



119th MAINE LEGISLATURE

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Legislative Document

No. 2056

H.P. 1433

House of Representatives, March 25, 1999

An Act to Amend the Laws Governing Secession.

Reference to the Committee on State and Local Government suggested and ordered printed.

GOSEPH W. MAYO, Clerk

Presented by Representative BUMPS of China. Cosponsored by Senator GOLDTHWAIT of Hancock and Representative AHEARNE of Madawaska.

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

Sec. 1. 30-A MRSA §2171, as enacted by PL 1995, c. 377, §2, 4 is amended to read:

§2171. Legislative intent 6

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8 The Legislature finds that the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, 10 an unalienable and indefeasible right institute have to government and to alter, reform or totally change the same, when 12 their safety and happiness require it. The Legislature further finds that the Legislature has the responsibility to ensure that the rights of all citizens are protected and that a decision to 14 alter or otherwise change the boundaries of a municipal government should be made with caution and only after eareful 16 consideration-of-the-guidelines following the process set forth in this subchapter. 18

Sec. 2. 30-A MRSA §§2171-A to 2171-G are enacted to read: 20

22 §2171-A. Secession of territory from a municipality

- 24 Residents of territory within a municipality must follow the procedures set forth in this subchapter before seeking authority 26 from the Legislature to secede from the municipality.
- §2171-B. Initiation of procedure 28

30 The secession process may be initiated by submitting to the municipal officers a petition signed by at least 50% of the 32 registered voters within the secession territory that requests a municipal meeting for the purpose of discussing whether the 34 specified territory should secede from the municipality. The petition must set forth the physical boundaries of the secession 36 territory, the resident population, the nonresident population and a list of not more than 5 people who will serve as 38 representatives of the secession territory. For purposes of this subchapter, "secession territory" means the area described in the 40

- petition for secession.
- 42 §2171-C. Initial meeting

44 Upon receipt of a petition with the required number of signatures, the municipal officers shall call and hold a special 46 meeting in the manner provided for calling and holding town meetings. The purpose of the special meeting is to allow 48 municipal residents, officers and residents in the secession territory to discuss secession. The special meeting must be conducted in accordance with this section. 50

2	1. Meeting advertised. The municipal officers shall publish notice of the meeting in a newspaper of general
4	circulation in the area. One notice must be published as close
6	as possible to the 14th day before the meeting and a 2nd notice must be published as close as possible to the 7th day before the
8	meeting.
	2. Purpose of secession meeting. The meeting must include a
10	formal presentation by those initiating the petition, which must include a description of the problems that have led to the
12	secession effort. Attendees shall discuss the problems, potential solutions other than secession and the potential impact
14	of secession on the secession territory and the municipality.
16	3. Nonresidents eligible to participate. Nonresident
18	owners of property in the secession territory may participate in the meeting at the discretion of the moderator.
20	<u>§2171-D. Advisory referendum</u>
22	<u>Unless a majority of the secession territory representatives</u>
	withdraws support for secession by filing written notice of such
24	withdrawal with the municipal officers, the municipality shall
26	conduct an advisory referendum within the secession territory. The referendum must be held at least 30 days but not more than
28	<u>120 days after the initial meeting. The question at the referendum must be:</u>
30	"Do you favor secession of the territory described below
32	from the municipality of ?" (description of secession territory)
52	
34	The municipal officers may hold a separate referendum in the
26	municipality outside the secession territory at the same time
36	with the same question, provided that the vote totals are kept and reported separately.
38	and reported separatery.
	<u>§2171-E. Vote of municipal officers</u>
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	Following the advisory referendum, the municipal officers
42	shall take a recorded vote on whether to support the secession
44	request. If a majority of the officers approves the request and the required percentage of residents favors secession,
••	legislation requesting secession may be submitted to the
46	Legislature with the information required in section 2172. The
48	percentage of voters required in this subsection is 50% in secession territories with 500 or fewer residents, 35% in
	secession territories with between 500 and 1500 residents and 25%
50	in secession territories with 1500 or more residents.

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2 **§2171-F.** Resolving conflicts

4	If the vote of the municipal officers and the advisory referendum are in conflict, the municipal officers and the
6	secession territory representatives shall meet to attempt to resolve issues related to the secession. If the municipal
8	officers and the secession territory representatives do not reach agreement on all issues within a reasonable amount of time, an
10	independent 3rd-party mediator must be retained and the costs
12	shared by the municipality and the secession representatives. The mediator must be selected by a majority vote of the municipal
14	officers and the territory representatives voting together. The mediator must be knowledgeable in municipal management and legal
16	considerations as well as conflict resolution.
18	§2171-G. Submission of dispute to the Legislature
20	If the parties have not reached agreement on all issues within 6 months after beginning discussions, the matter may be submitted to the Legislature. The Legislature shall consider the
22	information submitted pursuant to section 2172 in making its decision.
24	Sec. 3. 30-A MRSA §2172, sub-§1, as repealed and replaced by
26	PL 1997, c. 699, §4, is amended to read:
28	1. Report on attempts to resolve differences. As-required $in-section-2173_{7}-a$ A report on attempts by the secession
30	territory to resolve concerns that have caused the desire to secede from the municipality. If a neutral 3rd party was
32	involved in the attempt to resolve concerns through alternative dispute resolution methods such as mediation, facilitation or
34	arbitration, the territory must also submit a report from the neutral 3rd party;
36	Sec. 4. 30-A MRSA §2173, as enacted by PL 1997, c. 699, §5,
38	is repealed.
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40 42	SUMMARY
	This bill establishes a process that must be followed by
42	This bill establishes a process that must be followed by residents of a territory seeking to secede from a municipality. The municipal officers are required to call a special meeting of
42 44	This bill establishes a process that must be followed by residents of a territory seeking to secede from a municipality.

of secession on the municipality and the secession territory. Following the meeting, an advisory referendum is held to determine secession territory support for secession. Municipal officers also vote on whether to support secession. If all parties support secession, the proposal is brought to the Legislature. In the case of conflict, the parties are required to meet to attempt to resolve the conflict, using a mediator if needed. The Legislature provides the final decision on secession only after the local community has exhausted efforts to resolve the conflict locally.