

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1840

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S.P. 692

In Senate, February 15, 2018

### **An Act To Revise the Municipal Consolidation Referendum Process**

(AFTER DEADLINE)

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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.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Representative ESPLING of New Gloucester and  
Representatives: BICKFORD of Auburn, GOLDEN of Lewiston.

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

2 **Sec. 1. 30-A MRSA §2152, sub-§1-A** is enacted to read:

3 **1-A. Referendum on forming joint charter commission.** If a petition is filed  
4 pursuant to subsection 1, the municipal officers shall call and conduct a referendum to  
5 determine the willingness of the voters of the municipality to form a joint charter  
6 commission with the municipality or municipalities named in the petition. The  
7 referendum must be held at the next scheduled regular election. The question to be voted  
8 on at the referendum must be in substantially the following form: "Do you favor forming  
9 a joint charter commission to draft a consolidation agreement for the purpose of  
10 consolidating with ..... (municipality or municipalities  
11 named in the petition)?"

12 **Sec. 2. 30-A MRSA §2152, sub-§2,** as enacted by PL 1987, c. 737, Pt. A, §2 and  
13 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
14 further amended to read:

15 **2. Joint charter commission.** If a petition is filed as required under subsection 1  
16 and a majority of those casting ballots pursuant to subsection 1-A approve the referendum  
17 question in each municipality, the 3 members of a joint charter commission shall must  
18 be elected at the next special or regular election in the manner provided for the election of  
19 municipal officers. The election of members by 2 or more municipalities authorizes the  
20 commission to draft the consolidation agreement. If a municipality does not elect  
21 members, it may not participate in the consolidation.

22 **Sec. 3. 30-A MRSA §2155,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,  
23 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further  
24 amended to read:

25 **§2155. Limitation**

26 If the voters of a municipality reject a consolidation agreement, that municipality may  
27 not be a party to any consolidation agreement for ~~3~~ 10 years after the date of the rejection,  
28 except when 30% of the qualified voters have requested an agreement by signing a  
29 petition under section 2152, subsection 1 or when a majority of the municipal officers in  
30 each municipality proposed for consolidation in the rejected consolidation agreement vote  
31 to form a joint charter commission to draft a consolidation agreement.

32 **SUMMARY**

33 This bill provides that if a municipality receives a petition proposing to form a joint  
34 charter commission for the purpose of consolidating with one or more municipalities, the  
35 municipal officers must hold a referendum to determine the willingness of the voters of  
36 the municipality to form a joint charter commission. If the referendum question is  
37 approved by a majority of voters in each municipality, a joint charter commission must be  
38 formed. It also provides that a municipality may not be a party to a consolidation  
39 agreement for 10 years, instead of 3 years as in current law, after the date a consolidation

1 agreement is rejected. It also adds an exception to that 10-year period for when a  
2 majority of the municipal officers in each municipality subject to the rejected  
3 consolidation agreement vote to form a joint charter commission.