

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1130 - L.D. 1568

**An Act Authorizing the Deorganization of Magalloway Plantation****Be it enacted by the People of the State of Maine as follows:****PART A**

**Sec. A-1. Deorganization of Magalloway 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 Magalloway Plantation approve the deorganization procedure developed in accordance with Title 30-A, section 7205, the question of Magalloway Plantation's deorganization is approved by the registered voters of Magalloway Plantation pursuant to section 8 of this Part and Magalloway Plantation has executed a withdrawal agreement with Regional School Unit No. 78, Magalloway Plantation in Oxford 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 Magalloway Plantation as a municipality or that were incurred by Magalloway Plantation as a member of Regional School Unit No. 78 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 Magalloway Township for the duration of the liabilities. The State Tax Assessor shall assess taxes against the property owners in the deorganized Magalloway 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 Magalloway Plantation must be conducted in accordance with the approved deorganization procedure

for the plantation dated October 23, 2018 that was developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 and approved by a majority of the plantation's voters as required in Title 30-A, section 7207, subsection 2.

**Sec. A-4. Unexpended school funds.** The treasurer of Magalloway 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 Magalloway 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 Oxford County as undedicated revenue for the unorganized territory fund of Oxford 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 Oxford 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 Oxford 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 Magalloway 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 prekindergarten and kindergarten to grade 5 whose parents or legal guardians are legal residents of the unorganized territory of Magalloway Township must be provided educational services at schools located within Regional School Unit No. 78. Transportation services to and from the designated schools 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 6 to grade 12 whose parents or legal guardians are legal residents of the unorganized territory of Magalloway Township must be provided educational services at schools located within Regional School Unit No. 78. Transportation services to and from the designated schools must be provided under the direction of the Department of Education's division of state schools, education in the unorganized territory.

3. Tuition to approved secondary schools other than those identified in subsection 2 may be provided on behalf of resident pupils with the prior approval of the director of state schools within the Department of Education. Tuition may not exceed limits set out in Title 20-A, section 3304. The receiving school must be approved by the Commissioner of Education for the purpose of tuition.

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 Magalloway Plantation as of April 1, 2021 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 plantation officers of Magalloway 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 Magalloway 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 plantation officers of Magalloway 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, 2021 if the legal voters of Magalloway 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 Magalloway 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 for the plantation dated October 23, 2018 that was developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 and approved by a majority of the plantation's voters as required under section 7207, subsection 2 to the Oxford County Administrator and register the approved deorganization procedure with the Oxford County Registry of Deeds.

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