

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1290

S.P. 421

In Senate, March 11, 2003

An Act To Provide Requirements for Towns To Deorganize

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KNEELAND of Aroostook.

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

4 **Sec. 1. 30-A MRSA §7201-A** is enacted to read:

6 **§7201-A. Deorganization requirements**

8 Before a municipality is eligible to deorganize, the following requirements must be met:

10 1. **Fifty percent requirement.** At least 50% of the boundary of the municipality must be contiguous with the unorganized territories. The Maine Land Use Regulation Commission shall determine whether the 50% requirement is met;

14 2. **Population.** The municipality may not have a population of more than 200 residents;

18 3. **Budget deficit.** The municipality may not have a budget deficit;

20 4. **Municipal roads.** Municipal roads must be in compliance with state standards; and

24 5. **Municipal property.** Municipal officers and the commission must identify all real and personal property owned by the municipality that is necessary to fulfill the functions of public service requirements for the county in which the municipality is located. All property that does not meet this standard must be sold prior to the completion of the deorganization.

32 **Sec. 2. 30-A MRSA §7202, first ¶,** as enacted by PL 1989, c. 216, §2, is amended to read:

34 The voters of any municipality may petition for consideration of deorganization of the municipality by following the petition procedure of section 2528, subsection 5. On the written petition of a number of voters equal to at least 10% 50% of the number of votes cast in the municipality at the last gubernatorial election, but in no case less than 10, requesting a municipal meeting for the purpose of discussing and determining whether the municipality should deorganize, the municipal officers shall call and hold a special meeting in the manner provided for the calling and holding of town meetings or city elections to discuss deorganization of the municipality and to decide whether to develop a deorganization procedure.

48 **Sec. 3. 30-A MRSA §7209,** as enacted by PL 1989, c. 216, §2, is amended to read:

50 **§7209. Final approval by the voters**

2 If the Legislature approves the deorganization, the question
concerning deorganization shall must be presented to the voters
4 ~~of the municipality of the county in which the municipality is~~
located in the next general election to be held in November. The
6 election shall must be called, advertised and conducted according
to section ~~2528 or 2551~~ 61, 251, 938 or 1324.

8
1. **Question posed to voters.** The ~~municipal~~ county clerk
10 shall prepare the ballots on which the following question shall
must appear:

12 "Shall the (name of municipality) be deorganized?"

14
2. **Requirements for approval.** The voters shall indicate
16 their opinion on this question by a cross or check mark placed
against the word "Yes" or "No." Before becoming effective, the
18 deorganization must be approved by at least 2/3 of the voters
voting in the general election and the total number of votes cast
20 for and against deorganization at the election must equal or
exceed 50% of the total number of votes cast in the ~~municipality~~
22 county for Governor at the last gubernatorial election.

24
3. **Declaration of results.** The ~~municipal~~ county officers
shall declare the result of the vote. The ~~municipal~~ county clerk
26 ~~or the assessors of plantations~~ shall file a certificate of the
election result with the Secretary of State within 10 days of the
28 election.

30
32 **SUMMARY**

34 This bill provides a set of requirements that a municipality
must meet in order to be eligible to deorganize. It also expands
voter eligibility on final approval of the deorganization to all
36 registered voters of the county in which the municipality is
located.