

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

—
H.P. 1160 - L.D. 1673

An Act Authorizing the Deorganization of Codyville Plantation

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

PART A

Sec. A-1. Deorganization of Codyville 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 Codyville Plantation approve the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the question of Codyville Plantation's deorganization is approved by the registered voters of Codyville Plantation pursuant to section 9 of this Part, Codyville Plantation in Washington 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 Codyville Plantation as a municipality or that were incurred by Codyville Plantation as a member of a regional school unit, school district or school union 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 Codyville Township for the duration of the liabilities. The State Tax Assessor shall assess taxes against the property owners in the deorganized Codyville 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 Codyville 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 Codyville 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 unexpended funds must be deposited by the Treasurer of State into a private trust fund under the control of the State Tax Assessor. The State Tax Assessor shall approve any written requests or invoices for payments and provide copies of the approved documents to the fiscal administrator of the unorganized territory within the Office of the State Auditor. Any unexpended school funds remaining with the Treasurer of State after all the obligations have been met must be deposited in the Unorganized Territory Education and Services Fund, as provided in the Maine Revised Statutes, Title 36, chapter 115.

Sec. A-5. Unexpended municipal funds and property. The treasurer of Codyville 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 unexpended funds must be deposited by the Treasurer of State into a private trust fund under the control of the State Tax Assessor. The State Tax Assessor shall approve any written requests or invoices for payments and shall provide copies of the approved documents to the fiscal administrator of the unorganized territory within the Office of the State Auditor. 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 Washington County as undedicated revenue for the unorganized territory fund of Washington 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 Washington 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 Washington County must be credited to the unorganized territory fund of the county pursuant to Title 36, section 1604, subsection 4.

Sec. A-6. Withdrawal from community school district. Codyville Plantation shall:

1. Assign its share of the cumulative fund balance for the East Range II Community School District to the East Range II Community School District;

2. Cancel or forgive any claims on the Town of Topsfield or the East Range II Community School District for educational property or services; and
3. Withdraw from the East Range II Community School District, effective June 30, 2019.

Upon the withdrawal of Codyville Plantation from the East Range II Community School District pursuant to this section, the unorganized territory of Codyville Township has no financial liabilities or other obligations to the Town of Topsfield or to the East Range II Community School District for educational property or services, and education in the unorganized territory of Codyville Township must be provided pursuant to section 7 of this Part.

Sec. A-7. Provision of education services. Notwithstanding any other law, education in the unorganized territory of Codyville 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 5 whose parents or legal guardians are legal residents of the unorganized territory of Codyville Township must be provided educational services at a nearby school facility. Transportation services to and from the designated school 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 Codyville Plantation must be provided educational services at a nearby school facility. Transportation services to and from the designated school facility must be provided under the direction of the Department of Education's division of state schools, education in the unorganized territory.

3. Special education services must be provided to identify 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.

Tuition to schools other than those that are 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 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 under this section is subject to future modification in response to changes in educational conditions.

Sec. A-8. Assessment of taxes. The State Tax Assessor shall assess the real and personal property taxes in Codyville Plantation as of April 1, 2019 as provided in the Maine Revised Statutes, Title 36, section 1602.

Sec. A-9. 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 Codyville 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 Codyville 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 Codyville 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-10. Effective dates. If the legal voters of Codyville Plantation approve the referendum under section 9 of this Part, sections 1 to 5, 7 and 8 of this Part take effect July 1, 2019, and section 6 of this Part takes effect upon approval of the referendum.

PART B

Sec. B-1. Register and transmit copy of approved deorganization procedure. Before the effective date of the deorganization of Codyville 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 Washington County Administrator and register the approved deorganization procedure with the Washington County Registry of Deeds.

Sec. B-2. Effective date. This Part takes effect upon approval of the referendum under Part A, section 9.