

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 430

H.P. 346

House of Representatives, January 29, 2007

An Act To Enable Unorganized Territory Townships To Become a Municipality

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BARSTOW of Gorham.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: BEAUDETTE of Biddeford, BLANCHARD of Old Town, CLARK of
Millinocket, CROSTHWAITE of Ellsworth, HOGAN of Old Orchard Beach, JACKSON of
Allagash, JOY of Crystal, PATRICK of Rumford.

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

2 **Sec. 1. 30-A MRSA c. 301-A** is enacted to read:

3 **CHAPTER 301-A**

4 **ORGANIZATION OF TOWNSHIPS**

5 **§7111. Public meeting for organization of unincorporated townships**

6 **1. Census.** The voters of 1 to 3 contiguous unincorporated townships in the
7 unorganized territory may, by petition of 20% or more of the voters of the township or
8 townships, require the county commissioners to determine from the Federal Decennial
9 Census or by actual enumeration whether the township or townships have 200 inhabitants
10 or more. The county commissioners shall report the result of the census to the Secretary
11 of State, who shall record it.

12 **2. Warrant for organization meeting.** If the report made under subsection 1
13 indicates that the township or townships have a population of 200 or more, the county
14 commissioners shall, with the consent of a majority of the petitioners under subsection 1,
15 issue their warrant to an inhabitant of the unincorporated township or townships
16 commanding that inhabitant to notify the voters of the unincorporated township or
17 townships to assemble on a day and at a place named in the warrant for a special meeting
18 with the purpose of discussing and determining whether the township or townships
19 should organize as a municipality. The person selected by the commissioners shall give
20 notice of the meeting by posting an attested copy of the warrant for the meeting in 2
21 public and conspicuous places in the township or townships at least 14 days before the
22 day of meeting. The warrant, with the inhabitant's return on it, must be returned to the
23 meeting and the officers must be chosen and sworn.

24 **3. Organization procedure.** At the time and place appointed for a meeting for the
25 organization of a municipality under subsection 2, a moderator must be chosen by ballot
26 by the voters present to preside at the meeting. The person to whom the warrant was
27 directed under subsection 2 shall preside until the moderator is chosen and sworn by that
28 person. A vote must be taken on the question of whether the township or townships will
29 continue to pursue the process of organizing as a municipality.

30 **4. Prohibition on existing municipality and crossing county lines.** The proposed
31 boundaries of a municipality to be organized under this section may not include any part
32 of an existing municipality or cross county lines.

33 **5. Local interim committee.** If the majority of voters present and voting at the
34 meeting under subsection 2 approve the question to organize as a municipality, a local
35 interim committee must be created to develop a procedure for organization. The local
36 interim committee must consist of 5 registered voters from the township or townships
37 chosen by ballot. Once chosen, the local interim committee shall send the following
38 documents to the Secretary of State:

- 1 A. The petition under subsection 1 to obtain a census;
- 2 B. The warrant under subsection 2 issued for the organizational meeting and the
3 return on the warrant;
- 4 C. The record of the organizational meeting under subsection 3; and
- 5 D. The names of the 5 members of the local interim committee.

6 **6. Notice to Legislature and fiscal administrator.** If the voters approve the
7 question to organize as a municipality under subsection 3, the moderator shall notify the
8 fiscal administrator of the unorganized territory within the Department of Audit and the
9 Executive Director of the Legislative Council. The executive director shall provide a
10 copy of the notice to the joint standing committee of the Legislature having jurisdiction
11 over state and local government matters. The notice must report the results of the
12 organizational meeting and include the names of the members of the local interim
13 committee.

14 **§7112. Organization procedure**

15 The local interim committee shall negotiate with the county commissioners, the fiscal
16 administrator of the unorganized territory within the Department of Audit, the director of
17 state schools for education in the unorganized territory within the Department of
18 Education, the supervisor of the unorganized territory within Maine Revenue Services
19 and the Maine Land Use Regulation Commission and consult with a statewide agency
20 representing municipalities to develop a procedure that will lead to organization for the
21 proposed municipality as well as ensure that services are provided during the interim
22 period before the effective date of becoming a municipality. At a minimum, the
23 negotiations must address:

- 24 **1. Boundary lines.** The boundary lines for the proposed municipality;
- 25 **2. Town name.** The name for the proposed municipality;
- 26 **3. Provision of education services.** Plans for the provision of education services,
27 including school transportation services for students in the proposed municipality;
- 28 **4. Distribution of liabilities and assets.** Identification of any public liabilities or
29 assets, intangible and tangible, that may exist within the boundaries of the proposed
30 municipality or are used to serve the population of the proposed municipality and plans
31 for distribution of those liabilities and assets;
- 32 **5. Information about municipal services.** An explanation of how services are
33 currently provided and how those services will be provided in the proposed municipality,
34 including, but not limited to, road construction and maintenance, water and sewer service,
35 fire protection, police protection, administrative services, land use regulation and
36 operation of any recreational facilities;
- 37 **6. Fiscal impact assessment.** The fiscal impact on the surrounding county, the
38 unorganized territory and the State;

1 7. Valuation. An explanation of how valuation information about the proposed
2 municipality will be transferred from the unorganized territory to the proposed
3 municipality; and

4 8. Municipal leadership. Procedures for elections, including the date for the first
5 election, of municipal officials in the proposed municipality, including municipal
6 officers, school board members, planning board members, road commissioners and
7 similar officials.

8 The local interim committee has 6 months from the date of the meeting under
9 subsection 2 to develop a procedure to become a municipality under this section. If there
10 is agreement among all parties on a procedure before the 6 months has passed, the public
11 meeting in section 7115 may be called before the 6 months has passed.

12 **§7113. Notification of the procedure for organization**

13 A copy of the procedure for organization agreed to in section 7112 must be provided
14 to the fiscal administrator of the unorganized territory within the Department of Audit
15 and the Executive Director of the Legislative Council. The executive director shall
16 provide a copy of the notice to the joint standing committee of the Legislature having
17 jurisdiction over state and local government matters.

18 **§7114. Land use planning and zoning**

19 A municipality formed under this chapter remains under the jurisdiction of the Maine
20 Land Use Regulation Commission until the provisions of Title 12, section 685-A,
21 subsection 4 have been met.

22 **§7115. Approval by the voters**

23 The procedure under section 7113 must be presented at a public meeting of the voters
24 of the proposed municipality. Notice of the meeting must be published in a newspaper of
25 general circulation in the area. One notice must be published as close to the 14th day
26 before the meeting as possible, and the second notice must be published as close to the
27 7th day before the meeting as possible. If a majority of voters at the meeting vote in
28 favor of implementing the organization according to the procedure negotiated, then the
29 organization procedure must proceed.

30 **§7116. Approval by the Legislature**

31 1. Organization procedure. Once the voters have approved the procedure pursuant
32 to section 7115, the township or townships seeking to organize as a municipality shall
33 submit legislation to enact the procedure to the Legislature. The legislation:

34 A. Is subject to approval by voters of the proposed municipality at a referendum to
35 be held at the next statewide election in November; and

36 B. Must include the year in which the organization of the municipality is to take
37 place, and the organization of the municipality takes effect on July 1st of the year
38 determined.

SUMMARY

1

2 This bill develops a procedure for up to 3 townships in the Unorganized Territory to
3 organize as a municipality.