

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

**CHAPTER 384**  
**H.P. 1131 - L.D. 1561**

**An Act To Amend the Laws  
Governing Secession from a  
Municipality**

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

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

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

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

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

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

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

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

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

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 as long as the Legislature has authorized the secession process to proceed pursuant to section 2171-C-1. The referendum must be held at least 30 days but not more than 120 days after the initial public hearing the next regularly scheduled election and must be conducted pursuant to Title 21-A, chapter 9, subchapter I, article II and

subchapter II sections 2528, 2529 and 2532, even if the town or plantation has not accepted the provisions of section 2528. The question at the referendum must be:

"Do you favor secession of the territory described below from the municipality of \_\_\_\_\_?"

(description of ~~secession~~ secession territory)

**Sec. 3. Authorization to report out a bill.**

The Joint Standing Committee on State and Local Government may report out a bill related to secession from a municipality to the Second Regular Session of the 126th Legislature.

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

Effective July 1, 2013.

**CHAPTER 385**

**S.P. 611 - L.D. 1570**

**An Act To Delay the  
Implementation of Changes to  
the Business Equipment Tax  
Exemption**

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

**Whereas,** the changes made by Public Law 2013, chapter 368, Part O apply retroactively to property tax years beginning on or after April 1, 2013; and

**Whereas,** the reporting requirements for a taxpayer seeking a business equipment tax exemption, if applied to the current property tax year, could eliminate the ability to get that exemption for the 2013 property tax year; and

**Whereas,** in order to preserve the business equipment tax exemption and prevent the unintended consequence caused by the retroactive application, this legislation needs to take effect as soon as possible; and

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

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

**Sec. 1. PL 2013, c. 368, Pt. O, §11** is repealed and the following enacted in its place: