

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1571

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DATE: 6/14/95

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 587, L.D. 1571, Bill, "An Act to Establish Legislative Guidelines for Secession"

Amend the bill in section 2 by inserting at the end the following:

§2173. Final approval by the voters

The following provisions apply to a proposed secession or to a proposed concurrent secession and annexation that has been approved by the Legislature.

1. Secession. The question concerning secession must be presented to the voters of the municipality from which the secession has been proposed in the next general election to be held in November. The election must be conducted according to the following procedures.

A. The municipal clerk shall prepare the ballots on which the following question must appear: "Do you favor the separation of (name of secession territory) from (name of municipality) and its incorporation as a separate town?"

B. 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, the secession must be approved by at least 2/3 of the voters.

C. The municipal officers shall declare the result of the vote. The municipal clerk or the assessor of the plantation shall file a certificate of the election result with the Secretary of State within 10 days of the election.

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2. Concurrent secession and annexation. Property of one municipality that abuts another may concurrently secede and be annexed by the other municipality.

A. The question concerning concurrent secession and annexation must be presented to the voters of the municipality from which the secession has been proposed in place of the question set out in subsection 1 in the next general election to be held in November in the following manner.

(1) The municipal clerk shall prepare the ballots on which the following question must appear: "Do you favor the separation of (name of secession territory), which now lies within (name of municipality), to become incorporated into the (name of municipality)?"

(2) 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, the secession and annexation must be approved by at least 2/3 of the voters.

(3) The municipal officers shall declare the result of the vote. The municipal clerk shall file a certificate of the election result with the Secretary of State within 10 days of the election.

B. The question concerning concurrent secession and annexation must be presented to the voters of the municipality to which the secession territory proposes to be annexed in the next general election to be held in November in the following manner.

(1) The municipal clerk shall prepare the ballots on which the following question must appear: "Do you favor the acceptance of (name of secession territory), which now lies within (name of municipality), to become incorporated into the (name of municipality)?"

(2) 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, the secession must be approved by a majority of the voters.

(3) The municipal officers shall declare the result of the vote. The municipal clerk shall file a certificate of the election result with the Secretary of State within 10 days of the election.'

HOUSE AMENDMENT "A" to S.P. 587, L.D. 1571

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The requirement that municipalities hold elections to finally approve secessions represents a state mandate pursuant to the Constitution of Maine. The additional local costs can not be determined at this time. General Fund appropriations will be required to fund at least 90% of the additional costs unless a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement.'

STATEMENT OF FACT

This amendment requires final approval by the voters of a proposed secession or concurrent secession and annexation after the proposal has been approved by the Legislature. Before becoming effective, a secession must be approved by at least 2/3 of the voters of the municipality from which the secession has been proposed. A concurrent secession and annexation must be approved by at least 2/3 of the voters of the municipality from which the secession has been proposed and by a majority of the voters of the municipality to which the secession territory proposes to be annexed.

SPONSORED BY: *Monty LaFountain*
(Representative LaFOUNTAIN)

TOWN: Biddeford