

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1431

H.P. 995

House of Representatives, March 22, 2005

An Act To Adopt the Municipal Secession and Annexation Procedure for the Town of Islesboro

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MERRILL of Appleton.
Cosponsored by Senator SAVAGE of Knox and
Representatives: BARSTOW of Gorham, BISHOP of Boothbay, BOWEN of Rockport,
MAZUREK of Rockland, PINGREE of North Haven, RICHARDSON of Warren, Senators:
ANDREWS of York, SCHNEIDER of Penobscot.

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

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Sec. 1. Secession and annexation of Town of Islesboro; petition.

4 Residents of the Town of Islesboro may initiate the process of
6 submitting to the municipal officers of the municipality a
8 petition signed by more than 50% of the registered voters within
10 the municipality that requests a public hearing for the purpose
12 of discussing whether the municipality should secede from Waldo
14 County and be annexed to Knox County. The petition must set
forth a list of not more than 5 people who will serve as
representatives of the secession and annexation committee. The
secession and annexation committee may accept private donations
to cover its costs.

16 The municipal officers may appoint representatives to the
18 secession and annexation committee, and the registrar of voters
20 may collect and validate signatures of registered voters on
22 petitions prior to the effective date of this Act. This Act
24 applies retroactively to appointments, circulation of petitions
and validation of signatures of registered voters that occurred
prior to the effective date of this Act, except that petitions
may not be submitted to the ~~county~~ commissioners under this Act
until after the effective date of this Act.

26 The registrar of voters of the municipality shall verify the
28 signatures on the petitions within 30 days of the receipt of the
petitions.

30 **Sec. 2. Initial hearing.** Upon receipt of petitions with the
32 required number of verified signatures and sufficient funds to
34 cover the cost of giving public notice of and holding a hearing,
36 the county commissioners of Knox and Waldo counties shall call
38 and hold a joint public hearing. The purpose of the public
40 hearing is to allow county residents and residents of the
42 municipality to discuss the proposed secession and annexation.
The public hearing must be conducted by a moderator elected in
the manner provided for in the Maine Revised Statutes, Title
30-A, section 2524, except that no other official vote may be
taken at the public hearing. The public hearing must be
conducted in accordance with this section.

44 1. The county commissioners of Knox and Waldo counties
46 shall publish notice of the public hearing in a newspaper of
48 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.

50 2. The public hearing must include a formal presentation by

2 those initiating the petition, which must include a description
of the problems that have led to the secession and annexation
4 effort. Attendees shall discuss the problems, potential
solutions other than secession and annexation and the potential
6 impact of secession and annexation on the municipality and the
counties. The secession and annexation committee may submit a
8 written report at the public hearing that describes the impact of
the proposed secession and annexation on property taxes in both
counties as well as in the municipality.

10
12 3. Notwithstanding the Maine Revised Statutes, Title 30-A,
section 2524, subsection 3, paragraph A, nonresidents may
participate in the public hearing on secession and annexation.

14 **Sec. 3. Advisory referendum.** Unless a majority of the
16 secession and annexation committee representatives withdraws
support for secession and annexation by filing written notice of
18 such withdrawal with the county commissioners of Knox and Waldo
counties, the municipality may conduct an advisory referendum
20 within the municipality within 60 days after the submission of
the petitions to the county commissioners pursuant to the Maine
22 Revised Statutes, Title 21-A, chapter 9, subchapter 1, article 2
and subchapter 2. The question at the referendum must be:

24 "Do you favor secession of the Town of Islesboro from Waldo
26 County and annexation of the Town of Islesboro to Knox
County?"

28 The Waldo County Commissioners and the Knox County
30 Commissioners may hold separate advisory referenda in their
respective counties at the same time with the same question, as
32 long as the vote totals are kept and reported separately.

34 **Sec. 4. Vote of county commissioners.** Within 14 days following
the advisory referendum or advisory referenda, the county
36 commissioners of Knox and Waldo counties shall meet jointly and
take a recorded vote on whether to support the secession and
38 annexation request. If a majority of the county commissioners at
the joint meeting approves the request and more than 50% of the
40 registered voters in the municipality voting at the advisory
referendum favor secession and annexation, legislation requesting
42 secession and annexation may be submitted to the Legislature with
the information required in section 7.

44 **Sec. 5. Resolving conflicts; selecting mediator.** If the outcome of
46 the vote of the county commissioners and the advisory referendum
in the municipality are in conflict, an independent 3rd-party
48 mediator may be retained. The costs may be shared among the 2
counties and the municipality, or by any of them

2 electing to participate in the mediation. The mediator must be
3 knowledgeable in municipal and county management and law as well
4 as conflict resolution.

5 If the participating county commissioners and secession and
6 annexation committee do not select a mutually agreed upon and
7 qualified mediator within 30 days of the advisory referendum or
8 referenda, the county commissioners and the secession and
9 annexation committee or any combination of them may petition the
10 Court Alternative Dispute Resolution Service, established in the
11 Maine Revised Statutes, Title 4, section 18-B, for mediation
12 services. The Court Alternative Dispute Resolution Service shall:

13 1. Assign a mediator who is knowledgeable in county and
14 municipal management and law;

15 2. Establish a fee for services in an amount not to exceed
16 \$175 for every 4 hours of mediation services provided;

17 3. Establish the mediation schedule, ensure that proper
18 notice is provided to all parties and ensure that the parties
19 necessary for effective mediation are given the opportunity to
20 participate; and

21 4. Upon the completion of the mediation effort, file a
22 written report with the joint standing committee of the
23 Legislature having jurisdiction over state and local government
24 matters. The report must provide the details of the mediation
25 effort and the terms of any proposed secession and annexation
26 agreement approved by a majority of those participating in the
27 mediation. In the event that the mediation effort does not
28 result in the resolution of all issues, the mediation report must
29 indicate to the extent possible the terms of any proposed
30 secession and annexation agreement approved by a majority of
31 those participating in the mediation, what issues remain
32 unresolved and why the parties failed to reach a mutually
33 agreeable resolution of the dispute.

34 **Sec. 6. Submission of dispute to Legislature.** If the secession
35 and annexation committee and the county commissioners have not
36 reached agreement on all issues by February 16, 2006, the matter
37 must be submitted to the Legislature. The Legislature may
38 consider the information required pursuant to section 7 in making
39 its decision.

40 **Sec. 7. Information to be submitted to Legislature.** The secession
41 and annexation committee may provide the Legislature with draft
42 legislation proposing secession and annexation. If the secession
43 and annexation committee chooses to provide the Legislature with
44 proposed legislation, the proposed legislation

2 must be submitted by February 16, 2006 and may be introduced as a
3 bill in the Second Regular Session of the 122nd Legislature. In
4 addition to any proposed legislation, the following information
5 must be submitted to the Legislature by February 16, 2006:

6 1. A report on attempts to resolve concerns that have
7 caused the desire to secede from Waldo County and to be annexed
8 to Knox County. If a neutral 3rd party was involved in the
9 attempt to resolve concerns through mediation in accordance with
10 section 5, the secession and annexation committee must also
11 submit a report from the neutral 3rd party;

12 2. The date on which a proposed secession and annexation
13 would be effective;

14 3. Plans for the provision of county services in the
15 municipality;

16 4. Plans regarding the distribution of assets and
17 liabilities;

18 5. The following information concerning the affected
19 counties and municipality:

20 A. The present and potential county governmental services
21 to the municipality, including sheriff's services, deed and
22 probate registration and other county services;

23 B. Existing or potential waste disposal or environmental
24 problems;

25 C. Fiscal data of the municipality, including the net tax
26 capacity of the municipality and the impact on Waldo and
27 Knox counties, the present bonded indebtedness and the local
28 tax rates of the counties and municipality;

29 D. The effect of the proposed secession and annexation on
30 the municipality and affected counties; and

31 E. The ability of the affected county governments to
32 deliver services to the municipality; and

33 6. The extent to which the municipality and the affected
34 counties have demonstrated support or opposition for a proposal
35 for secession or annexation, including the use of petitions,
36 votes or other methods of indicating support or opposition.
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SUMMARY

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4 This bill establishes a procedure for consideration of the
6 proposed secession of the Town of Islesboro from Waldo County and
8 its annexation to Knox County. The bill models the procedure for
 the secession and annexation process on the procedure set forth
 in the Maine Revised Statutes, Title 30-A, chapter 113 for the
 proposed secession of a portion of the territory of a
 municipality.