

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1634, L.D. 2298, Bill, "An Act to Allow the Separation of Certain Islands in Casco Bay from the City of Portland"

Amend the bill in Part A in section 1 by striking out the last sentence (page 1, lines 16 to 19 in L.D.)

Further amend the bill in Part A in section 1 by inserting at the end the following:

'The boundaries of the Town of Long Island are described as follows: All that part of Portland in Cumberland County in the State of Maine beginning at the existing boundary where the Town of Cumberland, the Town of Falmouth and the City of Portland meet in the waters northwest of Little Chebeague Island approximately 43° 43' 27" N by 70° 10' 12" W and following a line 216° southwest of TN of the existing City of Portland, Town of Falmouth boundary to a point on that boundary located at 43° 42' 00" N and 70° 12' 00" W. From that point the boundary extends as a line passing between Great Diamond Island, Portland and Cow Island through Hussey Sound between Peaks Island, Portland and Long Island at 148.5° southeast from TN and passing through a point 43° 39' 00" N and 70° 09' 30" east of Peaks Island to sea.

A third line, beginning at the existing definition of the Town of Falmouth, the Town of Cumberland and the City of Portland common meeting point at approximately 43° 43' 27" N and 70° 10' 12" W extends as a line 124° southeast to a point halfway between where the existing Town of Cumberland boundary intersects mean high water on the northwest and southeast shorelines, respectively, of Hope Island, Cumberland; at that point a fourth line extending approximately 204° southwest to 43° 41' 00" N and 70° 08' 00" W and then from that point a line extending approximately 142° southeast to a point southwest of Cliff Island at 43° 41' 00" N and 70° 08' 00" W.

**COMMITTEE AMENDMENT**

2 By virtue of this separation, the Town of Long Island is  
4 also removed from the jurisdiction of the Board of Harbor  
Commissioners of the Port of Portland, but remains within the  
County of Cumberland.'

6  
8 Further amend the bill in Part A by inserting after section  
3 the following:

10 '**Sec. A-4. Provision for first meeting.** If the voters of the Long  
12 Island territory approve the question, a justice of the peace or  
notary public may issue a warrant to any legal voter in the Town  
14 of Long Island directing that legal voter to notify the municipal  
inhabitants of a public meeting to select municipal officers and  
16 to transact municipal business, to be held at a time and place  
specified in the warrant. Notice to the municipal inhabitants  
must be provided at least 7 days prior to the meeting.'

18  
20 Further amend the bill in Part A by striking out all of  
section 5 (page 2, lines 25 to 32 in L.D.)

22 Further amend the bill in Part A by striking out all of  
24 section 7 (page 2, lines 41 to 52 and page 3, lines 1 to 5 in  
L.D.) and inserting in its place the following:

26 '**Sec. A-7. Property taxes.** Long Island remains a part of the  
28 City of Portland for all purposes including liabilities,  
obligations, and the collection and disbursement of property  
taxes up to the effective date of separation and the City of  
30 Portland maintains its customary level of service to Long Island  
until that date. After that date, each municipality is  
32 separately responsible for raising and collecting the revenues  
necessary to fund its respective government.

34  
36 '**Sec. A-8. Costs not funded.** Notwithstanding the Maine Revised  
Statutes, Title 30-A, section 5684, any requirements of Part A  
38 and Part B of this Act that result in additional costs to local  
or county government are not state mandates subject to that  
section and the State is not required to fund those costs.'

40  
42 Further amend the bill in Part B in section 2 by striking  
out all of the 2nd paragraph (page 3, lines 34 to 46 in L.D.)  
and inserting in its place the following:

44  
46 'If the parties do not reach agreement by June 30, 1992, the  
parties shall submit any matters remaining in dispute to a panel  
of arbitrators and shall reduce to writing all agreed upon  
48 matters. The panel of arbitrators consists of one arbitrator

2 selected by the City of Portland, one arbitrator selected by  
3 simple majority vote of the 8 committee chairs of the Town of  
4 Long Island Research Committee and one neutral arbitrator  
5 selected jointly by the 2 other arbitrators. Determination of  
6 disputed matters by the panel of arbitrators is final and binding  
7 on the parties. The arbitration must be administered under the  
8 auspices of the American Arbitration Association and, except for  
9 the selection of arbitrators, is governed by the rules and  
10 procedures of the American Arbitration Association. Binding  
11 arbitration must be completed by July 30, 1992.'

12 Further amend the bill by renumbering the sections to read  
13 consecutively.

### 16 STATEMENT OF FACT

18 This amendment makes the following changes in the bill. The  
19 amendment:

20 1. Adds a geographical description of the boundary of the  
21 Town of Long Island;

24 2. Adds a provision for calling the first town meeting;

26 3. Removes Part A, section 5, which granted the Town of  
27 Long Island all of the City of Portland property currently on the  
28 island;

30 4. Replaces Part A, section 7, thereby eliminating the tax  
31 escrow account for the Town of Long Island. The amendment  
32 language permits the City of Portland to keep property taxes and  
33 requires the city to maintain the same level of service to the  
34 island between the time of the vote on separation and the actual  
35 date of separation;

36 5. Adds a clause notwithstanding the Maine Revised  
37 Statutes, Title 30-A, section 5684;

40 6. Changes the process of selection for the arbitrator  
41 representing the Town of Long Island; and

42 7. Sets a completion date of July 30, 1992 for the binding  
43 arbitration.  
44

Reported by the Committee on State and Local Government  
Reproduced and distributed under the direction of the Clerk of the  
House  
3/12/92 (Filing No. H-1095)