

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in §7111 by striking out all of subsections 1 to 3 (page 1, lines 6 to 29 in L.D.) and inserting the following:

1. Petition. The voters of one to 3 contiguous unincorporated townships in the unorganized territory within one county with a minimum combined resident population of 200 inhabitants may, by petition of 20% or more of the voters of the township or townships submitted to the county commissioners, request a public meeting for the purpose of discussing and determining whether the township or townships should organize as a municipality.

2. Warrant for organization meeting. In response to the petition in subsection 1, the county commissioners shall issue a warrant to notify the voters of the unincorporated township or townships to assemble on a day and at a place named in the warrant for a special meeting with the purpose of discussing and determining whether the township or townships should organize as a municipality. The notice of the meeting must be mailed to every resident within the proposed area at least 14 days prior to the meeting. The notice must also be mailed at the same time to the fiscal administrator of the unorganized territory within the Department of Audit, the director of schools in the unorganized territory within the Department of Education, the supervisor of the unorganized territory property tax division within Maine Revenue Services, the director of the Maine Land Use Regulation Commission and a representative of a statewide agency representing municipalities appointed by the county commissioners. An attested copy of the warrant for the meeting must also be posted in 2 conspicuous public places if such places exist in the township or townships.

3. Organization procedure. At the time and place appointed for a meeting for the organization of a municipality under subsection 2, a moderator must be chosen by ballot by the voters present to preside at the meeting. The county commissioner who represents the township or townships shall preside until the moderator is chosen and sworn in. After a discussion including a question and answer period with the voters of the township or townships, the county commissioners and any state officials and representatives of a statewide agency representing municipalities listed in subsection 2 that are present, a vote must be taken on the question of whether the township or townships will continue to pursue the process of organizing as a municipality.'

Amend the bill in section 1 in §7111 in subsection 4 in the last line (page 1, line 32 in L.D.) by inserting after the following: "municipality" the following: 'or a township without a resident population'

Amend the bill in section 1 in §7111 in subsection 5 in the next to the last line (page 1, line 37 in L.D.) by inserting after the following: "ballot." the following: 'Each township must have at least one resident member on the interim committee.'

Amend the bill in section 1 in §7111 in subsection 6 in the next to the last line (page 2, line 12 in L.D.) by inserting after the following: "names" the following: ', addresses and telephone numbers'

Amend the bill in section 1 in §7112 in the first paragraph in the 4th and 5th lines (page 2, lines 18 and 19 in L.D.) by striking out the following: "within Maine Revenue Services and the" and inserting the following: 'property tax division within Maine Revenue Services and the director of the'

Amend the bill in section 1 in §7112 by inserting before subsection 1 the following:

‘1. Effective date. The effective date of the township's or townships' becoming a municipality:’

Amend the bill in section 1 in §7112 in subsection 5 in the 3rd line (page 2, line 34 in L.D.) by inserting after the following: "maintenance," the following: 'snow removal,'

Amend the bill in section 1 in §7112 by renumbering the subsections to read consecutively.

Amend the bill in section 1 in §7113 in the first paragraph in the 2nd line (page 3, line 14 in L.D.) by inserting after the following: "to the" the following: 'county commissioners and the'

Amend the bill in section 1 by striking out all of §§7115 and 7116 and inserting the following:

§ 7115. Approval by the voters

1. Warrant for meeting. The county commissioners shall issue a warrant to notify the voters of the proposed municipality to assemble on a day and at a place named in the warrant for a special meeting for the purpose of determining whether voters are in favor of implementing the organization procedure under section 7113 that would result in the formation of a new municipality. The notice of the meeting must be mailed to every resident within the proposed area at least 14 days prior to the meeting. The notice must also be mailed at the same time to the fiscal administrator of the unorganized territory within the Department of Audit, the director of schools in the unorganized territory within the Department of Education, the supervisor of the unorganized territory property tax division within Maine Revenue Services, the director of the Maine Land Use Regulation Commission and a representative of a statewide agency representing municipalities appointed by the county commissioners. An attested copy of the warrant for the meeting must also be posted in 2 conspicuous public places if such places exist in the township or townships.

2. Organization meeting. After a discussion of the organization procedure and a question and answer period with the voters of the proposed municipality, the interim committee members, the county commissioners and any state officials and representatives of a statewide agency representing municipalities listed in subsection 1 that are present, a vote must be taken on the issue of whether a new municipality should be formed according to the organization procedure. If a majority of voters at the meeting vote in favor, then the organization procedure must proceed. Written notification of the outcome of the vote must be sent to the fiscal administrator of the unorganized territory within the Department of Audit and the Executive Director of the Legislative Council.

§ 7116. Approval by the Legislature

1. Organization procedure. Once the voters have approved the procedure pursuant to section 7115, the township or townships seeking to organize as a municipality shall submit legislation

to incorporate the township or townships to the Legislature. If the Legislature approves the organization, the question must be submitted to the voters of the township or townships in the next general election to be held in November. The election must be called, advertised and conducted according to section 2528 or 2551.

A. The county shall prepare the ballots on which the following question must appear:

"Shall the (name or names of township or townships) be organized into a municipality?"

B. The voters must indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Organization must be approved by a majority of the legal voters voting at the election as long as the total numbers of votes cast for and against equals or exceeds 50% of the total number of votes cast in the unorganized township or townships for Governor in the last gubernatorial election.

C. The county commissioners shall declare the result of the vote. The county clerk or county commissioners shall file a certificate of the election result with the Secretary of State within 10 days of the election.'

SUMMARY

This amendment makes several clarifications to the bill. It removes the requirement for a census to establish the resident population of the unincorporated township or townships. It also prohibits townships without a resident population from being included in the proposed municipality. The county commissioners are required to send notice to all residents in the unincorporated township or townships discussing possible organization rather than posting it in the newspaper. Notice of the organizational meetings and public hearing must be mailed to the fiscal administrator of the unorganized territory, the director of schools in the unorganized territory, the supervisor of the unorganized territory property tax division, the director of the Maine Land Use Regulation Commission and a representative from a statewide organization representing municipalities appointed by the county commissioners. The amendment also requires that the effective date of organization be included in the organization procedure and it specifies the question that must be in the referendum to finally approve organization.