

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1571

S.P. 587

In Senate, June 13, 1995

An Act to Establish Legislative Guidelines for Secession.

Reported by Senator CARPENTER from the Committee on State and Local Government pursuant to Joint Order S.P. 565 and printed under Joint Rule 2.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

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

4 **Sec. 1. 30-A MRSA c. 113** is amended by repealing the chapter
headnote and enacting the following in its place

6 **CHAPTER 113**

8 **CONSOLIDATION, SECESSION AND ANNEXATION**

10 **SUBCHAPTER I**

12 **CONSOLIDATION**

14 **Sec. 2. 30-A MRSA c. 113, sub-c II** is enacted to read:

16 **SUBCHAPTER II**

18 **Secession and Annexation Standards**

20 **§2171. Legislative intent**

22 The Legislature finds that the citizens of the State in
24 accordance with the Constitution of Maine, Article I, Section 2,
have an unalienable and indefeasible right to institute
26 government and to alter, reform or totally change the same, when
their safety and happiness require it. The Legislature further
28 finds that the Legislature has the responsibility to ensure that
the rights of all citizens are protected and that a decision to
30 alter or otherwise change the boundaries of a municipal
government should be made with caution and only after careful
consideration of the guidelines set forth in this subchapter.

32 **§2172. Guidelines for legislation proposing secession**

34 A territory that seeks to have legislation submitted on its
36 behalf proposing its secession from a municipality shall provide
the Legislature with the following information, if available,
38 which the Legislature may use in making a determination on a
proposal for secession:

40 **1. Use of alternative dispute resolution.** Any report
42 prepared by a neutral 3rd party on the extent to which the
secession territory and the affected municipality have attempted
44 to resolve their differences through alternative dispute
resolution such as mediation, facilitation or arbitration;

46 **2. Effective date.** The date on which a proposed secession
48 is effective;

2 3. Provision of educational services. Plans for the
3 provision of educational services, including school
4 transportation services for all students in the proposed
5 secession territory;

6 4. Distribution of tangible assets and liabilities. Plans
7 regarding the distribution of assets and liabilities;

8 5. Information about municipality. The following
9 information concerning the municipality and the proposed
10 secession territory:

11 A. Present population, past population change and projected
12 population for the secession territory;

13 B. Quantity of land within the secession territory proposed
14 for incorporation; the natural terrain of the session
15 territory, including general topography, major watersheds,
16 soil conditions; and such natural features as rivers and
17 lakes;

18 C. Present pattern of physical development in the secession
19 territory, including residential, industrial, commercial,
20 agricultural and institutional land uses; and the present
21 transportation network and potential transportation issues,
22 including proposed highway development;

23 D. Land use controls and planning presently being utilized
24 in the secession territory, including comprehensive plans
25 for development in the secession territory;

26 E. Present governmental services being provided to the
27 session territory, including water and sewer service, fire
28 protection, police protection, street improvements and
29 maintenance, administrative services and recreational
30 facilities;

31 F. Existing or potential problems of environmental
32 pollution and the need for additional services to resolve
33 these problems;

34 G. Fiscal data of the secession territory, including the
35 net tax capacity of the proposed secession territory and the
36 impact on the municipality from which the territory proposes
37 to secede; the present bonded indebtedness; and the local
38 tax rates of the county, school district and municipality;

39 H. Effect of the proposed incorporation on communities
40 adjacent to the secession territory and on school districts
41 within and adjacent to the secession territory; and

2 I. Ability of municipal government to deliver services to
the secession territory; and

4 6. Community support. The extent to which the proposed
secession territory and the affected municipality or
6 municipalities have demonstrated support or opposition for a
proposal for secession, including the use of petitions, votes or
8 other methods of indicating support or opposition.

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12 **STATEMENT OF FACT**

14 This bill establishes guidelines that the Legislature may
use in making a determination on legislation regarding the
secession of a territory from an existing municipal government.
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