

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1397

H. P. 1068

House of Representatives, March 13, 1969

Referred to Committee on Legal Affairs. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lund of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Authorizing Municipalities to Voluntarily Consolidate.

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

R. S., T. 30, c. 202, additional. Title 30 of the Revised Statutes is amended by adding a new chapter 202, to read as follows:

CHAPTER 202

CONSOLIDATION

§ 1931. Authority to consolidate

Any 2 or more municipalities may consolidate by following the procedure of section 1932 or the alternative procedure of section 1933.

§ 1932. Joint charter commission

1. **Petition.** The qualified voters of a municipality may file a petition in the municipal office, signed by at least 10% of the qualified voters of such municipality, except that only 1,000 signatures are necessary in municipalities with 10,000 or more qualified voters.

The petition shall be addressed to the municipal officers, shall propose that such municipality be consolidated with another municipality, or other municipalities, named in the petition, and shall request that 3 persons be elected by the voters of the municipality to serve as members of a joint charter commission for the purpose of drafting a consolidation agreement. The 3 members shall be elected at the next special or regular election in the manner prescribed for the election of municipal officers.

2. **Joint charter commission.** The election of members by 2 or more municipalities authorizes the commission to draft the consolidation agree-

ment. If a municipality does not elect members, it may not participate in the consolidation.

3. Consolidation agreement. The joint charter commission shall draft an agreement between the consolidating municipalities which shall include, the names of the municipalities; the name under which it is proposed to consolidate, which name must be distinguishable from the name of any other municipality in the State, other than the consolidating municipalities; the property, real and personal, belonging to each municipality, and its fair value; the indebtedness, bonded and otherwise, of each municipality; the proposed name and location of the municipal office; the proposed charter; the terms for apportioning tax rates to service the existing bonded indebtedness of the respective municipalities; and any other necessary and proper facts and terms.

4. Submission of consolidation agreement. The consolidation agreement shall be submitted to the voters of each municipality at a municipal election after notice and hearing. The voters of each municipality shall be given notice of the consolidation agreement and of the time and place of the public hearing, which shall occur at least 10 days after the notice, in the same manner that the voters of each municipality are given notice of ordinances to be enacted; except that notice shall be given at least 30 days prior to the election. The public hearing may be held on more than one day, provided that it adjourns permanently at least 10 days prior to the election. The consolidation agreement may be amended, provided that the amended agreement meets the notice and hearing requirements. Upon approval of a majority of those voting in each of 2 or more municipalities the consolidation agreement shall become effective, according to its terms, in such municipalities.

§ 1933. Alternative procedure

The municipal officers of 2 or more municipalities may act as a joint charter commission without the section 1932, subsection 1, petition.

§ 1934. Effects of consolidation

All the rights, privileges and franchises of each of the municipalities, and all property, real and personal, and all debts due on whatever amounts, belonging to and of the municipalities, are transferred to and vested in the consolidated municipality, provided that all bonded debt of each municipality remains in effect after consolidation as a debt of that portion of the consolidated municipality within the limits of the former municipality that incurred the debt. Ordinances of the former municipalities shall remain in effect in their respective territories until 2 years after the effective date of the consolidation when they shall be automatically repealed.

§ 1935. Limitation

Upon rejection of a consolidation agreement by the voters of a municipality, such municipality may not be a party to any consolidation agreement for 3 years after the date of such rejection, except where 30% of the qualified voters have requested agreement by signing a section 1932, subsection 1, petition.

§ 1936. Certificate to Secretary of State

The results of any vote under this chapter shall be declared by the municipal officers of each town and due certificate of the result shall be filed with the Secretary of State.

§ 1937. Financial incentive

In the first full July 1st to June 30th year following the vote to consolidate, the consolidated municipality shall receive from the General Fund an amount equal to 20% of the total property taxes committed, in the most recent commitment prior to the vote to consolidate, by the consolidating municipalities. In the 9 years following, the consolidated municipalities shall receive $\frac{9}{10}$ of the above amount in the first year, $\frac{8}{10}$ in the 2nd year, $\frac{7}{10}$ in the 3rd year, etc. Payment by the Treasurer of State shall be made in 4 equal quarterly installments payable on or before the first day of July, September, January and April.