

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2298

H.P. 1634

House of Representatives, February 4, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RAND of Portland.

Cosponsored by Representative ADAMS of Portland and Senator CONLEY of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

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An Act to Allow the Separation of Certain Islands in Casco Bay from the  
City of Portland.

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Be it enacted by the People of the State of Maine as follows:

PART A

**Sec. A-1. Separation and incorporation; Long Island.** Subject to a referendum election as set forth in section 2 of this Part, the following territory now within the City of Portland and the County of Cumberland, together with the inhabitants of that territory, is hereby separated and set off from the City of Portland and incorporated into a separate town by the name of the Town of Long Island: Long Island, Cow Island, that Crow Island that lies adjacent to Cow Island, College Island, Overset Island, Vaill Island, Obeds Rock, the Stepping Stones and that portion of Little Chebeague Island that now lies within the boundaries of the City of Portland, and the surrounding waters, referred to in this Act as "the Long Island territory." By virtue of this separation, the Town of Long Island is also removed from the jurisdiction of the Board of Harbor Commissioners of the Port of Portland, but remains within the County of Cumberland.

**Sec. A-2. Referendum elections.** Part A of this Act takes effect 90 days after adjournment of the Second Regular Session of the 115th Legislature for the purpose of permitting its submission to the voters of the Long Island territory at a special referendum election to be held on those islands on November 3, 1992. Warrants must be issued for this election notifying the qualified voters to vote on the approval or rejection of this Act.

For the purposes of this referendum election, all persons resident and legally registered to vote within the Long Island territory as set out in section 1 of this Part are eligible to vote on the question with respect to the separation of that territory from the City of Portland.

The city clerk of the City of Portland shall prepare the required ballots on which the subject matter of Part A of this Act must be reduced to the following question:

"Do you favor the separation of Long Island, Cow Island, that Crow Island that lies adjacent to Cow Island, College Island, Overset Island, Vaill Island, Obeds Rock, the Stepping Stones and that portion of Little Chebeague Island that now lies within the boundaries of the City of Portland, and the surrounding waters, from the City of Portland and their incorporation as a separate town?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their vote on these questions.

2 The referendum election must be conducted by the city clerk  
of the City of Portland, who shall declare the result of the  
4 election. The city clerk's declaration of the election results  
is final, subject to review by the Superior Court for the County  
6 of Cumberland. The results of the referendum election must be  
filed by the city clerk with the Secretary of State.

8 **Sec. A-3. Effective date of separation.** If a majority of those  
voting in the Long Island territory election approves the  
10 question, this Part of this Act takes effect with respect to that  
territory and that territory is separated from the City of  
12 Portland and is incorporated as the Town of Long Island on July  
1, 1993.

14 **Sec. A-4. Form of government.** If the voters of the Long  
16 Island territory approve the question, the Town of Long Island  
must be incorporated and separated from the City of Portland on  
18 July 1, 1993 and shall adopt the town meeting as its form of  
government.

20 Nothing in this Act prevents the Town of Long Island from  
22 subsequently voting to change its form of government without the  
necessity of a further act of the Legislature.

24 **Sec. A-5. City of Portland property.** If the Town of Long Island  
26 is incorporated and is separated from the City of Portland, on  
July 1, 1993 all real property owned by the City of Portland and  
28 located within the Long Island territory is conveyed to the Town  
of Long Island; and all trucks, equipment and other personal  
30 property owned by the City of Portland and customarily located  
within the Long Island territory is transferred to the ownership  
32 of the Town of Long Island.

34 **Sec. A-6. Allocation of debts and assets.** If the Town of Long  
Island is incorporated and is separated from the City of Portland  
36 on July 1, 1993, the Town of Long Island shall assume its just  
and due proportion of the debts of the City of Portland and shall  
38 receive its just and due proportion of the assets of the City of  
Portland.

40 **Sec. A-7. Proration of property taxes; escrow account.** If a  
42 majority of those voting in the Long Island referendum election  
approve the question, then the City of Portland shall place in an  
44 escrow account  $\frac{2}{3}$  of the property taxes collected from property  
owners in the Long Island territory with respect to the September  
46 1992 property tax bill and all of the property taxes collected  
from the property owners in the Long Island territory with  
48 respect to the March 1993 property tax bill. The City of  
Portland shall maintain this escrow account for the benefit of  
50 the Town of Long Island and between November 3, 1992 and July 1,  
1993 the City of Portland shall disburse funds from this escrow  
52 account only to

2 pay the direct cost of municipal services provided by the City of  
Portland to the Long Island territory, which services must be  
4 maintained at their customary level. On July 1, 1993 the City of  
Portland shall disburse to the Town of Long Island the balance  
6 remaining in the escrow account.

## 8 PART B

10 **Sec. B-1. Duty to negotiate in good faith.** In anticipation of the  
creation of the Town of Long Island pursuant to this Act, the  
12 City of Portland and representatives of the Long Island  
territory, as described in Part A, section 1 of this Act, shall  
14 negotiate in good faith to reach a mutual determination of:

16 1. The just and due proportion of debts of the City of  
Portland to be assumed by the Town of Long Island;

18 2. The just and due proportion of assets of the City of  
20 Portland to be received by the Town of Long Island; and

22 3. The allocation of other duties and responsibilities  
24 between the City of Portland and the Town of Long Island as the  
parties determine necessary.

26 **Sec. B-2. Agreement binding; binding arbitration.** Negotiations  
under section 1 of this Part must be completed by June 30, 1992.  
28 If the parties reach agreement by that date, the agreement must  
be reduced to writing and is final and binding on the City of  
30 Portland and the Town of Long Island upon incorporation of the  
Town of Long Island as of July 1, 1993 if the referendum question  
32 in Part A is approved.

34 If the parties do not reach agreement by June 30, 1992, the  
parties shall submit any matters remaining in dispute to a panel  
36 of arbitrators and shall reduce to writing all agreed-upon  
matters. The panel of arbitrators consists of one arbitrator  
38 selected by the City of Portland, one arbitrator selected by the  
representatives of the Long Island territory and one neutral  
40 arbitrator selected jointly by the 2 other arbitrators.  
Determination of disputed matters by the panel of arbitrators is  
42 final and binding on the parties. The arbitration must be  
administered under the auspices of the American Arbitration  
44 Association and except for the selection of arbitrators is  
governed by the rules and procedures of the American Arbitration  
46 Association.

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## STATEMENT OF FACT

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6 Part A of this bill authorizes the incorporation of the Town  
of Long Island if the legal residents of Long Island and certain  
8 other islands in Casco Bay approve, by referendum, separation  
from the City of Portland and incorporation as a separate town.

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Part B of this bill requires the City of Portland and  
representatives to negotiate matters of shared debts, assets and  
other duties and responsibilities in advance of the referendum  
election. If the parties fail to agree, the matters are subject  
to binding arbitration.