

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION
New draft of: H. P. 145, L. D. 163

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 764

H. P. 638

House of Representatives, February 27, 1979

Reported by Mr. Drinkwater from the Committee on Local and County Government. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Converting Mount Chase Plantation into the Town of Mount Chase.

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

Whereas, the voters of Mount Chase Plantation are desirous of holding a referendum to determine whether Mount Chase Plantation should be converted into the Town of Mount Chase; and

Whereas, if the voters approve the referendum, it is desirable to organize the new town government as soon as possible so that the new Town of Mount Chase may begin to govern itself in a manner that a majority of the voters have chosen; and

Whereas, the actual incorporation cannot be accomplished until the provision of this Act takes effect; 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. Town of Mount Chase, incorporated. Mount Chase Plantation, with its inhabitants, is incorporated into a town by the name of Mount Chase. The

inhabitants of this town are vested with the powers, privileges and immunities which the inhabitants of towns within the State do or may enjoy. The town created shall take the effects belonging to Mount Chase Plantation and shall also assume all of its obligations.

Sec. 2. Legislative district. Until the next legislative apportionment of Representatives, the Town of Mount Chase shall remain in the same legislative district in which Mount Chase Plantation is now classed.

Sec. 3. First meeting; how called. Upon acceptance of this Act by referendum as provided in section 4, the board of assessors of the plantation shall issue a warrant, in accordance with the general laws, for the first town meeting, to be held within 2 years after passage of this Act. Notification of the town meeting shall be filed by the plantation clerk with the Secretary of State for determining the effective date of sections 1 and 2.

Sec. 4. Referendum; certificate to Secretary of State. The board of assessors of the plantation shall submit this Act to the legal voters within the territory embraced within the limits of the proposed Town of Mount Chase, by ballot at a regular or special election to be held within 2 years after passage of this Act. The board of assessors shall mail a notice of the referendum to each registered voter at least 3 weeks prior to the election. This election shall be called, advertised and conducted according to Title 30, sections 2061 and 2065. The plantation clerk shall prepare the required ballots, on which he shall reduce the subject matter of sections 1 and 2 of this Act to the following question: "Shall Mount Chase Plantation be incorporated into the Town of Mount Chase?" The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same. This Act shall be approved by a majority of the legal voters voting at the election, provided that the total number of votes cast for and against the acceptance of sections 1 and 2 of this Act at the election equaled or exceeded 50% of the total number of votes cast in the plantation for Governor at the last gubernatorial election.

The result of the vote shall be declared by the board of assessors of Mount Chase Plantation and due certificate shall be filed by the plantation clerk with the Secretary of State.

Sec. 5. Effective date. In view of the emergency set out in the preamble, Section 3 of this Act shall take effect upon its acceptance by a majority of the legal voters at the election. Sections 1 and 2 of this Act shall take effect for all purposes hereof at the first town meeting.

STATEMENT OF FACT

This new draft clarifies the procedure for incorporation of Mount Chase Plantation into a town and provides an effective date for section 3.

A referendum and the first town meeting must be held no later than 2 years after passage of this Act, but may be held as soon as practicable.