

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

Debt Service Fund under the General Special Obligation Bond Resolution Adopted May 15, 1996; Issuance of Bonds Authorized Pursuant to the Maine Revised Stat- utes, Title 23, section 1968, subsection 2-A	3,698,300
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TOTAL	\$94,701,846
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See title page for effective date.

CHAPTER 16

H.P. 1008 - L.D. 1485

**An Act To Allow the Director
of the Bureau of Parks and
Lands To Transfer Ownership
of Snowmobile Trail
Maintenance Equipment to
Incorporated Nonprofit
Snowmobile Clubs**

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

Sec. 1. Transfer of state-owned snowmobile trail maintenance equipment. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, Part 4 and any rules or policies of the State related to the transfer of surplus property, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the consent of the Commissioner of Agriculture, Conservation and Forestry, may enter into agreements with incorporated nonprofit snowmobile clubs to transfer ownership of state-owned snowmobile trail maintenance equipment, including trail-grooming equipment as defined in Title 12, section 13113, snowmobiles, trail drags and tools, for the purpose of maintaining snowmobile trail systems that were maintained by the State prior to the effective date of this Act.

Sec. 2. Terms of the agreement. The Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall ensure that any agreement entered into pursuant to section 1 includes provisions that address consequences if an incorporated nonprofit snowmobile club fails to, or is otherwise unable to, abide by the terms of the agreement.

See title page for effective date.

CHAPTER 17

H.P. 1112 - L.D. 1635

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

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

PART A

Sec. A-1. Deorganization of Oxbow 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 Oxbow Plantation approve the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the question of Oxbow Plantation's deorganization is approved by the registered voters of Oxbow Plantation pursuant to section 8 of this Part and if Oxbow Plantation has executed a withdrawal agreement with School Administrative District No. 32 or Regional School Unit No. 32, Oxbow Plantation in Aroostook 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 Oxbow Plantation as a municipality or that were incurred by Oxbow Plantation as a member of School Administrative District No. 32 or Regional School Unit No. 32 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 Oxbow North Township for the duration of the liabilities. The State Tax Assessor shall assess taxes against the property owners in the deorganized Oxbow North Township to provide funds to satisfy any municipal or educational 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 as described in Title 36, chapter 115.

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

Sec. A-4. Unexpended school funds. The treasurer of Oxbow 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 by the plantation before deorganization. The State Tax Assessor shall approve any written requests or invoices for payments and submit the approved documents to the fiscal administrator of the unorganized territory within the Office of the State Auditor to process through the Office of the State Controller. Any unexpended school funds remaining with the Treasurer of State after all the obligations have been met must be deposited to the Unorganized Territory Education and Services Fund, as established in the Maine Revised Statutes, Title 36, chapter 115.

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

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

Sec. A-6. Provision of education services. Notwithstanding any other law, education in the unorganized territory of Oxbow North Township must be provided under the direction of the Commissioner of Education as described in the Maine Revised Statutes, Title 20-A, chapter 119 and must meet the general standards for elementary and secondary schooling and

special education established pursuant to Title 20-A. The provisions of subsections 1 to 3 must be implemented at the time of deorganization.

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

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

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

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

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

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

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

"Shall Oxbow Plantation be deorganized?"

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

the total number of votes cast in the plantation for Governor at the last gubernatorial election.

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

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

PART B

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

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

Effective pending referendum.

CHAPTER 18

H.P. 1130 - L.D. 1659

**An Act To Authorize the
Sinclair Sanitary District To
Lease Land for
Telecommunications Purposes**

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

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

Sec. 1. Modification of certain limitations governing Sinclair Sanitary District. Notwithstanding Resolve 1991, chapter 75, the Sinclair Sanitary District is authorized to lease to Bay Communications II, LLC, in accordance with this Act, a portion of public lot T. 17, R. 4, which was previously conveyed to the district by the Director of the Bureau of Public Lands pursuant to Resolve 1991, chapter 75 and recorded in Book 0954, Page 107, Aroostook County Registry of Deeds (Northern Division).

Sec. 2. Authority of Sinclair Sanitary District to lease land. The Sinclair Sanitary District may lease a portion of the land conveyed to the district by the Director of the Bureau of Public Lands pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, its successors or assigns, for the purposes of constructing, operating, maintaining and replacing a commercial telecommunications tower that will, among other things, improve local wireless communications service and emergency telecommunications service in the region. The authority granted pursuant to this section is subject to the following conditions.

1. The total area to be leased may not exceed 1.2 acres, which must include all safety or so-called fall zones that may be required by the applicable permitting authority for construction of the tower.

2. The land must be leased by the Sinclair Sanitary District at its fair market lease value. All revenues derived by the district from leasing the land must be applied by the district to reducing the cost of providing wastewater disposal services to the district's ratepayers and customers.

Sec. 3. Release of deed restrictions. The Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall convey to the Sinclair Sanitary District a deed modification that amends the deed limitations imposed on the use by the Sinclair Sanitary District of the land conveyed to the district by the Director of the Bureau of Public Lands pursuant to Resolve 1991, chapter 75. The modification must expressly acknowledge the authority granted by this Act for the Sinclair Sanitary District to lease a portion of the land for the purpose of constructing, operating, maintaining and replacing a commercial telecommunications tower in accordance with this Act.

See title page for effective date.
