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Legislative Document

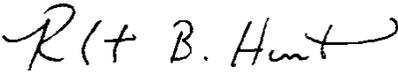
No. 1484

H.P. 1023

House of Representatives, April 18, 2017

An Act Authorizing the Deorganization of the Town of Atkinson

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.


ROBERT B. HUNT
Clerk

Presented by Representative HIGGINS of Dover-Foxcroft.

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

2 **PART A**

3 **Sec. A-1. Deorganization of the Town of Atkinson.** Notwithstanding any
4 contrary requirement of the Maine Revised Statutes, Title 30-A, chapter 302, if in
5 accordance with Title 30-A, section 7207 a majority of the voters in the Town of
6 Atkinson approve the deorganization procedure developed in accordance with Title 30-A,
7 section 7205 and if the question of the Town of Atkinson's deorganization is approved by
8 the registered voters of the Town of Atkinson pursuant to section 8 of this Part and if the
9 Town of Atkinson has executed a withdrawal agreement with School Administrative
10 District No. 41 or Regional School Unit No. 41, the Town of Atkinson in Piscataquis
11 County is deorganized, except that the corporate existence, powers, duties and liabilities
12 of the municipality survive for the purposes of prosecuting and defending all pending
13 suits to which the municipality is, or may be, a party and all needful process arising out of
14 any suits, including provisions for the payment of all or any judgments or debts that may
15 be rendered against the municipality or exist in favor of any creditor.

16 **Sec. A-2. Financial obligations and other liabilities.** Any financial obligations
17 or other liabilities that were incurred by the Town of Atkinson as a municipality or that
18 were incurred by the Town of Atkinson as a member of School Administrative District
19 No. 41 or Regional School Unit No. 41 are hereby excepted and reserved in accordance
20 with the Maine Revised Statutes, Title 30-A, section 7303 and remain liabilities for the
21 inhabitants of lawful age residing in the territory included in the deorganized Atkinson
22 Township for the duration of the liabilities. The State Tax Assessor shall assess taxes
23 against the property owners in the deorganized Atkinson Township to provide funds to
24 satisfy any municipal or educational obligations or other liabilities. These financial
25 obligations or other liabilities are not the responsibility of either the Department of
26 Education or the taxpayers in the Unorganized Territory Tax District as described in Title
27 36, chapter 115.

28 **Sec. A-3. Deorganization procedure.** The deorganization of the Town of
29 Atkinson must be conducted in accordance with the approved deorganization procedure
30 for the municipality dated June 15, 2016 that was developed in accordance with the
31 Maine Revised Statutes, Title 30-A, section 7205, and approved by a majority of
32 municipal voters as required in Title 30-A, section 7207, subsection 2.

33 **Sec. A-4. Unexpended school funds.** The treasurer of the Town of Atkinson or
34 any other person who has custody of the funds of the municipality shall pay the Treasurer
35 of State all unexpended school funds that, together with the credits due the municipality
36 for school purposes, are to be used by the State Tax Assessor to settle any school
37 obligations incurred by the municipality before deorganization. The State Tax Assessor
38 shall approve any written requests or invoices for payments and submit the approved
39 documents to the fiscal administrator of the unorganized territory within the Office of the
40 State Auditor to process through the Office of the State Controller. Any unexpended
41 school funds remaining with the Treasurer of State after all the obligations have been met
42 must be deposited to the Unorganized Territory Education and Services Fund, as
43 established in the Maine Revised Statutes, Title 36, chapter 115.

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

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

23 **Sec. A-6. Provision of education services.** Notwithstanding any other law,
24 education in the unorganized territory of Atkinson Township must be provided under the
25 direction of the Commissioner of Education as described in the Maine Revised Statutes,
26 Title 20-A, chapter 119 and must meet the general standards for elementary and
27 secondary schooling and special education established pursuant to Title 20-A. The
28 provisions of subsections 1 to 5 must be implemented at the time of deorganization.

29 1. Students in kindergarten to grade 8 whose parents or legal guardians are legal
30 residents of the unorganized territory of Atkinson Township must be provided
31 educational services at school facilities located within School Administrative District No.
32 68 in Dover-Foxcroft. Transportation services to and from designated schools within
33 School Administrative District No. 68 must be provided under the direction of the
34 Department of Education's division of state schools, education in the unorganized
35 territory.

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

41 3. Tuition to secondary schools other than that identified in subsection 2 may be
42 provided on behalf of resident students with the prior approval of the director of state
43 schools, education in the unorganized territory within in the Department of Education.

1 Tuition may not exceed limits set out in the Maine Revised Statutes, Title 20-A, section
2 3304. The receiving school must be approved by the Commissioner of Education for the
3 purpose of tuition. Transportation is the responsibility of the parents or legal guardians.

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

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

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

12 **Sec. A-7. Assessment of taxes.** The State Tax Assessor shall assess the real and
13 personal property taxes in the Town of Atkinson as of April 1, 2019 as provided in the
14 Maine Revised Statutes, Title 36, section 1602.

15 **Sec. A-8. Referendum; certificate to Secretary of State.** This Part takes
16 effect 90 days after its approval only for the purpose of permitting its submission by the
17 municipal officers of the Town of Atkinson to the legal voters of the municipality by
18 ballot at the next general election to be held in November. This election must be called,
19 advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections
20 2528 and 2532. The municipal clerk shall prepare the required ballots on which the clerk
21 shall reduce the subject matter of this Part to the following question:

22 "Shall the Town of Atkinson be deorganized?"

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

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

33 **Sec. A-9. Effective date.** Sections 1 to 7 of this Part take effect July 1, 2019 if the
34 legal voters of the Town of Atkinson approve the referendum under section 8 of this Part.

35 **PART B**

36 **Sec. B-1. Register and transmit copy of approved deorganization**
37 **procedure.** Before the effective date of the deorganization of the Town of Atkinson
38 pursuant to Part A, the fiscal administrator of the unorganized territory within the Office
39 of the State Auditor shall transmit a copy of the approved deorganization procedure

1 developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 to the
2 Piscataquis County Manager who shall register the approved deorganization procedure
3 with the Piscataquis 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 PART C

7 **Sec. C-1. 20-A MRSA §1, sub-§19,** as enacted by PL 1981, c. 693, §§5 and 8, is
8 amended to read:

9 **19. Municipal school unit.** "Municipal school unit" means a state-approved unit of
10 school administration composed of a single municipality or a township deorganized on or
11 after July 1, 2019.

12 **Sec. C-2. 20-A MRSA §15672, sub-§21,** as enacted by PL 2003, c. 504, Pt. A,
13 §6, is amended to read:

14 **21. Municipality.** "Municipality" means a city, town or organized plantation or
15 township deorganized on or after July 1, 2019.

16 **Sec. C-3. 20-A MRSA §15689-B, sub-§2, ¶B,** as enacted by PL 2005, c. 2, Pt.
17 D, §61 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

18 B. Each superintendent shall report to the municipal officers or to the director of
19 state schools, education in the unorganized territory and to the fiscal administrator of
20 the unorganized territory within the Office of the State Auditor whenever the school
21 administrative unit is notified of the allocation or a change is made in the allocation
22 resulting from an adjustment.

23 **Sec. C-4. 20-A MRSA §15690, sub-§1, ¶E** is enacted to read:

24 E. For a township deorganized on or after July 1, 2019, local appropriations for
25 school funding for pupils in such a deorganized township must continue to be raised
26 and paid out as a municipal cost component in accordance with Title 36, chapter 115.

27 **Sec. C-5. 20-A MRSA §15691,** as enacted by PL 2005, c. 2, Pt. D, §62 and
28 affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

29 **§15691. Municipal assessment paid to district**

30 **1. Presentation of assessment schedule.** The assessment schedule based on the
31 budget approved at a community school district or school administrative district budget
32 meeting must be presented to the treasurer of each municipality that is a member of the
33 district or to the director of state schools, education in the unorganized territory and to the
34 fiscal administrator of the unorganized territory in the Office of the State Auditor for a
35 township that deorganized on or after July 1, 2019.

36 The assessment schedule must include each member municipality's share of the school
37 administrative unit's contribution to the total cost of funding public education from

1 kindergarten to grade 12 as described in section 15688, the school administrative unit's
2 contribution to debt service for non-state-funded school construction projects and
3 additional local funds for school purposes under section 15690.

4 **2. Municipal treasurer's payment schedule.** The treasurer of the member
5 municipality or the director of state schools, education in the unorganized territory, after
6 being presented with the assessment schedule, shall forward 1/12 of that member
7 municipality's share to the treasurer of the district on or before the 20th day of each
8 month of the fiscal year beginning in July.

9 **Sec. C-6. Effective date.** This Part takes effect upon approval of the referendum
10 under Part A, section 8.

11 **SUMMARY**

12 This bill provides for the deorganization of the Town of Atkinson in Piscataquis
13 County subject to approval at local referendum and execution of a withdrawal agreement
14 from School Administrative District No. 41, also known as Regional School Unit No. 41.
15 It also provides that townships deorganized on or after July 1, 2019 continue to receive
16 school subsidies through general purpose aid to local schools, subject to approval at local
17 referendum.