



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

# Memorandum

**To:** Commissioners  
**From:** Nick Livesay  
**Date:** March 4, 2016  
**Re:** Processing Removal Petitions for Misery Gore Twp, Sapling Twp, and Parlin Pond Twp

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The Commission has received petitions to remove the geographic areas commonly referred to as Misery Gore Township, Sapling Township, and Parlin Pond Township from the expedited permitting area. For each of these places, the petition form prepared by staff and circulated for signature contains a depiction of the place proposed for removal. What is depicted is what one would see on a map. (See the attached petitions, along with a map showing all three of these townships.)

While these three petition forms were being circulated for signature, staff learned that in 1989 the Legislature enacted a private and special law, P. & S.L. 1989, ch. 33, that eliminated Misery Gore, merging the Misery Gore area into the abutting townships immediately to the south: Parlin Pond, Misery, and Sapling. This merger or absorption was accomplished by extending the eastern boundaries of these townships north until they intersected with the northern boundary of Misery Gore.

In 1991, the Legislature repealed the 1989 private and special law and reestablished the geographic area of Misery Gore. The 1991 law also established that the portions of Misery Gore that previously had been absorbed into Parlin Pond, Misery, and Sapling townships:

[M]ust be administered by the State for all purposes as if those portions were remaining in these respective townships, including, without limitation, the purposes of taxation and all other recordkeeping and reporting generally conducted on a township basis.

P & S.L. 1991, ch.51, §2. No other changes have occurred since 1991.

Voter registration is one form of State administration that is affected by the 1991 private and special law. A person who resides in the geographic area referred to as Misery Gore is identified as being a

registered voter in Parlin Pond, Misery, or Sapling township, depending on where in Misery Gore the person resides.

This background is relevant because the Commission has received petitions for three of the townships addressed in the 1991 law. The question for the Commission is how to treat these petitions in light of the 1991 law.

## **I. Misery Gore and Sapling Township Petitions**

We have discussed this question with the Office of the Attorney General and believe by virtue of the 1991 law residents in the area administered as Sapling Township have the legal ability to petition the Commission to remove that entire administrative area from the expedited permitting area. This means that residents in the geographic area show on a map and identified as Sapling Township, as well as residents in the portion of geographic area called Misery Gore that is immediately north of Sapling Township, may petition the Commission to remove all of the combined geographic area called Sapling Township and the portion of Misery Gore immediately north of Sapling Township. Relatedly, this also means that a person residing in the portion of Misery Gore immediately north of Sapling Township may not petition to remove any portion of Misery Gore beyond the area administered as part of Sapling Township.

Individuals residing in the portion of Misery Gore immediately north of Sapling Township and, accordingly, identified on the voting roles as registered to vote in Sapling Township, sought to file a removal petition. Unsure of the geographic area they could petition to remove, these individuals signed two separate petitions, one for Misery Gore and one for Sapling Township. The Secretary of State's office reviewed both petitions and found the signatures on the Sapling Township petition were valid signatures of registered voters within the township. Because there are no registered voters in Misery Gore – and cannot be as a result of the 1991 law – the Secretary of State's Office found the signatures on the Misery Gore petition did not match with anyone identified as a registered voter of Misery Gore.

Staff recommend that the Commission proceed as follows:

- a. Process the Sapling Township petition as applying to the geographic area of Sapling Township. This is the area shown on the petition form.
- b. Process the Misery Gore petition as applying only to the portion of Misery Gore that is administered as part of Sapling Township. In light of the 1991 law, this is the only portion of Misery Gore the petition signers have the authority to petition to remove.

Staff believes this result is consistent with both the 1991 private and special law and the statutory provisions governing the removal petition process. This result also is consistent with the intent of the individuals signing the petitions – to petition to remove the entirety of the geographic area they may seek to remove from the expedited permitting area.

To date, the Commission has received a request for substantive review of the Sapling Township petition. If the Commission adopts the staff recommendation, this would mean treating the substantive review request as pertaining to the geographic area identified as Sapling Township, and not to the portion of Misery Gore to the north. The deadline for requesting substantive review of

the Misery Gore petition is March 14. We think it is likely a substantive review request will be filed by this deadline. If that happens, the Commission would be able to proceed with a single substantive review of the area administered as Sapling Township (which includes the portion of Misery Gore to the north).

## **II. Parlin Pond Petition**

The Secretary of State's Office found that the Parlin Pond Township removal petition was signed by a sufficient number individuals registered to vote in Parlin Pond. Staff recommend the Commission proceed as follows:

- a. Process the Parlin Pond Township petition as applying to the geographic area of Parlin Pond Township. This is the area shown on the petition form.

This approach is consistent with the approach recommended for the Sapling and Misery Gore petitions.

The 45-day period for requesting substantive review of the Parlin Pond petition expired on February 22 without receipt of a request for review. If the Commission accepts the staff recommendation regarding the processing of the Parlin Pond petition, as part of an agenda item later in the day at the March meeting, staff will propose adoption of rulemaking removing Parling Pond, and other places where substantive review has not been requested within the allowed window, from the expedited permitting area.

## **III. Summary of Staff Recommendation**

Staff recommend that the Commission proceed with processing the removal petitions for Misery Gore Township, Sapling Township, and Parlin Pond Township in accordance with the process outlined in this memo.

**RECEIVED**

JAN 04 2016

3:20 pm

Date and Time Received  
LUPC - AUGUSTA

# A PETITION TO REMOVE ALL OF MISERY GORE TOWNSHIP FROM THE EXPEDITED PERMITTING AREA FOR WIND ENERGY DEVELOPMENT

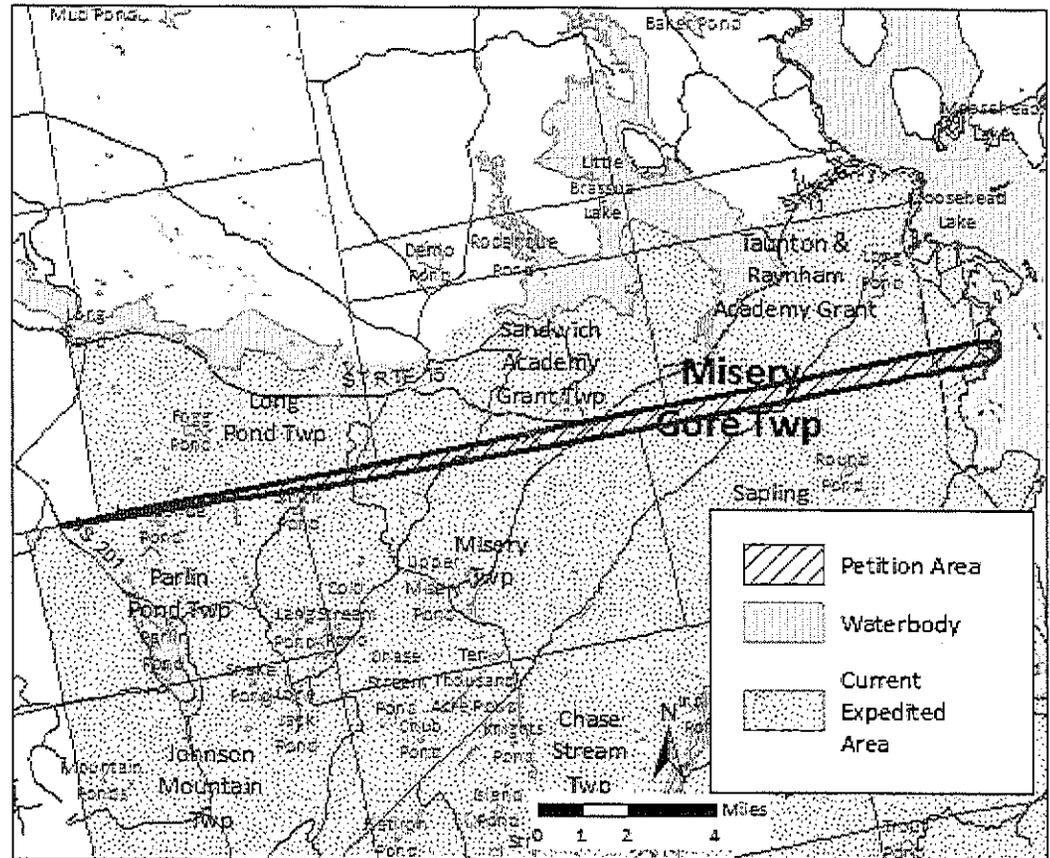
**DATES A PETITION MAY BE FILED: January 1 through June 30, 2016**

Before a registered voter signs any removal petition, signature gatherers must offer the voter the opportunity to read the information below.

## DESCRIPTION OF PROPOSED REMOVAL

As directed in Public Law 2015, Chapter 265, The Maine Land Use Planning Commission shall, by rule, remove a specified place in the unorganized and deorganized areas from the windpower expedited permitting area if the Commission receives a petition on or before June 30, 2016 requesting the removal of the specified place from the expedited permitting area that is signed by at least 10% of the number of registered voters residing in the township, plantation, town or portion thereof that voted in the most recent gubernatorial election. If, pursuant to 35-A M.R.S. Section 3453-A(3), a person requests substantive review of the petition for removal within 45 days of the Maine Land Use Planning Commission posting notice of receipt of the petition on its publicly accessible website, a further process of evaluating the merit of the petition will take place as directed in statute.

**This petition is to remove all of Misery Gore Township from the windpower expedited permitting area, which would have the effect of requiring any proposed grid-scale wind energy development to obtain a rezoning from the Commission before applying for a permit to construct the facility. It would also change the standard for evaluating the visual effects of any grid-scale wind energy development in the permitting process. Signing the petition means that the voter wishes to remove the specified place from the expedited permitting area.**



RECEIVED

JAN 04 2016

3:20 pm

Date and Time Received  
LUPC - AUGUSTA

## A PETITION TO REMOVE ALL OF SAPLING TOWNSHIP FROM THE EXPEDITED PERMITTING AREA FOR WIND ENERGY DEVELOPMENT

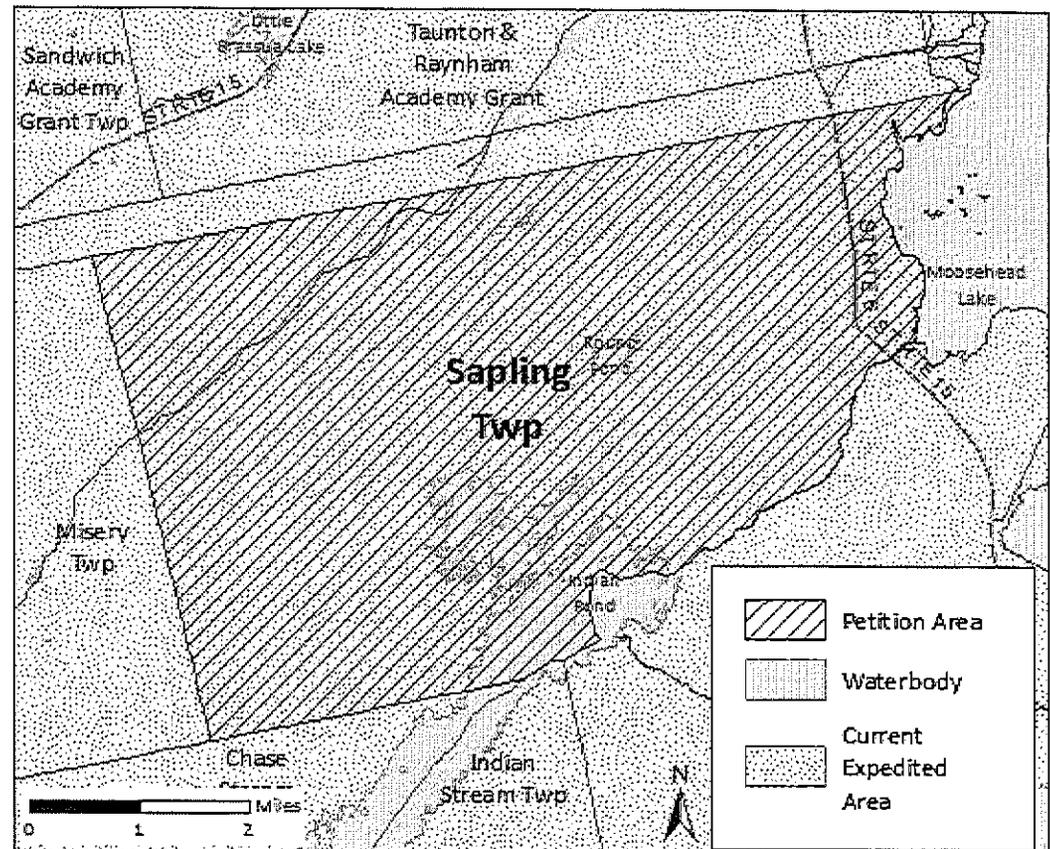
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**This petition is to remove all of Sapling Township from the windpower expedited permitting area, which would have the effect of requiring any proposed grid-scale wind energy development to obtain a rezoning from the Commission before applying for a permit to construct the facility. It would also change the standard for evaluating the visual effects of any grid-scale wind energy development in the permitting process. Signing the petition means that the voter wishes to remove the specified place from the expedited permitting area.**



RECEIVED

JAN 04 2016

3:20 pm

LUPC AUGUSTA  
Date and Time Received

# A PETITION TO REMOVE ALL OF PARLIN POND TOWNSHIP FROM THE EXPEDITED PERMITTING AREA FOR WIND ENERGY DEVELOPMENT

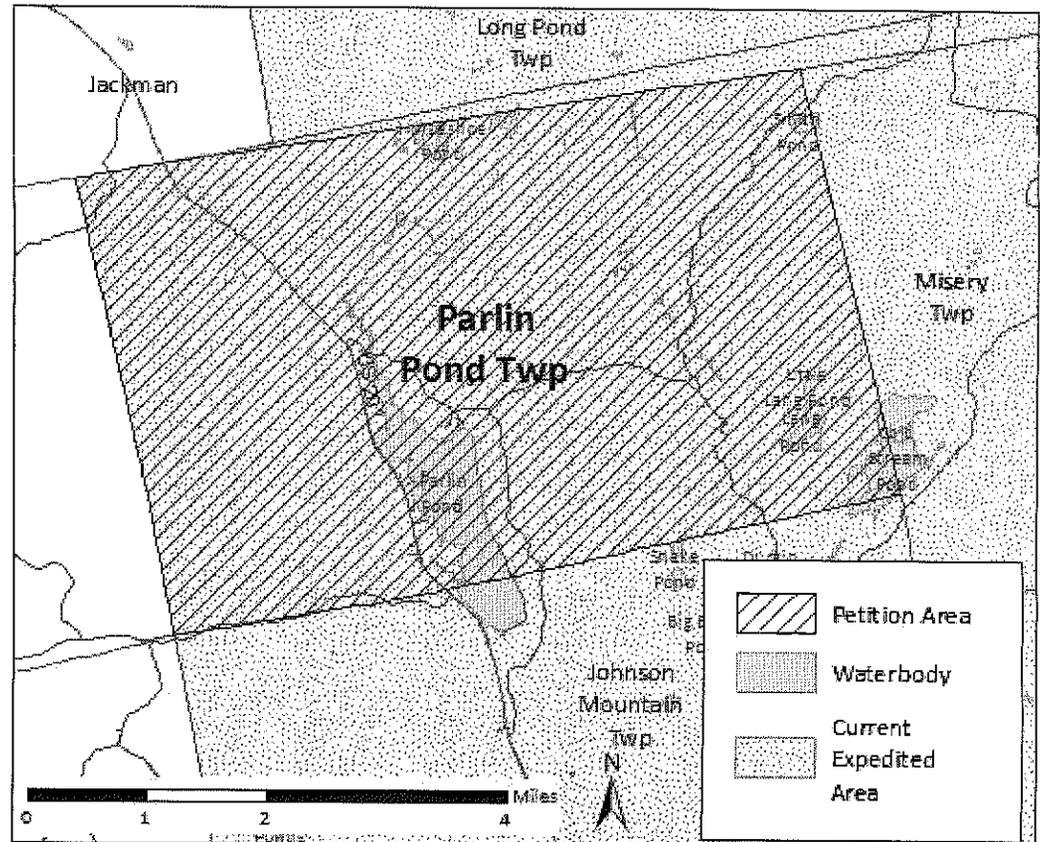
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**This petition is to remove all of Parlin Pond Township from the windpower expedited permitting area, which would have the effect of requiring any proposed grid-scale wind energy development to obtain a rezoning from the Commission before applying for a permit to construct the facility. It would also change the standard for evaluating the visual effects of any grid-scale wind energy development in the permitting process. Signing the petition means that the voter wishes to remove the specified place from the expedited permitting area.**



**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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vote. The criteria for such an extension or extensions shall apply only to trustees who, because of special circumstances, are in the process of rendering beneficial services for and on behalf of the academy which would be impaired if the term of the trustee or trustees was not extended.

**Sec. 5. Trustees Emeritus; Honorary Trustees; and Distinguished Trustees Emeritus.** A trustee, who has served continuously as a trustee for no fewer than 2 consecutive 4-year terms, at the expiration of the 2nd 4-year term shall be automatically designated a Trustee Emeritus. A former trustee who has served for no fewer than 4 consecutive years may, at the option of the Board of Trustees, be designated a Trustee Emeritus. A trustee who dies while in office may, at the option of the Board of Trustees, be posthumously designated a Trustee Emeritus. All living Trustees Emeritus shall then be exempt from any count to determine the number of trustees or of a quorum for any meeting of the board, but shall have all the rights of a trustee except the right to vote.

At the discretion of the Board of Trustees, those persons who are not and who have not been trustees, but who have served the academy with special distinction, may be designated as Honorary Trustees. An Honorary Trustee shall have the right to attend trustees' meetings upon the invitation of the Chair of the Board of Trustees. An Honorary Trustee shall have the same rights as a Trustee Emeritus.

At the discretion of the Board of Trustees, former living trustees who have served the academy with special and extraordinary distinction may be designated as Distinguished Trustees Emeritus, whose status shall be exempt from any count to determine the number of trustees or of a quorum for any meeting of the board, but who shall have all the rights of trustees except the right to vote.

Trustees Emeritus and Distinguished Trustees Emeritus who subsequently return to the Board of Trustees shall lose status as either Trustee Emeritus or Distinguished Trustee Emeritus during their terms as trustees, but shall automatically resume such designation upon the termination of the terms as trustees.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 2, 1989.

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## CHAPTER 33

H.P. 772 - L.D. 1084

### An Act to Consolidate the Township of Misery-Sapling Gore into Adjoining Townships

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

**Misery-Sapling Gore Township dissolved.** The township of Misery-Sapling Gore, T1, 2 and 3 R7 BKP WKR, in Somerset County, lying wholly in the unorganized territories, shall be absorbed into and consolidated with the townships of Parlin Pond, T3 R7 BKP WKR; Misery, T2 R7 BKP WKR; and Sapling, T1 R7 BKP WKR, also lying wholly within the unorganized territories of the State. Misery-Sapling Gore shall be absorbed into the 3 towns mentioned above by extending the eastern boundary of Parlin Pond, Misery and Sapling townships in a northerly direction along the same course that they presently follow until the lines intersect the present northerly boundary of Misery-Sapling Gore.

See title page for effective date.

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## CHAPTER 34

S.P. 361 - L.D. 978

### An Act to Amend the Charters of the Sewer District of the Town of Kennebunk and the York Sewer District

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

**Sec. 1.** P&SL 1955, c. 69, §17 is amended to read:

**Sec. 17. Rates and tolls; application of revenues.** All persons and corporations, whether public, private or municipal, shall pay to the treasurer of said district the entrance charges, rates, tolls, rents, impact fees and other lawful charges established by the trustees for the sewer or drainage service used, or to which such beneficial service is available with respect to their lots or parcels of land; and in determining real estate interests, "real estate" as defined in section 3 of chapter 92 of the revised statutes of 1954 the Maine Revised Statutes, Title 36, section 551 may be applied by the trustees.

Rates, tolls, rents ~~and~~, entrance charges and impact fees shall be uniform within the territory supplied by the district whenever the installation and maintenance of sewers or their appurtenances and the cost of service is substantially uniform; but nothing in this act shall preclude the district from establishing a higher rate, toll, rent ~~or~~, entrance charge or impact fee than the regular rates, tolls, rents ~~and~~, charges or impact fees in sections where, for any reason, the cost of construction and maintenance, or the cost of service, exceeds the average, but such higher rates, tolls, rents ~~and~~, charges and impact fees shall be uniform throughout the sections where they apply.

The sewer rates, tolls, rents ~~and~~, entrance charges and impact fees shall be so established as to provide revenue for the following purposes:

I. To pay the current expenses for operating and maintaining the sewerage system;

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1990 to July 10, 1991

**FIRST SPECIAL SESSION**

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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In examining this topic, the committee may:

1. Meet as necessary;
2. Hold informational sessions for discussions with knowledgeable persons;
3. Conduct, summarize and analyze the results of a literature search;
4. Conduct, tabulate and analyze the results of a survey of the public or affected persons and groups;
5. Procure and analyze relevant data;
6. Conduct legal research and prepare opinions on legal questions within the scope of the study; and
7. Determine and summarize the legislative actions or governmental programs undertaken in other jurisdictions related to issues within the scope of the study.

**Sec. 5. Staff assistance.** No staffing for the committee is authorized.

**Sec. 6. Reimbursement.** No compensation or reimbursement for members of the committee is authorized.

**Sec. 7. Report.** The committee shall submit its report to the Joint Standing Committee on Legal Affairs no later than November 1, 1991.

See title page for effective date.

## CHAPTER 51

H.P. 928 - L.D. 1348

### An Act to Reinstitute the Township of Misery-Sapling Gore

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

**Sec. 1. P&SL 1989, c. 33** is repealed.

**Sec. 2. Administration of Misery-Sapling Gore.** Those portions of Misery-Sapling Gore, T1, 2 and 3 R7 BKP WKR, in Somerset County, lying wholly within the unorganized territories, that were absorbed into the townships of Parlin Pond, T3 R7 BKP WKR; Misery, T2 R7 BKP WKR; and Sapling, T1 R7 BKP WKR, by Private and Special Law 1989, chapter 33, must be administered by the State for all purposes as if those portions were remaining in these respective townships, including, without limitation, the purposes of taxation and all other record keeping and reporting generally conducted on a township basis.

See title page for effective date.

## CHAPTER 52

S.P. 683 - L.D. 1811

### An Act to Annex the Town of Richmond to Lincoln County

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

**Whereas,** this legislation requires the Town of Richmond to conduct a town meeting and requires Lincoln County to hold a referendum in November of 1991; and

**Whereas,** pending approval of the voters, annexation of the Town of Richmond to Lincoln County is effective on January 1, 1992; and

**Whereas,** this legislation must be effective immediately in order to permit the timely conduct of these elections; 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 preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Annexation.** The Town of Richmond is removed from Sagadahoc County and annexed to and made part of Lincoln County.

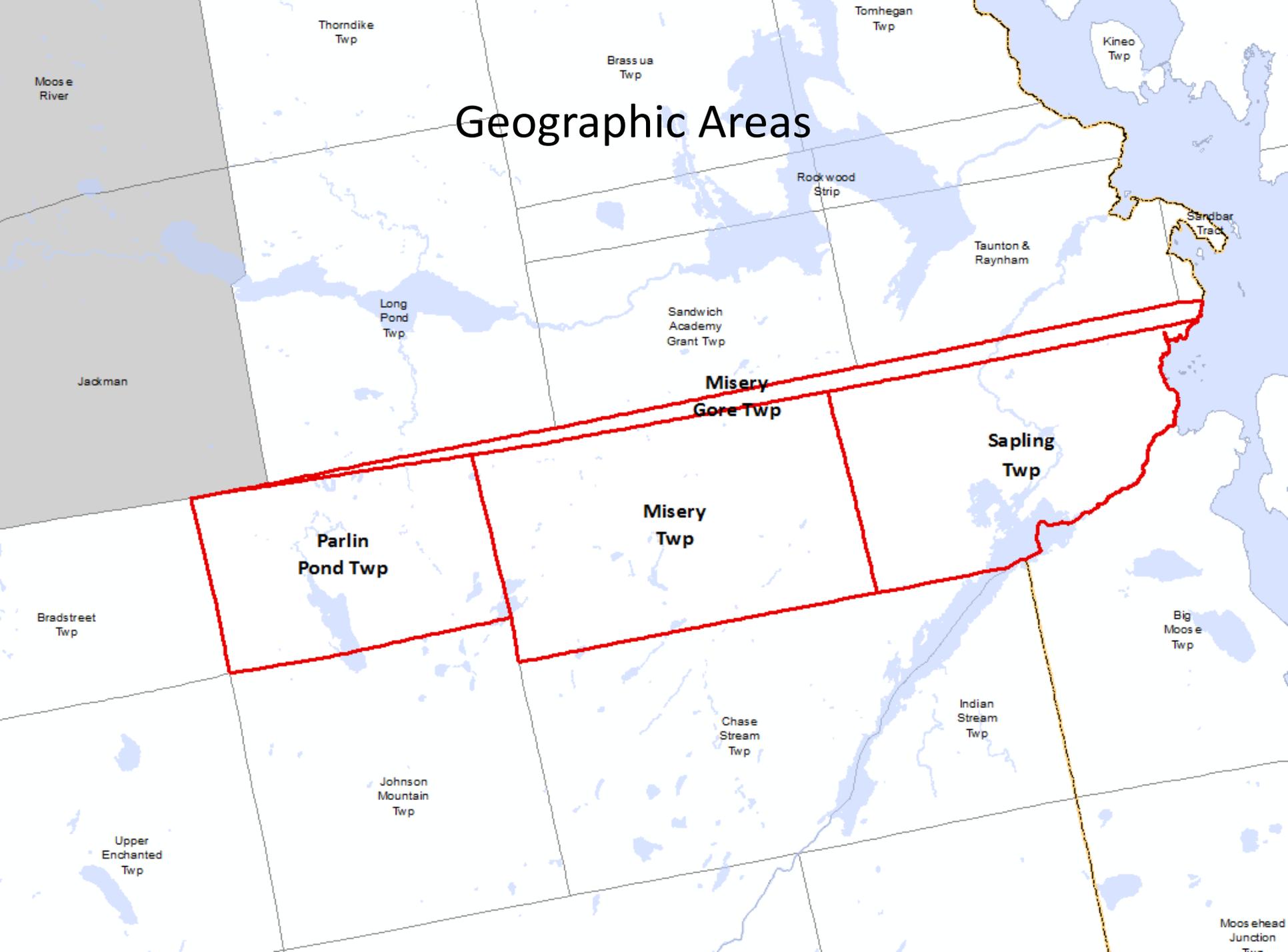
**Sec. 2. Obligations to Sagadahoc County.** The obligations of the town to Sagadahoc County, existing on the day this Act is approved by the Legislature, continue after the town is made part of Lincoln County. The indebtedness of the Town of Richmond to the County of Sagadahoc must be determined in a just and equitable manner by the commissioners of Sagadahoc County and the municipal officers of Richmond by March 15, 1992.

**Sec. 3. Obligations to Lincoln County.** All obligations of the Town of Richmond to Lincoln County begin and are prorated as of January 1, 1992.

**Sec. 4. County seat.** The Town of Wiscasset remains the county seat of Lincoln County.

**Sec. 5. Referenda; effective date.** This Act must be submitted to the legal voters of the Town of Richmond at the regular town meeting in 1991 or at a special town meeting called for that purpose within 120 days of the approval of this Act by the Legislature. That special town meeting must be called, advertised and conducted according to the law relating to municipal elec-

# Geographic Areas



# Administrative Areas

