

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



Date:

5/1/17

(Filing No. H- 175)

STATE AND LOCAL GOVERNMENT

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 346, L.D. 430, Bill, "An Act To
Enable Unorganized Territory Townships To Become a Municipality"

Amend the bill in section 1 in §7111 by striking out all of subsections 1 to 3 (page 1,
lines 6 to 29 in L.D.) and inserting the following:

1. Petition. The voters of one to 3 contiguous unincorporated townships in the unorganized territory within one county with a minimum combined resident population of 200 inhabitants may, by petition of 20% or more of the voters of the township or townships submitted to the county commissioners, request a public meeting for the purpose of discussing and determining whether the township or townships should organize as a municipality.

2. Warrant for organization meeting. In response to the petition in subsection 1, the county commissioners shall issue a warrant to notify the voters of the unincorporated township or townships to assemble on a day and at a place named in the warrant for a special meeting with the purpose of discussing and determining whether the township or townships should organize as a municipality. The notice of the meeting must be mailed to every resident within the proposed area at least 14 days prior to the meeting. The notice must also be mailed at the same time to the fiscal administrator of the unorganized territory within the Department of Audit, the director of schools in the unorganized territory within the Department of Education, the supervisor of the unorganized territory property tax division within Maine Revenue Services, the director of the Maine Land Use Regulation Commission and a representative of a statewide agency representing municipalities appointed by the county commissioners. An attested copy of the warrant for the meeting must also be posted in 2 conspicuous public places if such places exist in the township or townships.

3. Organization procedure. At the time and place appointed for a meeting for the organization of a municipality under subsection 2, a moderator must be chosen by ballot by the voters present to preside at the meeting. The county commissioner who represents the township or townships shall preside until the moderator is chosen and sworn in. After a discussion including a question and answer period with the voters of the township or

COMMITTEE AMENDMENT "A" to H.P. 346, L.D. 430

1 townships, the county commissioners and any state officials and representatives of a
2 statewide agency representing municipalities listed in subsection 2 that are present, a vote
3 must be taken on the question of whether the township or townships will continue to
4 pursue the process of organizing as a municipality.'

5 Amend the bill in section 1 in §7111 in subsection 4 in the last line (page 1, line 32 in
6 L.D.) by inserting after the following: "municipality" the following: 'or a township
7 without a resident population'

8 Amend the bill in section 1 in §7111 in subsection 5 in the next to the last line (page
9 1, line 37 in L.D.) by inserting after the following: "ballot." the following: 'Each
10 township must have at least one resident member on the interim committee.'

11 Amend the bill in section 1 in §7111 in subsection 6 in the next to the last line (page
12 2, line 12 in L.D.) by inserting after the following: "names" the following: ', addresses
13 and telephone numbers'

14 Amend the bill in section 1 in §7112 in the first paragraph in the 4th and 5th lines
15 (page 2, lines 18 and 19 in L.D.) by striking out the following: "within Maine Revenue
16 Services and the" and inserting the following: 'property tax division within Maine
17 Revenue Services and the director of the'

18 Amend the bill in section 1 in §7112 by inserting before subsection 1 the following:

19 '1. Effective date. The effective date of the township's or townships' becoming a
20 municipality.'

21 Amend the bill in section 1 in §7112 in subsection 5 in the 3rd line (page 2, line 34 in
22 L.D.) by inserting after the following: "maintenance," the following: 'snow removal,'

23 Amend the bill in section 1 in §7112 by renumbering the subsections to read
24 consecutively.

25 Amend the bill in section 1 in §7113 in the first paragraph in the 2nd line (page 3,
26 line 14 in L.D.) by inserting after the following: "to the" the following: 'county
27 commissioners and the'

28 Amend the bill in section 1 by striking out all of §§7115 and 7116 and inserting the
29 following:

30 '§7115. Approval by the voters

31 1. Warrant for meeting. The county commissioners shall issue a warrant to notify
32 the voters of the proposed municipality to assemble on a day and at a place named in the
33 warrant for a special meeting for the purpose of determining whether voters are in favor
34 of implementing the organization procedure under section 7113 that would result in the
35 formation of a new municipality. The notice of the meeting must be mailed to every
36 resident within the proposed area at least 14 days prior to the meeting. The notice must
37 also be mailed at the same time to the fiscal administrator of the unorganized territory
38 within the Department of Audit, the director of schools in the unorganized territory within
39 the Department of Education, the supervisor of the unorganized territory property tax
40 division within Maine Revenue Services, the director of the Maine Land Use Regulation

1 Commission and a representative of a statewide agency representing municipalities
2 appointed by the county commissioners. An attested copy of the warrant for the meeting
3 must also be posted in 2 conspicuous public places if such places exist in the township or
4 townships.

5 **2. Organization meeting.** After a discussion of the organization procedure and a
6 question and answer period with the voters of the proposed municipality, the interim
7 committee members, the county commissioners and any state officials and representatives
8 of a statewide agency representing municipalities listed in subsection 1 that are present, a
9 vote must be taken on the issue of whether a new municipality should be formed
10 according to the organization procedure. If a majority of voters at the meeting vote in
11 favor, then the organization procedure must proceed. Written notification of the outcome
12 of the vote must be sent to the fiscal administrator of the unorganized territory within the
13 Department of Audit and the Executive Director of the Legislative Council.

14 **§7116. Approval by the Legislature**

15 **1. Organization procedure.** Once the voters have approved the procedure pursuant
16 to section 7115, the township or townships seeking to organize as a municipality shall
17 submit legislation to incorporate the township or townships to the Legislature. If the
18 Legislature approves the organization, the question must be submitted to the voters of the
19 township or townships in the next general election to be held in November. The election
20 must be called, advertised and conducted according to section 2528 or 2551.

21 A. The county shall prepare the ballots on which the following question must appear:
22 "Shall the (name or names of township or townships) be organized into a
23 municipality?"

24 B. The voters must indicate their opinion on this question by a cross or check mark
25 placed against the word "Yes" or "No." Organization must be approved by a majority
26 of the legal voters voting at the election as long as the total numbers of votes cast for
27 and against equals or exceeds 50% of the total number of votes cast in the
28 unorganized township or townships for Governor in the last gubernatorial election.

29 C. The county commissioners shall declare the result of the vote. The county clerk
30 or county commissioners shall file a certificate of the election result with the
31 Secretary of State within 10 days of the election.'

32 **SUMMARY**

33 This amendment makes several clarifications to the bill. It removes the requirement
34 for a census to establish the resident population of the unincorporated township or
35 townships. It also prohibits townships without a resident population from being included
36 in the proposed municipality. The county commissioners are required to send notice to
37 all residents in the unincorporated township or townships discussing possible
38 organization rather than posting it in the newspaper. Notice of the organizational
39 meetings and public hearing must be mailed to the fiscal administrator of the unorganized
40 territory, the director of schools in the unorganized territory, the supervisor of the
41 unorganized territory property tax division, the director of the Maine Land Use
42 Regulation Commission and a representative from a statewide organization representing

COMMITTEE AMENDMENT "A" to H.P. 346, L.D. 430

- 1 municipalities appointed by the county commissioners. The amendment also requires
- 2 that the effective date of organization be included in the organization procedure and it
- 3 specifies the question that must be in the referendum to finally approve organization.

FISCAL NOTE REQUIRED
(See attached)

**123rd MAINE LEGISLATURE****LD 430****LR 475(02)****An Act To Enable Unorganized Territory Townships To Become a Municipality****Fiscal Note for Bill as Amended by Committee Amendment "A"****Committee: State and Local Government****Fiscal Note Required: Yes**

Fiscal Note

Potential current biennium cost increase - General Fund
State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Costs
The requirement that county commissioners undertake a process to allow a township or townships to organize as a municipality is a state mandate pursuant to the Maine Constitution. The additional local costs to organize public meetings, to conduct referendum voting and implement other requirements are expected to be significant.	County	Significant

Fiscal Detail and Notes

Enactment of this legislation will develop a procedure to allow certain townships in the Unorganized Territory to organize as a municipality. If one to three townships were to organize into a town, there could be costs to the state for school subsidies, Tree Growth Reimbursement, Veterans Exemption Reimbursement, Revenue Sharing, education costs, ministerial and school trust funds, General Assistance, Forest Fire Protection and other potential costs. The minor costs associated with the Office of the Executive Director providing certain information to the joint Standing Committee on State and Local Government can be absorbed by the Legislature utilizing existing budgeted resources.

Providing for up to 3 townships in the Unorganized Territory to organize as a municipality will increase the total cost of providing K-12 public education. The amount can not be determined at this time and will depend on the number of townships in the new municipality, the assessed valuation of the new municipality, the number of resident pupils in the new municipality, pupil transportation costs and special education costs.