

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1190

S.P. 399

In Senate, February 11, 1999

**An Act to Allow Greenings Island to Secede from the Town of
Southwest Harbor.**

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock. (BY REQUEST).

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

2

PART A

4

6 **Sec. A-1. Separation and incorporation.** Notwithstanding the
7 provisions of the Maine Revised Statutes, Title 30-A, sections
8 2171 to 2173 and subject to referendum election as set forth in
9 section 2, the following territory now within the Town of
10 Southwest Harbor and the County of Hancock, together with the
11 inhabitants of that territory, is hereby separated from the Town
12 of Southwest Harbor and incorporated into a separate town by the
13 name of the Town of Greenings Island: the island in Southwest
14 Harbor identified as Greenings Island together with the
15 surrounding waters within 200' from the shoreline of Greenings
16 Island, excluding territory under the jurisdiction of another
17 municipality, on July 1, 2000. The island and surrounding waters
18 described in this section are referred to in this Part as "the
19 Greenings Island territory." The Town of Greenings Island
20 remains within Hancock County.

20

21 **Sec. A-2. Special referendum election.** This Part takes effect
22 90 days after adjournment of the First Regular Session of the
23 119th Legislature for the purpose of permitting its submission to
24 the voters of the Greenings Island territory at a special
25 referendum election to be held on November 2, 1999. Warrants
26 must be issued for this election notifying the qualified voters
27 to vote on the approval or rejection of this Act.

28

29 For the purposes of this special referendum election, all
30 persons resident and legally registered to vote within the
31 Greenings Island territory are eligible to vote on the question
32 with respect to the separation of that territory from the Town of
33 Southwest Harbor.

34

35 The town clerk of the Town of Southwest Harbor shall prepare
36 the required ballots on which the subject matter of this Part
37 must be reduced to the following question:

38

39 "Do you favor the separation of Greenings Island and the
40 surrounding waters within two-hundred feet (200') from the
41 shoreline of Greenings Island from the Town of Southwest
42 Harbor and its incorporation as a separate town?"

43

44 The voters shall indicate by an appropriate mark placed
45 against the word "Yes" or "No" their vote on this question.

46

47 The special referendum election must be conducted by the
48 town clerk of the Town of Southwest Harbor who shall declare the
49 result of the election. The town clerk's declaration of the
50 election results is final, subject to review by the Superior
51 Court for the County of Hancock. The results of the special
52 referendum election must be filed by the town clerk with the
53 Secretary of State.

54

2 **Sec. A-3. Effective date of separation.** If a majority of those
3 voting in the Greenings Island territory election approves the
4 question, this Part takes effect with respect to that territory
5 and that territory is separated from the Town of Southwest Harbor
6 and is incorporated as the Town of Greenings Island on July 1,
7 2000.

8 **Sec. A-4. Provision for first meeting.** If the voters of Greenings
9 Island territory approve the question, a justice of the peace or
10 notary public may issue a warrant to any legal voter in the Town
11 of Greenings Island directing that legal voter to notify the
12 municipal inhabitants of a public meeting to select municipal
13 officers and to transact municipal business to be held at a time
14 and place specified in the warrant. Notice to the municipal
15 inhabitants must be provided at least 7 days prior to the
16 meeting. Until July 1, 2000, municipal officers selected at the
17 meeting are vested with all of the powers and duties that other
18 duly elected municipal officers have, including the power to
19 raise, borrow and spend money.

20 **Sec. A-5. Form of government.** If the voters of Greenings
21 Island territory approve the question, the Town of Greenings
22 Island will be incorporated and separated from the Town of
23 Southwest Harbor on July 1, 2000 and shall adopt the town meeting
24 as its form of government.

25 The Town of Greenings Island may subsequently vote to change
26 its form of government without the necessity of a further act of
27 the Legislature.

28 **Sec. A-6. Allocation of debts and assets.** If the Town of
29 Greenings Island is incorporated and separated from the Town of
30 Southwest Harbor on July 1, 2000, the Town of Greenings Island
31 shall assume debts and assets of the Town of Southwest Harbor as
32 follows.

33 1. All tangible personal property owned by the Town of
34 Southwest Harbor and located within the Greenings Island
35 territory on the date of separation becomes the property of the
36 Town of Greenings Island on July 1, 2000, and the Town of
37 Southwest Harbor shall promptly deliver to the Town of Greenings
38 Island an appropriate quitclaim bill of sale for that property.

39 2. The Town of Southwest Harbor taxes that are due from
40 Greenings Island territory property owners as of July 1, 2000
41 will continue to be owed to the Town of Southwest Harbor after
42 separation. Tax liens on behalf of the Town of Southwest Harbor
43 attributable to those taxes remain valid.

44 3. No other tangible property or intangible property of the
45 Town of Southwest Harbor, including cash or bank accounts, is due
46 to the Town of Greenings Island.

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SUMMARY

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This bill authorizes the incorporation of Greenings Island if the legal residents of that territory approve, by referendum, separation from the Town of Southwest Harbor. This bill also clarifies the binding arbitration process.

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