator shall prepare and submit legislation to the Legislature by March 1st, annually, providing for the requests made by counties and state agencies for services provided in the unorganized territory which are entitled to funding under Title 36, chapter 115. The administrator shall not reject or change a budget submitted by a county or state agency without the approval of the county or agency making the request.

4. Investigation. In order to perform the duties described in this section, the fiscal adminis-

trator may inspect the records of any agency or county requesting funding from the Unorganized Territory Education and Services Fund.

5. Funding. The costs of the positions and responsibilities required in this section shall be reimbursed from the Unorganized Territory Educational and Services Fund established under Title 36, chapter 115.

Sec. 2. 12 MRSA §7824, sub-§3, ¶A is amended to read:

A. The registration fee for residents shall be credited as follows:

(1) \$4.75 of each fee shall be credited to the department;

(2) 50¢ of each fee shall be credited to the Snowmobile Trail Fund of the Bureau of Parks and Recreation; and

(3) \$6 of each fee shall be annually distributed to the municipality of the owner's residence as shown on his registration certificate, except that in unorganized ~~townships~~ territory, \$6 of each fee shall be annually distributed to the county of the owner's residence as shown on his registration certificate and credited to the unorganized territory fund of that county established in Title 30, section 5902.

Sec. 3. 12 MRSA §7824, sub-§4, ¶E, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 4. 30 MRSA §403, 2nd paragraph, as amended by PL 1981, c. 403, §6, is further amended to read:

Before establishing any account under this section, including capital reserve accounts established for the unorganized territory, the county commissioners shall, in each instance, clearly specify the purpose for which said the account is created, state the anticipated amount of said the account and report said the purpose and said the amount, in writing, to the State Department of Audit.

Sec. 5. 30 MRSA §5702, as amended by PL 1983, c. 471, §12, is repealed and the following enacted in its place:

§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 that town or plantation shall be vested in the State Tax Assessor for not more than 5 years. The real and personal property of the town or plantation shall be held by the State Tax Assessor and used as described in this chapter. The State Tax Assessor shall have the authority to sell or otherwise dispose of any property held by the town or plantation at the time of deorganization or may come to the town or plantation subsequent to deorganization. In the case of school property, the State Tax Assessor shall consult with the Commissioner of Educational and Cultural Services. When disposing of property the State Tax Assessor shall ensure that the interests of the residents of the unorganized territory are the most important consideration. 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 relating to the assessment of property taxes in the unorganized territory. The State Tax Assessor may make additional assessments in the same manner against the property owners in the deorganized town or plantation if necessary to provide funds to pay the debts of the town or plantation. All money received under this section shall be applied to the payment of necessary expenses of the State Tax Assessor in making that assessment and to the payment of any obligations of the town or plantation outstanding at the time of termination of its organization and to the payment of taxes assessed against the town or plantation and for the completion of any public works of the town or plantation already begun. When in the best judgment of the State Tax Assessor final payment of all known accounts against the town or plantation has been made, or at the end of 5 years, any funds unexpended shall be deposited with the county commissioners as undedicated revenue for the unorganized territory fund of that county. Any property of the town or plantation which has not been sold shall be held by the State in trust for the unorganized territory or transferred to the county to be held in trust for the unorganized territory. Income from the sale or use of the property shall be used as described in Title 36, section 1604.

Sec. 6. 30 MRSa §5704, as amended by PL 1975, c. 339, §13, is repealed.

Sec. 7. 30 MRSa §5902, sub-§1, as enacted by PL 1983, c. 471, §14, is amended to read:

1. Fund established. There is established in each county, one unorganized territory fund into which shall be credited all receipts under Title 12, section 7824 and 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.

Sec. 8. 30 MRSA §5903, as enacted by PL 1983, c. 471, §14, is amended to read:

§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 and to the fiscal administrator of the unorganized territory by January 1st of each year.

Sec. 9. 36 MRSA §1283, first ¶, as amended by PL 1973, c. 625, §255, is further amended to read:

A copy of the lien certificate shall be filed in the office of the State Tax Assessor. On the 30th day of March annually, whenever the State shall have acquired title to real estate assessed for any state taxes assessed under chapter 115, the State Tax Assessor shall certify to the State Controller the amount of unpaid taxes, interest and costs then outstanding. Unpaid state taxes and interest and costs on the books of the State shall be charged against the General Fund Unorganized Territory Education and Services Fund.

Sec. 10. 36 MRSA §1283, 5th ¶, as amended by PL 1967, c. 271, §8, is further amended to read:

All moneys money received from the sale or use of such real estate shall be credited to the General Fund Unorganized Territory Education and Services Fund.

Sec. 11. 36 MRSA §1487, sub-§2, as amended by PL 1973, c. 207, is repealed and the following enacted in its place:

2. State Tax Assessor. In the unorganized territory, the State Tax Assessor shall appoint agents to collect the excise tax. Agents shall be allowed a fee of \$2 for each tax receipt issued and shall deposit the remainder on or before the 20th day of each month following receipt with the Treasurer of State. The Treasurer of State shall make quarterly payments to each county in an amount which is equal to the receipts for that period from each county. Those payments shall be made at the same time as payments under section 1606. County receipts under this section shall be deposited in the county's unorganized territory fund.

Sec. 12. 36 MRSA §1489, sub-§2, as repealed and replaced by PL 1983, c. 471, §15, is repealed.

Sec. 13. 36 MRSA §1505, as enacted by PL 1983, c. 92, Pt. B, §9, is amended to read:

§1505. Unorganized territory

For the purposes of this chapter, the unorganized territory shall be treated as a municipality. All excise tax payments for watercraft owned by residents of the unorganized territory, nonresidents or a partnership or corporation, domestic or foreign, and principally moored, docked or located or with an established base of operations in the unorganized territory shall be collected and distributed in the same manner as the motor vehicle excise tax is collected and paid to the Unorganized Territory Education and Services Fund established in chapter 115, or such similar fund as from time to time is in existence. Moneys paid to the Unorganized Territory Education and Services Fund shall be used to reduce the amount to be collected in the subsequent year through the Unorganized Territory Educational and Services Tax.

Sec. 14. 36 MRSA §1604, as amended by PL 1983, c. 827, §4, is repealed and the following enacted in its place:

§1604. Determination; procedure

1. Recommendation to the Legislature. The administrator of the unorganized territory shall submit to the Legislature, by March 1st, annually, a bill listing the requests of all counties and agencies under this chapter.

2. Legislative determination of municipal cost components. The Legislature shall consider the requests for funding under this chapter and by June 1st of each year enact legislation determining 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.

3. Contracts. Each county or agency which contracts with another entity to provide services funded under this chapter shall enter into a written contract with the providing agency. A copy of each contract shall be maintained in the office of the county or agency entering into the contract. A copy of each contract shall be provided to the fiscal administrator of the unorganized territory who shall maintain copies in his office.

4. Property. All real and personal property which is purchased to provide services for which reimbursement is requested under this chapter shall be held by the State or county in trust for the unorganized territory. Any income from the use or sale of that property held by the State shall be credited to the Unorganized Territory Education and Services Fund. Income from the use or sale of that property held by a county shall be credited to the unorganized territory fund of that county.

When it is proposed that an area of the unorganized territory becomes organized into a town or plantation, the fiscal administrator of the unorganized territory shall make recommendations to the Legislature regarding the disposition of property obtained with funds under this chapter.

Sec. 15. 36 MRSA §1605, sub-§2, as repealed and replaced by PL 1983, c. 556, §20, is repealed and the following enacted in its place:

2. Disbursements. Each agency making disbursements for expenses attributable to the municipal cost component shall, by June 30th of each year, submit an accounting of all expenditures made for the fiscal year ending on that date to the Treasurer of State with a copy to the fiscal administrator of the unorganized territory. Upon receipt of the accounting,

the Treasurer of State shall transfer from the fund sufficient money to pay the expenses attributable to the municipal cost component, including the amount charged to the fund under Title 12, section 9205-A. Any expenditures made or identified after those reported to the Treasurer of State on June 30th shall be identified separately and included in the report for the next fiscal year.

Sec. 16. 36 MRSA §1608, first ¶, as enacted by PL 1983, c. 508, §2, is amended to read:

The Bureau of the Budget The fiscal administrator of the unorganized territory shall, by September 1st annually, publish a financial report of the status of the Unorganized Territory Education and Services Fund subject to the following provisions.

Sec. 17. 36 MRSA §1608, sub-§4 is enacted to read:

4. Statement of availability. All tax bills issued under this chapter shall include a statement that the report required by this section is available, if requested.

Sec. 18. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>AUDIT DEPARTMENT</u>		
Unorganized Territory		
Positions	(2)	(2)
Personal Services	\$30,000	\$45,000
Capital Expenditures	1,000	
All Other	<u>5,000</u>	<u>5,000</u>
Total	\$36,000	\$50,000

Provides funds to employ fiscal administrator and a clerk-typist II and to publish and distribute the audit report required by the Maine Revised Statutes, Title

1985-86

1986-87

36, section
1608.

FINANCE AND ADMINISTRATION,
DEPARTMENT OF

Bureau of Taxation \$ 500
Provides reim-
bursement for
veteran's exemp-
tions.

Emergency clause. In view of the emergency cited
in the preamble, this Act shall take effect when ap-
proved.

Effective June 27, 1985.

CHAPTER 460

H.P. 206 - L.D. 240

**AN ACT to Exempt Lobster Feed and
Medication Necessary for the Lobster Pound
Business from the State Sales Tax.**

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

Sec. 1. 36 MRSA §1760, sub-§7 is amended to
read:

7. Products used in agricultural and
aquacultural production, and bait. Sales of seed,
feed, hormones, fertilizer, pesticides, insecticides,
fungicides, antibiotics, weed killers, ~~defoliant~~
~~defoliant~~s, litter and medicines used in agricultural
and aquacultural production and sales of bait to com-
mercial fishermen.

Sec. 2. Effective date. This Act shall take ef-
fect on July 1, 1986.

Effective July 1, 1986.