

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
H.P. 1004 - L.D. 1408

An Act To Amend the Laws Relating to Secession by a Municipality from a County

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

Whereas, a municipality must hold a referendum on the question of whether the citizens of the municipality wish to secede from one county and join another county before the municipality may file legislation with the Legislature; and

Whereas, it is an expense for a municipality to hold a referendum; and

Whereas, if the Legislature fails to pass legislation allowing the secession of a municipality, the municipality has incurred an undue expense; and

Whereas, if a municipality is allowed to file legislation and then hold a referendum after the results of the legislation have been determined, the expense of the referendum would be warranted; and

Whereas, Legislative Document 27, An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County, is now before the Legislature and the procedure for secession was not followed; and

Whereas, it is imperative to have this legislation take effect immediately so that Legislative Document 27 can proceed; 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 §2174-A is enacted to read:

§2174-A. Legislative approval of a vote on secession

In order to secede, a municipality must receive approval from the Legislature for the municipality to hold a vote on the proposed secession.

Sec. 2. 30-A MRSA §2175, sub-§1, as enacted by PL 2007, c. 401, §1, is amended to read:

1. Petition. Upon approval of the Legislature and receipt of a petition that seeks to have a municipality secede from one county and join another county signed by 10% of the number of voters in the municipality who voted at the last gubernatorial election, the municipal officers shall call, advertise and hold a public hearing at least 14 days and no more than 60 days after certifying the petition. The municipal officers shall publish notice of the public hearing in a newspaper of general circulation in the area. One notice must be published as close as possible to the 14th day before the hearing and a 2nd notice must be published as close as possible to the 7th day before the hearing.

A. The purpose of the public hearing under this section is to allow municipal residents and officers to discuss secession. The public hearing must include a formal presentation by those initiating the petition that must include a description of the problems that have led to the secession effort. Attendees shall discuss the problems, potential solutions other than secession and the potential impact of secession on the municipality and the county from which the municipality is seceding. The persons initiating the petition shall submit a written report at the public hearing that describes the impact of the proposed secession on property taxes in the county from which the municipality is seceding as well as in the municipality.

Sec. 3. 30-A MRSA §2176, as enacted by PL 2007, c. 401, §1, is repealed.

Sec. 4. 30-A MRSA §2177, as enacted by PL 2007, c. 401, §1, is amended to read:

§2177. County approval of secession

Upon approval ~~of the Legislature~~ by the voters to secede, both the county from which the municipality is seceding and the county that the municipality is joining under this subchapter shall hold a referendum vote during the next scheduled regular election. Both counties must agree by a majority vote in favor of secession. The question to be voted on must be in substantially the following form:

"Be it resolved that the voters of X (municipality) seek approval of the County of X and the County of Y to secede from the County of X and join the County of Y. Do you support X (municipality) seceding from the County of X and joining the County of Y and the municipality continuing to pay debt service owed to the County of X?"

Yes No"

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