

## **126th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2013

**Legislative Document** 

No. 1561

H.P. 1131

House of Representatives, June 10, 2013

An Act To Amend the Laws Governing Secession from a Municipality

(AFTER DEADLINE)

(EMERGENCY)

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.

Millicent M. Mag Jarland

MILLICENT M. MacFARLAND Clerk

Presented by Representative THERIAULT of Madawaska. Cosponsored by Senator JACKSON of Aroostook and Representatives: AYOTTE of Caswell, CASAVANT of Biddeford, GRAHAM of North Yarmouth, HARVELL of Farmington, MAKER of Calais, NADEAU of Winslow, WILLETTE of Mapleton, Senator: LACHOWICZ of Kennebec.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** the law regarding the municipal secession process is unclear as it pertains 4 to residents attempting to secede from a municipality; and
- 5 **Whereas,** without the changes effected by this legislation, a municipality could be 6 required to undertake the secession process, including mediation, at great cost to the 7 municipality; and
- 8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 9 the meaning of the Constitution of Maine and require the following legislation as 10 immediately necessary for the preservation of the public peace, health and safety; now, 11 therefore,
- 12 Be it enacted by the People of the State of Maine as follows:
- 13 Sec. 1. 30-A MRSA §2171-C-1 is enacted to read:

## 14 §2171-C-1. Legislative authorization to proceed

15 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 16 Legislature to obtain the authorization of the Legislature to proceed with the secession 17 18 process. Unless authorization to proceed is received from the Legislature, the question of 19 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 20 21 the ultimate determination of the Legislature on the proposal for secession submitted 22 pursuant to section 2171-E or 2171-G.

23 Sec. 2. 30-A MRSA §2171-D, first ¶, as enacted by PL 1999, c. 381, §2, is 24 amended to read:

25 Unless a majority of the secession territory representatives withdraws support for 26 secession by filing written notice of such withdrawal with the municipal officers, the 27 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 28 29 2171-C-1. The referendum must be held at least 30 days but not more than 120 days after 30 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, 31 32 2529 and 2532, even if the town or plantation has not accepted the provisions of section 33 2528. The question at the referendum must be:

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

1 **Emergency clause.** In view of the emergency cited in the preamble, this 2 legislation takes effect when approved.

## 3 SUMMARY

4 This bill amends the municipal secession law by requiring that residents seeking to 5 secede from a municipality obtain permission from the Legislature to proceed. 6 Authorization must be received before conducting the referendum, engaging in the 7 conflict resolution process and submitting final implementation legislation.