



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1840

S.P. 692

In Senate, February 15, 2018

An Act To Revise the Municipal Consolidation Referendum Process

(AFTER DEADLINE)

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 that reads "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 ~~shall~~ **must** be
18 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.