

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1408

H.P. 1004

House of Representatives, April 12, 2013

**An Act To Amend the Laws Relating to Secession by a Municipality
from a County**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KNIGHT of Livermore Falls.
Cosponsored by Senator LACHOWICZ of Kennebec and
Representatives: CHENETTE of Saco, COTTA of China, GRAHAM of North Yarmouth,
HAYES of Buckfield, MacDONALD of Old Orchard Beach, NADEAU of Fort Kent, PEASE
of Morrill, Senator: MASON of Androscoggin.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** a municipality must hold a referendum on the question of whether the
4 citizens of the municipality wish to secede from one county and join another county
5 before the municipality may file legislation with the Legislature; and

6 **Whereas,** it is an expense for a municipality to hold a referendum; and

7 **Whereas,** if the Legislature fails to pass legislation allowing the secession of a
8 municipality, the municipality has incurred an undue expense; and

9 **Whereas,** if a municipality is allowed to file legislation and then hold a referendum
10 after the results of the legislation have been determined, the expense of the referendum
11 would be warranted; and

12 **Whereas,** Legislative Document 27, An Act To Enable the Town of Livermore Falls
13 To Withdraw from Androscoggin County and Join Franklin County, is now before the
14 Legislature and the procedure for secession was not followed; and

15 **Whereas,** it is imperative to have this legislation take effect immediately so that
16 Legislative Document 27 can proceed; and

17 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
18 the meaning of the Constitution of Maine and require the following legislation as
19 immediately necessary for the preservation of the public peace, health and safety; now,
20 therefore,

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

22 **Sec. 1. 30-A MRSA §2174-A** is enacted to read:

23 **§2174-A. Legislative approval of secession**

24 In order to secede, a municipality must receive approval from the Legislature for the
25 proposed secession.

26 **Sec. 2. 30-A MRSA §2175, sub-§1,** as enacted by PL 2007, c. 401, §1, is
27 amended to read:

28 **1. Petition.** Upon approval of the Legislature and receipt of a petition that seeks to
29 have a municipality secede from one county and join another county signed by 10% of
30 the number of voters in the municipality who voted at the last gubernatorial election, the
31 municipal officers shall call, advertise and hold a public hearing at least 14 days and no
32 more than 60 days after certifying the petition. The municipal officers shall publish
33 notice of the public hearing in a newspaper of general circulation in the area. One notice
34 must be published as close as possible to the 14th day before the hearing and a 2nd notice
35 must be published as close as possible to the 7th day before the hearing.

1 A. The purpose of the public hearing under this section is to allow municipal
2 residents and officers to discuss secession. The public hearing must include a formal
3 presentation by those initiating the petition that must include a description of the
4 problems that have led to the secession effort. Attendees shall discuss the problems,
5 potential solutions other than secession and the potential impact of secession on the
6 municipality and the county from which the municipality is seceding. The persons
7 initiating the petition shall submit a written report at the public hearing that describes
8 the impact of the proposed secession on property taxes in the county from which the
9 municipality is seceding as well as in the municipality.

10 **Sec. 3. 30-A MRSA §2176**, as enacted by PL 2007, c. 401, §1, is repealed.

11 **Sec. 4. 30-A MRSA §2177**, as enacted by PL 2007, c. 401, §1, is amended to
12 read:

13 **§2177. County approval of secession**

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

19 "Be it resolved that the voters of X (municipality) seek approval of the County of X
20 and the County of Y to secede from the County of X and join the County of Y. Do
21 you support X (municipality) seceding from the County of X and joining the County
22 of Y and the municipality continuing to pay debt service owed to the County of X?"

23 Yes No"

24 **Emergency clause.** In view of the emergency cited in the preamble, this
25 legislation takes effect when approved.

26 **SUMMARY**

27 This bill amends the procedure that a municipality must follow to secede from a
28 county. Current law requires that, upon the receipt of a petition to secede signed by 10%
29 of the number of voters in the municipality who voted at the last gubernatorial election,
30 the municipal officers shall hold a public hearing and, if the voters approve, the
31 municipality must seek approval from the Legislature to secede. This bill requires that
32 the municipality receive the approval from the Legislature before the municipal officers
33 hold a referendum to have the voters approve the secession.