

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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No. 1840

S.P. 656

April 5, 2007

**An Act To Define the Process for a Municipality To Secede from a
County**

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 WESTON of Waldo.

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

2 **Sec. 1. 30-A MRSA c. 113, sub-c. 3** is enacted to read:

3 **SUBCHAPTER 3**

4 **SECESSION BY MUNICIPALITY FROM COUNTY**

5 **§2174. Secession by a municipality from a county**

6 This subchapter establishes a process by which a municipality may secede from one
7 county and join another. The municipality must share a political subdivision border with
8 both counties.

9 **§2175. Initiation of procedure**

10 **1. Petition.** Upon receipt of a petition that seeks to have a municipality secede from
11 one county and join another county signed by 10% of the number of voters in the
12 municipality who voted at the last gubernatorial election, the municipal officers shall call,
13 advertise and hold a public hearing at least 14 days and no more than 30 days after
14 certifying the petition. The municipal officers shall publish notice of the public hearing
15 in a newspaper of general circulation in the area. One notice must be published as close
16 as possible to the 14th day before the hearing and a 2nd notice must be published as close
17 as possible to the 7th day before the hearing.

18 A. The purpose of the public hearing under this section is to allow municipal
19 residents and officers to discuss secession. The public hearing must include a formal
20 presentation by those initiating the petition that must include a description of the
21 problems that have led to the secession effort. Attendees shall discuss the problems,
22 potential solutions other than secession and the potential impact of secession on the
23 municipality and the county from which the municipality is seceding. The persons
24 initiating the petition shall submit a written report at the public hearing that describes
25 the impact of the proposed secession on property taxes in the county from which the
26 municipality is seceding as well as in the municipality.

27 B. The petition under this section must be approved by secret ballot by a 2/3 vote of
28 the voters present and voting before municipal officers may call for a local
29 referendum.

30 **2. Question.** No later than 90 days after the petition under this section is approved
31 by the public hearing, municipal officers must call for a local referendum. The question
32 to be voted on must be in substantially the following form:

33 "Be it resolved that the voters of X (municipality) seek approval of the
34 Legislature for X (municipality) to secede from the County of X and join
35 the County of Y. Following legislative approval, a countywide
36 referendum is required before final secession is authorized. Do you
37 support X (municipality) seeking the approval of the Legislature for X
38 (municipality) to secede from the County of X?"

1 Yes No"

2 **3. Approval.** If the voters approve the question under subsection 2 by a majority
3 vote of those voting and present, then the rest of the secession process set forth in this
4 subchapter applies.

5 **§2176. Legislative approval of secession**

6 Upon a majority approval of the local referendum under section 2175, the
7 municipality shall seek and, in order to secede, must receive approval from the
8 Legislature for the proposed secession.

9 **§2177. County approval of secession**

10 Upon approval of the Legislature, both the county from which the municipality is
11 seceding and the county that the municipality is joining under this subchapter shall hold a
12 referendum vote during the next scheduled regular election. Both counties must agree by
13 a majority vote in favor of secession. The question to be voted on must be in
14 substantially the following form:

15 "Be it resolved that the voters of X (municipality) seek approval of the
16 County of X and the County of Y to secede from the County of X and
17 join the County of Y. Do you support X (municipality) seceding from
18 the County of X and joining the County of Y and the paying of the
19 municipality's share of debts owed to the County of X?

20 Yes No"

21 **§2178. Cost of referenda**

22 The municipality petitioning to secede shall bear the expense of the 2 countywide
23 referenda under section 2177.

24 **§2179. Debt service of county**

25 The municipality seceding under this subchapter must continue to pay the
26 municipality's share of the debt service to the county from which the municipality is
27 seceding. The time period for which the amount of debt service can be paid must be
28 agreed upon between the municipality seceding and the county from which the
29 municipality is seceding. Payment may not extend longer than the time in which the
30 voters authorized the debt to be borne.

31 **SUMMARY**

32 This bill establishes a process by which a municipality may secede from one county
33 and join another.