

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1735

H.P. 1243

House of Representatives, January 3, 2006

An Act To Authorize Chebeague Island To Secede from the Town of Cumberland

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKENNEY of Cumberland.
Cosponsored by Senator DAMON of Hancock and
Representatives: BARSTOW of Gorham, McKANE of Newcastle, PERCY of Phippsburg,
PINGREE of North Haven, Senators: DOW of Lincoln, SAVAGE of Knox.

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

2 **Sec. 1. Separation and incorporation; Town of Chebeague Island.** The
3 residents of the following territory now within the Town of Cumberland and the County
4 of Cumberland having expressed their intent, in a special referendum election of the
5 voters of the territory of Chebeague Island lawfully conducted in accordance with the
6 Maine Revised Statutes, Title 30-A, section 2171-D on November 8, 2005, to be
7 separated from the Town of Cumberland and incorporated into a separate town by the
8 name of the Town of Chebeague Island, the Town of Chebeague Island is separated in
9 accordance with this Act. The Town of Chebeague Island, referred to in this Act as
10 "Town of Chebeague Island" or "the secession territory," consists of: all of Great
11 Chebeague Island and those other islands that lie, in whole or part, within the boundaries
12 of the Town of Cumberland except those islands lying northwest of a line running from
13 70 degrees, 10 minutes, 18 seconds West, 43 degrees, 43 minutes, 44 seconds North to 70
14 degrees, 9 minutes, 35 seconds West, 43 degrees, 44 minutes, 29 seconds North.

15 The islands of Bates, Hope, Jewell (easterly portion), Little Jewell, Ministerial, Sand,
16 Stave, Crow, Bangs, Stockman, West Brown Cow, Upper Green, Goose Nest, Rogues,
17 Broken Cove, Little Chebeague (easterly portion) and Great Chebeague are included in
18 the secession territory.

19 The Town of Chebeague Island remains within Cumberland County.

20 **Sec. 2. Report to Legislature.** The residents of the secession territory shall
21 submit the report required by the Maine Revised Statutes, Title 30-A, Section 2172,
22 including:

- 23 1. Attempts to resolve differences;
- 24 2. Distribution of tangible debts and liabilities;
- 25 3. Collection and disbursement of property taxes;
- 26 4. Provision of educational services, as more fully described in section 8 of this Act;
- 27 5. Waste management needs;
- 28 6. Transportation needs;
- 29 7. Information about the municipality;
- 30 8. Community support; and
- 31 9. Other issues.

32 **Sec. 3. Effective date of separation.** The secession territory is separated from
33 the Town of Cumberland and is incorporated as the Town of Chebeague Island July 1,
34 2007.

35 **Sec. 4. Provision for first meeting.** Within 30 days of the effective date of this
36 Act, a justice of the peace or notary public may issue a warrant to any legal voter in the
37 Town of Chebeague Island directing that legal voter to notify the municipal inhabitants of
38 a public meeting to select municipal officers and school board members and to transact
39 municipal business to be held at a time and place specified in the warrant. Notice to the

1 municipal inhabitants must be provided at least 7 days prior to the meeting. Effective July
2 1, 2007, municipal officers and school board members selected at the meeting are vested
3 with all of the powers and duties that other duly elected municipal officers and school
4 board members have, including the power to raise, borrow and spend money.

5 **Sec. 5. Form of government.** The Town of Chebeague Island shall adopt the
6 town meeting as its form of government.

7 This Act does not prevent the Town of Chebeague Island from voting to change its
8 form of government without a further act of the Legislature.

9 **Sec. 6. Education needs.** Upon the date of its secession from the Town of
10 Cumberland and incorporation as the Town of Chebeague Island, the Town of Chebeague
11 Island becomes a municipal school unit as defined in the Maine Revised Statutes, Title
12 20-A, section 1, subsection 19. No further referenda, legislation or dispensations by the
13 State, or any of its officers, departments or agencies is required of the Town of
14 Chebeague Island prior to its undertaking the education of its school-age children.

15 1. The Town of Chebeague Island shall start providing educational services in the
16 manner described in its report to the Legislature pursuant to section 4 upon the date of its
17 secession from the Town of Cumberland and incorporation as the Town of Chebeague
18 Island.

19 2. The requirements of Title 20-A regarding the provision of public education to
20 students, including, but not limited to, matters of curriculum, instruction, transportation,
21 mainland student transition, attendance, student eligibility for enrollment, student records,
22 audits, employee and applicant records, standards and assessment of student performance,
23 health, nutrition and safety, immunization, school lunch programs, special education,
24 school finances, gifted and talented students, career and technical education and adult and
25 vocational education are all applicable to the educational services provided by the Town
26 of Chebeague Island.

27 3. The Town of Chebeague Island's education plan must provide for the transition of
28 administration and governance of the Chebeague Island School to the properly elected
29 Chebeague Island School Committee.

30 4. This Act may not be construed to prevent the Chebeague Island School Committee
31 from making changes to the provision of educational services and the education plan in
32 accordance with the school committee's powers and duties pursuant to Title 20-A.

33 **Sec. 7. Hold harmless provision.** The municipal officers, municipal officials and
34 residents of the Town of Cumberland; the directors and member municipalities of Maine
35 School Administrative District 51; the representatives of the secession territory; the
36 municipal officers, municipal officials and residents of the Town of Chebeague Island;
37 and all their agents are immune from liability for any action taken as a result of this Act.

38 **SUMMARY**

39 This bill authorizes the separation of Chebeague Island and certain surrounding
40 islands from the Town of Cumberland and their incorporation into the Town of
41 Chebeague Island.