

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1561

H.P. 1131

House of Representatives, June 10, 2013

An Act To Amend the Laws Governing Secession from a Municipality

(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 THERIAULT of Madawaska.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: AYOTTE of Caswell, CASAVANT of Biddeford, GRAHAM of North
Yarmouth, HARVELL of Farmington, MAKER of Calais, NADEAU of Winslow, WILLETTE
of Mapleton, Senator: LACHOWICZ of Kennebec.

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,** the law regarding the municipal secession process is unclear as it pertains
4 to residents attempting to secede from a municipality; and

5 **Whereas,** without the changes effected by this legislation, a municipality could be
6 required to undertake the secession process, including mediation, at great cost to the
7 municipality; and

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

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

13 **Sec. 1. 30-A MRSA §2171-C-1** is enacted to read:

14 **§2171-C-1. Legislative authorization to proceed**

15 Within one year following the public hearing held pursuant to section 2171-C, a
16 representative from the secession territory shall cause legislation to be submitted to the
17 Legislature to obtain the authorization of the Legislature to proceed with the secession
18 process. Unless authorization to proceed is received from the Legislature, the question of
19 secession may not proceed to the advisory referendum held pursuant to section 2171-D.
20 The authorization of the Legislature to proceed with the secession process does not affect
21 the ultimate determination of the Legislature on the proposal for secession submitted
22 pursuant to section 2171-E or 2171-G.

23 **Sec. 2. 30-A MRSA §2171-D, first ¶,** as enacted by PL 1999, c. 381, §2, is
24 amended to read:

25 Unless a majority of the secession territory representatives withdraws support for
26 secession by filing written notice of such withdrawal with the municipal officers, the
27 municipality shall conduct an advisory referendum within the secession territory as long
28 as the Legislature has authorized the secession process to proceed pursuant to section
29 2171-C-1. The referendum must be held at least 30 days but not more than 120 days after
30 the initial public hearing the next regularly scheduled election and must be conducted
31 pursuant to Title 21-A, chapter 9, subchapter I, article II and subchapter II sections 2528,
32 2529 and 2532, even if the town or plantation has not accepted the provisions of section
33 2528. The question at the referendum must be:

34 "Do you favor secession of the territory described below from the municipality of
35 ?"

36 (description of ~~secession~~ secession territory)

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

SUMMARY

This bill amends the municipal secession law by requiring that residents seeking to secede from a municipality obtain permission from the Legislature to proceed. Authorization must be received before conducting the referendum, engaging in the conflict resolution process and submitting final implementation legislation.