

MAINE STATE LEGISLATURE

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MAJORITY
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1433, L.D. 2056, Bill, "An Act to Amend the Laws Governing Secession"

Amend the bill in section 2 in that part designated "~~§2171-B.~~" in the first paragraph in the 2nd line (page 1, line 31 in L.D.) by striking out the following: "at least" and inserting in its place the following: 'more than'

Further amend the bill in section 2 in that part designated "~~§2171-B.~~" in the first paragraph in the 4th line (page 1, line 33 in L.D.) by striking out the following: "meeting" and inserting in its place the following: 'public hearing'

Further amend the bill in section 2 in that part designated "~~§2171-B.~~" by inserting after the first paragraph a new paragraph to read:

'The registrar of voters of the municipality shall verify the signatures on the petition within 30 days of the receipt of the petition.'

Further amend the bill in section 2 by striking out all of that part designated "~~§2171-C.~~" and inserting in its place the following:

'§2171-C. Initial hearing

Upon receipt of a petition with the required number of verified signatures, the municipal officers shall call and hold a

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public hearing. The purpose of the public hearing is to allow municipal residents, officers and residents in the secession territory to discuss secession. The public hearing must be conducted by a moderator elected in the manner provided for in section 2524, except that no other official vote may be taken at the public hearing. The public hearing must be conducted in accordance with the following.

1. Hearing advertised. The municipal officers shall publish notice of the public hearing in a newspaper of general circulation in the area. One notice must be published as close as possible to the 14th day before the hearing and a 2nd notice must be published as close as possible to the 7th day before the hearing.

2. Purpose of secession hearing. The public hearing must include a formal presentation by those initiating the petition, which must include a description of the problems that have led to the secession effort. Attendees shall discuss the problems, potential solutions other than secession and the potential impact of secession on the secession territory and the municipality.

3. Nonresidents eligible to participate. Notwithstanding section 2524, subsection 3, paragraph A, nonresidents may participate in the public hearing on secession.'

Further amend the bill in section 2 in that part designated "~~§2171-D.~~" in the first paragraph in the 2nd line from the end (page 2, line 27 in L.D.) by striking out the following: "meeting" and inserting in its place the following: 'public hearing and must be conducted pursuant to Title 21-A, chapter 9, subchapter I, article II and subchapter II'

Further amend the bill in section 2 in that part designated "~~§2171-D.~~" in the 2nd indented paragraph in the 1st line (page 2, line 34 in L.D.) by inserting after the following: "~~separate~~" the following: 'advisory'

Further amend the bill in section 2 by striking out all of those parts designated "~~§2171-E.~~" and "~~§2171-F.~~" and inserting in their place the following:

'§2171-E. Vote of municipal officers

Following the advisory referendum, the municipal officers shall take a recorded vote on whether to support the secession request. If a majority of the officers approves the request and more than 50% of the registered voters in the secession territory voting at the advisory referendum pursuant to section 2171-D

1
2 favor secession, legislation requesting secession may be
3 submitted to the Legislature with the information required in
4 section 2172.

6 **§2171-F. Resolving conflicts; selecting mediator**

8 If the vote of the municipal officers and the advisory
9 referendum are in conflict, the municipal officers and the
10 secession territory representatives shall meet to attempt to
11 resolve issues related to the secession. If the municipal
12 officers and secession territory representatives do not reach
13 agreement on all issues within a reasonable amount of time, an
14 independent 3rd-party mediator must be retained and the costs
15 shared by the municipality and the secession representatives.
16 The mediator must be knowledgeable in municipal management and
17 municipal law as well as conflict resolution.

18 If the municipal officers and secession territory
19 representatives can not select a mutually agreed upon and
20 qualified mediator within 30 days of reaching impasse on
21 secession issues, the parties must petition the Court Alternative
22 Dispute Resolution Service, created in Title 4, section 18-B, for
23 mediation services. The Court Alternative Dispute Resolution
24 Service shall:

26 1. Mediator assignment. Assign a mediator who is
27 knowledgeable in municipal management and municipal law;

28 2. Fee. Establish a fee for services in an amount not to
29 exceed \$175 for every 4 hours of mediation services provided;

30 3. Mediation schedule; notice. Establish the mediation
31 schedule, ensure that proper notice is provided to all parties
32 and ensure that the parties necessary for effective mediation are
33 participating; and

34 4. Mediation report. Upon the completion of the mediation
35 effort, file a written report with the joint standing committee
36 of the Legislature having jurisdiction over state and local
37 government matters. The report must provide the details of the
38 mediation effort and any mediated agreement. In the event that
39 the mediation effort does not result in the resolution of all
40 issues, the mediation report must indicate to the extent possible
41 what issues remain unresolved and why the parties failed to reach
42 a mutually agreeable resolution of the dispute.'

43 Further amend the bill in section 2 in that part designated
44 "§2171-G." in the first paragraph in the 3rd line (page 3, line
45 21 in L.D.) by striking out the following: "shall" and inserting
46 in its place the following: 'may'

2 Further amend the bill by inserting at the end before the
summary the following:

6 **FISCAL NOTE**

8 This bill has no fiscal impact on Maine State Government.

10 Local units of government will experience certain costs
12 should residents of a territory seeking to secede from a
territory to file a petition with the municipal officers. These
14 costs do not constitute a mandate, however, because the
initiation of a secession procedure is elective.'

18 **SUMMARY**

20 This amendment changes all references in the bill from a
"special meeting" to a "public hearing." It also adds
22 requirements that the public hearing be conducted by an elected
moderator. The amendment also requires verification of petition
24 signatures by the registrar of voters and requires that the
advisory referendum be conducted pursuant to the provisions of
26 the Maine Revised Statutes, Title 21-A. It further requires that
both a majority of the municipal officers and more than 50% of
28 the registered voters of the secession territory voting at the
advisory referendum must support secession if secession
30 legislation is to be introduced. In instances where municipal
officers and secession territory voters are in conflict, the
32 amendment establishes a process for mediation of the dispute.