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## **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 H 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)

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

## **SUMMARY**

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