

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 380

H.P. 625 - L.D. 875

An Act to Minimize the Harmful Effects of Lead**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 12 MRSA §7608-A** is enacted to read:**§7608-A. Illegal sale of lead sinkers**

After January 1, 2002, a person is guilty of selling a lead sinker if that person sells or offers for sale a lead sinker for fishing that contains any lead and weighs 1/2 ounce or less. For the purposes of this section, "sinker" means any device that is designed to be attached to a fishing line and intended to sink the line. "Sinker" does not include artificial lures, weighted line, weighted flies or jig heads.

See title page for effective date.

CHAPTER 381

H.P. 1433 - L.D. 2056

An Act to Amend the Laws Governing Secession**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 30-A MRSA §2171**, as enacted by PL 1995, c. 377, §2, is amended to read:**§2171. Legislative intent**

The Legislature finds that the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, have an unalienable and indefeasible right to institute government and to alter, reform or totally change the same, when their safety and happiness require it. The Legislature further finds that the Legislature has the responsibility to ensure that the rights of all citizens are protected and that a decision to alter or otherwise change the boundaries of a municipal government should be made with caution and only after careful consideration of the guidelines following the process set forth in this subchapter.

Sec. 2. 30-A MRSA §§2171-A to 2171-G are enacted to read:**§2171-A. Secession of territory from a municipality**

Residents of territory within a municipality must follow the procedures set forth in this subchapter

before seeking authority from the Legislature to secede from the municipality.

§2171-B. Initiation of procedure

The secession process may be initiated by submitting to the municipal officers a petition signed by more than 50% of the registered voters within the secession territory that requests a municipal public hearing for the purpose of discussing whether the specified territory should secede from the municipality. The petition must set forth the physical boundaries of the secession territory, the resident population, the nonresident population and a list of not more than 5 people who will serve as representatives of the secession territory. For purposes of this subchapter, "secession territory" means the area described in the petition for secession.

The registrar of voters of the municipality shall verify the signatures on the petition within 30 days of the receipt of the petition.

§2171-C. Initial hearing

Upon receipt of a petition with the required number of verified signatures, the municipal officers shall call and hold a public hearing. The purpose of the public hearing is to allow municipal residents, officers and residents in the secession territory to discuss secession. The public hearing must be conducted by a moderator elected in the manner provided for in section 2524, except that no other official vote may be taken at the public hearing. The public hearing must be conducted in accordance with the following.

1. Hearing advertised. The municipal officers shall publish notice of the public hearing in a newspaper of general circulation in the area. One notice must be published as close as possible to the 14th day before the hearing and a 2nd notice must be published as close as possible to the 7th day before the hearing.

2. Purpose of secession hearing. The public hearing must include a formal presentation by those initiating the petition, which must include a description of the problems that have led to the secession effort. Attendees shall discuss the problems, potential solutions other than secession and the potential impact of secession on the secession territory and the municipality. The persons initiating the petition shall submit a written report at the public hearing that describes the impact of the proposed secession on property taxes in the municipality as well as in the secession territory.

3. Nonresidents eligible to participate. Notwithstanding section 2524, subsection 3, paragraph A, nonresidents may participate in the public hearing on secession.

§2171-D. Advisory referendum

Unless a majority of the secession territory representatives withdraws support for secession by filing written notice of such withdrawal with the municipal officers, the municipality shall conduct an advisory referendum within the secession territory. The referendum must be held at least 30 days but not more than 120 days after the initial public hearing and must be conducted pursuant to Title 21-A, chapter 9, subchapter I, article II and subchapter II. The question at the referendum must be:

"Do you favor secession of the territory described below from the municipality of _____?"
(description of secession territory)

The municipal officers may hold a separate advisory referendum in the municipality outside the secession territory at the same time with the same question, provided that the vote totals are kept and reported separately.

§2171-E. Vote of municipal officers

Following the advisory referendum, the municipal officers shall take a recorded vote on whether to support the secession request. If a majority of the officers approves the request and more than 50% of the registered voters in the secession territory voting at the advisory referendum pursuant to section 2171-D favor secession, legislation requesting secession may be submitted to the Legislature with the information required in section 2172.

§2171-F. Resolving conflicts; selecting mediator

If the vote of the municipal officers and the advisory referendum are in conflict, the municipal officers and the secession territory representatives shall meet to attempt to resolve issues related to the secession. If the municipal officers and secession territory representatives do not reach agreement on all issues within a reasonable amount of time, an independent 3rd-party mediator must be retained and the costs shared by the municipality and the secession representatives. The mediator must be knowledgeable in municipal management and municipal law as well as conflict resolution.

If the municipal officers and secession territory representatives can not select a mutually agreed upon and qualified mediator within 30 days of reaching impasse on secession issues, the parties must petition the Court Alternative Dispute Resolution Service, created in Title 4, section 18-B, for mediation services. The Court Alternative Dispute Resolution Service shall:

1. Mediator assignment. Assign a mediator who is knowledgeable in municipal management and municipal law;

2. Fee. Establish a fee for services in an amount not to exceed \$175 for every 4 hours of mediation services provided;

3. Mediation schedule; notice. Establish the mediation schedule, ensure that proper notice is provided to all parties and ensure that the parties necessary for effective mediation are participating; and

4. Mediation report. Upon the completion of the mediation effort, file a written report with the joint standing committee of the Legislature having jurisdiction over state and local government matters. The report must provide the details of the mediation effort and any mediated agreement. In the event that the mediation effort does not result in the resolution of all issues, the mediation report must indicate to the extent possible what issues remain unresolved and why the parties failed to reach a mutually agreeable resolution of the dispute.

§2171-G. Submission of dispute to the Legislature

If the parties have not reached agreement on all issues within 6 months after beginning discussions, the matter may be submitted to the Legislature. The Legislature may consider the information submitted pursuant to section 2172 in making its decision.

Sec. 3. 30-A MRSA §2172, sub-§1, as repealed and replaced by PL 1997, c. 699, §4, is amended to read:

1. Report on attempts to resolve differences. ~~As required in section 2173, a~~ report on attempts by the secession territory to resolve concerns that have caused the desire to secede from the municipality. If a neutral 3rd party was involved in the attempt to resolve concerns through alternative dispute resolution methods such as mediation, facilitation or arbitration, the territory must also submit a report from the neutral 3rd party;

Sec. 4. 30-A MRSA §2173, as enacted by PL 1997, c. 699, §5, is repealed.

See title page for effective date.

CHAPTER 382

H.P. 886 - L.D. 1243

An Act to Strengthen the Kinship Laws