

# Maine Plantations vs. Towns

## Introduction and History

Maine is unique among American states in preserving the "plantation" as a form of local government.<sup>1</sup> This governance structure, dating back to colonial Massachusetts, represents an intermediate step between unorganized territory and full municipal status. Understanding the distinctions between plantations and towns is essential for regional planners, municipal officials, and residents considering changes to their community's governmental structure.

As of 2023, Maine has 23 cities, 430 towns, and 29 plantations.<sup>2</sup> Plantations are typically found in sparsely populated areas, often in Maine's northern and western interior regions, as well as on some coastal islands.

The term "plantation" originated in colonial New England to describe communities in a pre-town stage of development. When surveyors divided land into townships, proprietors would "plant" the area with settlers and establish limited self-governance before achieving full town status.<sup>3</sup>

As Richard Walden Hale described in *The Story of Bar Harbor* (1949): "First came the survey... Land so surveyed was divided into 'townships'... Then certain proprietors... bought the 'township,' 'planted it' with settlers, and saw to it that land was reserved for a church and school. When enough settlers had been planted, limited self-government was granted, and the township was raised in status to a 'plantation.'"<sup>4</sup>

After Maine became a state in 1820, the plantation status remained largely unchanged. Importantly, at no time in Maine's history has it been required that a plantation become a town, nor that a town must have prior existence as a plantation.<sup>5</sup>

## Key Differences Between Plantations and Towns

### Governance Structure

**Plantations:** Use the Annual Meeting-Assessors form of government.<sup>6</sup> Plantation assessors serve dual roles as both assessors and de facto selectmen. Plantations elect a moderator, clerk, three assessors, treasurer, collector of taxes, constable, school committee, and other necessary officers at annual meetings.<sup>7</sup>

**Towns:** May use various forms of government including Town Meeting-Select Board, Town Meeting-Select Board-Manager, Town Meeting-Council-Manager, Council-Manager, or Council-Mayor.<sup>8</sup> Towns have greater flexibility in structuring their government through charter adoption or home rule powers.

### Home Rule and Ordinance Authority

This represents one of the most significant practical differences between the two forms of government.

**Towns:** Have broad home rule authority under the Maine Constitution (Article VIII, Part Second) and 30-A M.R.S.A. §3001. Towns may exercise any power or function which the Legislature has power to confer, unless expressly denied or denied by clear implication.<sup>9</sup>

**Plantations:** Have significantly limited ordinance power. Under 30-A M.R.S.A. §7051(11), plantations may only adopt ordinances related to:<sup>10</sup>

- Animal control (subject to Title 7, §3950)
- Sale and use of consumer fireworks (subject to Title 8, §223-A)

- Accumulation of garbage, refuse, rubbish, or trash on private property
- Traditional foodways and direct producer-to-consumer transactions (Title 7, Chapter 8-F)

**Critical Limitation:** Plantations cannot adopt general ordinances on topics such as land use zoning, building codes, or other regulatory matters that towns routinely address through home rule authority. This is a fundamental constraint on plantation governance.<sup>11</sup>

## Land Use Regulation and LUPC Jurisdiction

**Plantations:** Fall under the jurisdiction of the Maine Land Use Planning Commission (LUPC). The LUPC serves as the planning and zoning authority for plantations, unorganized territories, and townships.<sup>12</sup> However, under 30-A M.R.S.A. §7059, plantations may adopt local planning, zoning, and subdivision control by:<sup>13</sup>

1. Submitting a comprehensive land use plan to LUPC for approval
2. Establishing land use district standards and boundaries
3. Adopting regulations not less protective than LUPC standards
4. Maintaining administrative capacity to enforce the program

If a plantation adopts local land use control and later repeals its comprehensive plan or fails to maintain adequate administration, LUPC may reestablish jurisdiction.<sup>14</sup> Recent example: Highland Plantation returned to LUPC jurisdiction effective September 2, 2025, after voting to repeal its comprehensive plan.<sup>15</sup>

**Towns:** Have independent authority to adopt and administer their own comprehensive plans, zoning ordinances, and land use regulations under home rule and Chapter 187 of Title 30-A.<sup>16</sup>

## Summary Comparison Table

Characteristic	Plantation	Town
<b>Municipal Classification</b>	Non-municipal, town-like local government	Full municipal government
<b>Home Rule Authority</b>	No (statutory powers only)	Yes (broad constitutional authority)
<b>Ordinance Power</b>	Limited to specific topics (animals, fireworks, garbage, food sovereignty)	Broad (any not expressly prohibited by state law)
<b>Land Use Authority</b>	Under LUPC jurisdiction unless locally adopted plan approved	Independent local authority
<b>Government Form</b>	Annual meeting-assessors	Multiple options available
<b>Key Officers</b>	3 Assessors (serve as selectmen)	Select Board (typically 3-5 members), may have Town Manager
<b>Charter Adoption</b>	Not available	Optional

# Process for Plantation-to-Town Incorporation

The incorporation of a plantation as a town requires action by the Maine Legislature through a Private and Special Law.<sup>18</sup> This process differs from plantation organization, which can occur administratively through county commissioners.

## Overview of the Process

Town incorporation in Maine requires legislative action because it creates a new municipal corporation with full home rule powers. The Private and Special Laws provide the legal mechanism for establishing a town's boundaries, name, and initial governmental structure.<sup>19</sup>

## Step-by-Step Process

### Step 1: Community Assessment and Consensus Building

1. Assess community interest through public meetings and discussions
2. Evaluate current governance challenges and desired improvements
3. Identify specific powers or authorities needed that plantation status does not provide
4. Consider population trends, economic base, and administrative capacity
5. Document community support through formal plantation meeting vote

### Step 2: Preparation of Legislation

1. Work with the local state representative and senator to draft legislation
2. The bill should include: proposed town name, territorial boundaries, form of government, date of incorporation, referendum requirements, and transitional provisions
3. Address allocation of existing debts and assets
4. Include provisions for school district membership and other regional arrangements
5. Consult the Maine State Law and Legislative Reference Library for historical examples and proper legislative format<sup>20</sup>

### Step 3: Legislative Process

1. Submit the bill for introduction in either the House or Senate
2. The bill is typically referred to the Committee on State and Local Government
3. Public hearing provides opportunity for community testimony
4. Committee work session reviews and may amend the bill
5. Floor votes in both chambers
6. Governor's signature enacts the Private and Special Law

### Step 4: Local Referendum

Most incorporation acts include a requirement for local voter approval. The Private and Special Law typically specifies that the incorporation becomes effective only if approved by a majority of voters at a referendum election. The referendum question, timing, and conduct procedures are specified in the legislation.<sup>21</sup>

### Step 5: Post-Incorporation Actions

Upon incorporation, the new town must:

- Return original property valuations to county commissioners by May 15 following incorporation<sup>22</sup>
- Establish town meeting procedures and elect town officers
- Adopt initial ordinances as needed (shoreland zoning, building codes, etc.)
- If under LUPC jurisdiction, develop local land use plans meeting LUPC standards for transfer of planning authority
- Update all legal documents, contracts, and interlocal agreements to reflect new status

## **Land Use Authority Transition**

Under 12 M.R.S.A. §685-A(4-A), any territory that becomes an organized municipality continues to be regulated by LUPC until the new municipality adopts land use plans and regulations "not less protective of the existing natural, recreational or historic resources than those adopted by the commission."<sup>23</sup>

The new municipality must submit for LUPC approval: (1) A comprehensive land use plan; (2) Standards for land use district boundaries and permitted uses; (3) A land use district boundary map; and (4) Such other regulations as LUPC considers necessary. Upon approval, the municipality assumes full planning and zoning authority.

## **Historical Example: Frye Island (1998)**

The 1997 incorporation of the Town of Frye Island from the Town of Standish illustrates the Private and Special Law process.<sup>24</sup> Key elements included: detailed territorial description; referendum election in the affected area; allocation of debts and assets; provisions for educational services through the existing school district; and an effective date contingent on voter approval. While this was a separation from an existing town rather than plantation incorporation, the legislative process is substantially similar.

## **Practical Considerations**

### **When to Consider Town Incorporation**

Plantation-to-town incorporation may be appropriate when:

- The community needs broader ordinance authority (land use, building codes, licensing, etc.)
- Population growth warrants more complex governance structures
- The community seeks independent land use planning authority outside LUPC
- Professional municipal management (town manager) is desired
- The community has sufficient tax base and administrative capacity to support town government

### **When Plantation Status May Be Preferable**

Remaining a plantation may be appropriate when:

- Population is sparse and governance needs are minimal
- LUPC administration of land use is satisfactory
- The community lacks resources for expanded municipal administration
- Simpler governance structure (assessors model) meets community needs
- There is no need for broad ordinance-making authority

## **Financial and Administrative Implications**

Town status brings increased responsibilities: potential need for professional staff (town manager, code enforcement officer, assessor); requirements to adopt and enforce various state-mandated ordinances; greater administrative burden; and potentially higher property taxes to fund expanded services. Communities should carefully evaluate their capacity before pursuing incorporation.

## Relevant Statutory References

### Plantation Organization and Powers:

- 30-A M.R.S.A. Chapter 301 - Plantations (§§7001-7060)
- 30-A M.R.S.A. §7051 - General powers and duties of plantations
- 30-A M.R.S.A. §7059 - Planning and land use regulation

### Municipal Home Rule:

- Maine Constitution, Article VIII, Part Second
- 30-A M.R.S.A. §3001 - Ordinance power

### LUPC Jurisdiction:

- 12 M.R.S.A. Chapter 206-A - Land Use Regulation
- 12 M.R.S.A. §685-A - Land use districts and standards

### Historical Reference:

- Counties, Cities, Towns and Plantations of Maine: A Handbook of Incorporations, Dissolutions and Boundary Changes (Maine Historical Records Survey Project, 1940)

## Conclusion

Maine's plantation governance structure represents a unique remnant of colonial New England, providing organized local government with limited powers for sparsely populated communities. The decision to seek town incorporation should be based on careful analysis of community needs, administrative capacity, and the specific powers that town status would provide.

Communities considering this transition should work closely with their regional planning organization, state legislators, and the Maine Municipal Association. The legislative process requires thoughtful preparation and community engagement to ensure a successful outcome.

## Endnotes and Citations

1. "Plantation (Maine)." Wikipedia. [https://en.wikipedia.org/wiki/Plantation\\_\(Maine\)](https://en.wikipedia.org/wiki/Plantation_(Maine)) (noting that no other state has an entity equivalent to a plantation).
2. "List of municipalities in Maine." Wikipedia. [https://en.wikipedia.org/wiki/List\\_of\\_municipalities\\_in\\_Maine](https://en.wikipedia.org/wiki/List_of_municipalities_in_Maine) (updated October 2025).
3. "Plantations." Maine: An Encyclopedia. <https://maineanencyclopedia.com/plantations/>
4. Richard Walden Hale, *The Story of Bar Harbor* (1949), as quoted in "Plantation (Maine)," Wikipedia.
5. "Plantations." Maine: An Encyclopedia (citing *Counties, Cities, Towns, and Plantations of Maine: A Handbook of Incorporations, Dissolutions, and Boundary Changes*, Maine Historical Records Survey Project, 1940, updated 1982).
6. "Local Government." Maine: An Encyclopedia. <https://maineanencyclopedia.com/local-government/>
7. 30-A M.R.S.A. §7001 (Organization of unincorporated townships). <https://legislature.maine.gov/statutes/30-A/title30-Asec7001.html>
8. "Local Government." Maine: An Encyclopedia; see also "Chapter Four: Local Government in Maine," Town of Orrington. [https://orrington.org/vertical/sites/%7B66869F6F-0C7F-4D86-A31D-781DC0391C4D%7D/uploads/Chapter\\_4\\_-\\_Forms\\_of\\_Local\\_Government.pdf](https://orrington.org/vertical/sites/%7B66869F6F-0C7F-4D86-A31D-781DC0391C4D%7D/uploads/Chapter_4_-_Forms_of_Local_Government.pdf)
9. 30-A M.R.S.A. §3001 (Ordinance power); Maine Constitution, Article VIII, Part Second. <https://legislature.maine.gov/statutes/30-A/title30-Asec3001.html>
10. 30-A M.R.S.A. §7051 (General powers and duties). <https://legislature.maine.gov/statutes/30-A/title30-Asec7051.html> (as amended through PL 2025, c. 309, §19).
11. Compare 30-A M.R.S.A. §3001 (broad municipal ordinance authority) with 30-A M.R.S.A. §7051(11) (limited plantation ordinance authority). See also "Maine Town Ordinances," Garbrecht Law Library, University of Maine School of Law. <https://mainelaw.maine.edu/library/collections/maine-town-ordinances/>
12. "Maine's Land Use Planning Commission & North Woods Protection." Natural Resources Council of Maine. <https://www.nrcm.org/programs/forests-wildlife/north-woods-protection/maine-land-use-planning-commission/>
13. 30-A M.R.S.A. §7059 (Planning and land use regulation). <https://legislature.maine.gov/statutes/30-a/title30-Asec7059.html>
14. 12 M.R.S.A. §685-A(4-A)(B) (Transition from commission jurisdiction). <https://legislature.maine.gov/statutes/12/title12sec685-A.html>
15. "Land Use & Planning." Highland Plantation, Maine. <https://www.highlandplt.org/government/land-use-planning>; see also "LUPC Proposed Rulemaking," Maine DACF. [https://www.maine.gov/dacf/lupc/laws\\_rules/proposed\\_rules/rules.shtml](https://www.maine.gov/dacf/lupc/laws_rules/proposed_rules/rules.shtml)
16. 30-A M.R.S.A. Chapter 187 (Planning and Land Use Regulation). <https://legislature.maine.gov/statutes/30-A/title30-Ach187sec0.html>
17. "Maine Plantations." FamilySearch Wiki. [https://www.familysearch.org/en/wiki/Maine\\_Plantations](https://www.familysearch.org/en/wiki/Maine_Plantations)
18. "Guide to Private and Special Laws." Maine State Legislature. <https://legislature.maine.gov/lawlibrary/guide-to-private-special-laws>
19. *Id.* (noting that municipal charters include the original act of incorporation).
20. "Guide to Private and Special Laws," Maine State Legislature (referencing *Counties, Cities, Towns and Plantations of Maine: A Handbook of Incorporations, Dissolutions and Boundary Changes*, Maine Historical Records Survey Project, 1940).
21. See, e.g., Private & Special Laws, First Special Session of the 118th Legislature, Chapter 58 (An Act to Incorporate the Town of Frye Island). <https://legislature.maine.gov/ros/LOM/LOM118th/PandSL10-58-39.htm>
22. 30-A M.R.S.A. §7009 (Incorporation into town; first valuation). <https://legislature.maine.gov/statutes/30-A/title30-Asec7009.html>
23. 12 M.R.S.A. §685-A(4-A). <https://legislature.maine.gov/statutes/12/title12sec685-A.html>

24. Private & Special Laws, 118th Legislature, Ch. 58, Sec. A-1 through A-8 (Frye Island incorporation).  
*<https://legislature.maine.gov/ros/LOM/LOM118th/PandSL10-58-39.htm>*