

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**October 23, 2017 to November 6, 2017**

**SECOND REGULAR SESSION**  
**January 3, 2018 to May 2, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 5, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2018**

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

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**Augusta, Maine**  
**2018**

2. The term of the water commissioner whose successor is to be determined at an election held in 2018 ends November 30, 2018; and

3. The term of the water commissioner whose successor is to be determined at an election held in 2019 ends November 30, 2019.

See title page for effective date.

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## CHAPTER 14

### H.P. 1023 - L.D. 1484

#### An Act Authorizing the Deorganization of the Town of Atkinson

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

#### PART A

**Sec. A-1. Deorganization of the Town of Atkinson.** 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 the Town of Atkinson approve the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the question of the Town of Atkinson's deorganization is approved by the registered voters of the Town of Atkinson pursuant to section 8 of this Part and if the Town of Atkinson has executed a withdrawal agreement with School Administrative District No. 41 or Regional School Unit No. 41, the Town of Atkinson in Piscataquis County is deorganized, except that the corporate existence, powers, duties and liabilities of the municipality survive for the purposes of prosecuting and defending all pending suits to which the municipality 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 municipality 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 the Town of Atkinson as a municipality or that were incurred by the Town of Atkinson as a member of School Administrative District No. 41 or Regional School Unit No. 41 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 Atkinson Township for the duration of the liabilities. The State Tax Assessor shall assess taxes against the property owners in the deorganized Atkinson Township to provide funds to satisfy any municipal or educational obligations or other liabilities. These financial obliga-

tions 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 the Town of Atkinson must be conducted in accordance with the approved deorganization procedure for the municipality dated June 15, 2016 that was developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205, and approved by a majority of municipal voters as required in Title 30-A, section 7207, subsection 2.

**Sec. A-4. Unexpended school funds.** The treasurer of the Town of Atkinson or any other person who has custody of the funds of the municipality shall pay the Treasurer of State all unexpended school funds that, together with the credits due the municipality for school purposes, are to be used by the State Tax Assessor to settle any school obligations incurred by the municipality 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 the Town of Atkinson or any other person who has custody of the funds of the municipality shall pay the Treasurer of State all unexpended funds of the municipality that, together with the credits due the municipality for its purposes, are to be used by the State Tax Assessor to settle any obligations of the municipality incurred by the municipality 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 municipality 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 municipality has been made, any funds that have not been expended must be deposited with the county commissioners of Piscataquis County as undedicated revenue for the unorganized territory fund of Piscataquis County.

Any property of the municipality that has not been sold must be held by the State in trust for the unorgan-

ized territory or transferred to Piscataquis 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 Piscataquis 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 Atkinson 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 5 must be implemented at the time of deorganization.

1. Students in kindergarten to grade 8 whose parents or legal guardians are legal residents of the unorganized territory of Atkinson Township must be provided educational services at school facilities located within School Administrative District No. 68 in Dover-Foxcroft. Transportation services to and from designated schools within School Administrative District No. 68 must be provided under the direction of the Department of Education's division of state schools, education in the unorganized territory.

2. Students in grade 9 to grade 12 whose parents or legal guardians are legal residents of the unorganized territory of Atkinson Township must be provided educational services at Foxcroft Academy. Transportation services to and from the secondary school must be provided under the direction of the Department of Education's division of state schools, education in the unorganized territory.

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

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

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

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 the Town of Atkinson as of April 1, 2019 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 the Town of Atkinson to the legal voters of the municipality 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 municipal clerk shall prepare the required ballots on which the clerk shall reduce the subject matter of this Part to the following question:

"Shall the Town of Atkinson 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 municipality for Governor at the last gubernatorial election.

The municipal officers of the Town of Atkinson shall declare the result of the vote. The municipal clerk shall file a certificate of the election result with the Secretary of State within 10 days after the date of the election and mail a copy of the certificate to the fiscal administrator of the unorganized territory.

**Sec. A-9. Effective date.** Sections 1 to 7 of this Part take effect July 1, 2019 if the legal voters of the Town of Atkinson 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 the Town of Atkinson 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 Piscataquis County Manager who shall register the

approved deorganization procedure with the Piscataquis 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.

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**CHAPTER 15**

**H.P. 1270 - L.D. 1828**

**An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath**

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

**Whereas**, the City of Bath is authorized pursuant to state law and its charter to borrow money and to issue its general obligation bonds and notes in furtherance of its municipal purposes; and

**Whereas**, at a city referendum held November 7, 2017, the voters of the city voted to adopt a bond ordinance that authorized the city to issue up to \$2,800,000 of its general obligation bonds and notes to finance sidewalks and street and road construction, reconstruction and paving projects, as described in the notices, warrants and ballots for the referendum; and

**Whereas**, the voters of the city voted in favor of the bond question, 1,834 in favor and 396 against, with 108 blank ballots; and

**Whereas**, Section 1009 of the city charter requires that the complete text of the bond ordinance be published in a newspaper of general circulation in the city not less than 10 days nor more than 15 days prior to the election; and

**Whereas**, while the complete text of the bond ordinance was published in a newspaper of general circulation in the city, it was published 4 days prior to the election and not between 10 and 15 days prior to the election; and

**Whereas**, the failure to publish the text of the bond ordinance as strictly required by the city charter creates a legal technicality that could affect the marketability of the bonds or notes to be issued by the city in connection with the projects; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

**Sec. 1. Validation and authorization.** Notwithstanding any provision of the Maine Revised Statutes or the charter of the City of Bath to the contrary, the City of Bath referendum conducted on November 7, 2017 and the proceedings related to that referendum are validated and made effective. The City of Bath is authorized to enter into contracts and to issue bonds or notes of the city in an amount not to exceed \$2,800,000 to finance sidewalks and street and road construction, reconstruction and paving projects, all as set forth in "Bond Ordinance - Question One" of the warrant and ballot for the referendum.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 15, 2018.

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