

STATE OF MAINE

—
 IN THE YEAR OF OUR LORD
 TWO THOUSAND AND THIRTEEN

—
 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.