

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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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.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

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

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

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

6 **§2171. Legislative intent**

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

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

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

24 Residents of territory within a municipality must follow the  
26 procedures set forth in this subchapter before seeking authority  
from the Legislature to secede from the municipality.

28 **§2171-B. Initiation of procedure**

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

42 **§2171-C. Initial meeting**

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





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