

Chapter 2

ADMINISTRATION

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ARTICLE I. IN GENERAL

Sec. 2-1. Authority

The Town of Long Island was created and acts under the authority of the 115th Maine Legislature, Chapter 100 of the Private and Special Laws of Maine, 1991. “An Act to Allow the Separation of Certain Islands in Casco Bay from the City of Portland” was signed by Governor John McKernan on April 3, 1992, voted favorably by the citizens of the Long Island territory on November 3, 1992, and officially incorporated on July 1, 1993.

There have been two (2) amendments approved to the original Act by the 116th Maine Legislature: “An Act to Clarify the Duties of Municipal Officials of the New Town of Long Island” and “An Act to Correct the Boundary Description of the Town of Long Island.”

Sec. 2-2. Town seal.

The design set forth below shall be the device of the town seal; designed by Rhonda Britton and adopted by “popular” vote at town meeting of May 22, 1993.

State law reference – Municipal authority to adopt a seal, 30 M.R.S.A. § 1902.

Sec. 2-3. Form of government.

The Town of Long Island shall operate under an open town meeting/3 selectmen form of government and except as noted follow the provisions outlined in 30-A M.R.S.A. §§2521 to 2526/

Sec. 2-4. Town officials and terms.

The town shall, at annual meeting, elect the following town officials by ballot:

- A. Moderator;
- B. Selectmen, three (3) year term, staggered; first annual meeting to elect for three year term will elect selectmen for 3.2, and 1 year terms by respective order of election;
- C. School committee, three (3) year term, staggered; first annual meeting to elect for three year term will elect school committee members for 3.2, and 1 year terms by respective order of election.

Sec. 2-5. Other town offices.

The Selectmen shall appoint the following for three year terms:

- | | |
|---|---------------------------------|
| A. Town Clerk | B. Tax Collector |
| C. Treasurer | D. Appeals Board |
| E. Fire Chief | F. Animal Control Officer |
| G. Code Enforcement Officer:
Shoreland Zoning
Land Use Regulation
Building Inspector
Electrical Inspector | H. Emergency Preparedness Agent |
| I. Local Health Officer | J. Fair Hearing Authority |
| K. Social Services Administrator | L. Planning Board |
| M. Harbormaster | N. Assessment Review Board |

ARTICLE II. FUNDS DUE TO TOWN

Sec. 2-6. Purpose.

The purpose of this article is to ensure the payment of funds due the town by requiring that persons who owe money to the town pay their just debts before undertaking any new activity involving the town.

Sec. 2-6a. Definitions.

[For purposes of this article the following definitions shall apply unless the context clearly implies otherwise:]

Indebtedness shall mean and include all amounts determined by the tax collector or town clerk to be then due and payable to the town (1) by the payor, (2) by the person in whose name the license or permit was applied for, or (3) by any other person for which such person is financially responsible, and shall include without limitation amounts assessed as taxes upon real or personal property, amounts previously paid by check or credit and subsequently dishonored or disputed, delinquent fees, liens, and charges, and all claims for money, whether liquidated or unliquidated.

Person shall mean any natural individual, firm, trust, partnership, association or partnership (hereinafter “entity”), and any other person operating as an alter ego of such entity or for whose debts such entity may be legally responsible.

Property shall mean and include any property, real or personal, within the town.

Sec. 2-7. Applicability.

The provisions of this article shall not apply to the following:

- (1) Debts subject to the jurisdiction of the bankruptcy court;
- (2) Debts which are in bona fide litigation in any court of competent jurisdiction;
- (3) Lease or contractual obligations requiring a different method of dispute resolution; provided, however, this article shall apply to delinquent amounts due on notes subject to foreclosure;
- (4) Payment for any permit where the code enforcement officer certifies that the work authorized thereunder is of an emergency nature to abate a substantial hazard to the public health, safety, or welfare;
- (5) Payments to the town as agent for the state or any other person; or
- (6) Amounts which the tax collector determines should be the subject of resolution by a court of law rather than through the mechanisms provided by this article.

Sec. 2-8. Debtor election.

No person who is indebted to the Town of Long Island in any amount, excepting social service emergency evacuation payments, may designate funds given to the town to be applied for any purpose other than payment of such indebtedness, unless such person first:

- (1) Pays the full amount of such indebtedness;
- (2) Gives a promissory note to pay the amount of such indebtedness on a schedule, and with interest, each of which shall be acceptable to the tax collector and there after complies fully with the terms thereof;
- (3) (4) Check this item p. 157 – Sec. 2-205-6

Sec. 2-9. Returned checks.

- (a) All payments made by check or charge shall be deemed provisional only, until such time as payment is finally made to the town.
- (b) Any person who delivers to the town any check which is not honored by the drawee bank shall be liable to the town for the amount of ten dollars or for the actual amount charged as a return check fee to the town by the bank, whichever is greater, as a returned check fee.

Sec. 2-10. Effect on license or permit.

Any license or permit issued in reliance upon a provisional payment shall be and remain Provisional until such time as payment is received by the town. If the full amount of the dishonored check and the charge specified in paragraph (b) of this section 2-9 are not paid within five (5) days of the licensee or permittee having knowledge of the dishonor of the check, such provisional license shall be deemed null and void as of the date of such notice or knowledge.

Sec. 2-11. Interest on debts and late payments of taxes.

Any person who fails to pay any fee or charge due the town pursuant to any section of this Code on or before the last date prescribed for payment shall be liable for interest on the fee or charge. The rate of interest shall be the maximum rate of interest established for that year by the state tax assessor for purposes of delinquent taxes and shall be calculated from the last date prescribed for payment. Envelopes postmarked on or before the date will be considered on time.

ARTICLE III. DISBURSEMENTS

Sec. 2-12. Disbursement Warrant Ordinance

- (1) Purpose.
The purpose of this ordinance is to provide an alternative to the

statutory procedure for approval of warrants authorizing the treasurer to disburse money.

(2) Authority.

This ordinance is enacted pursuant to 30-A M.R.S.A., Sec. 3001 (municipal home rule) and 5603(2)(A).

(3) Procedure for Approval.

The treasurer may disburse money only on the authority of a warrant drawn for the purpose, either (a) affirmatively voted and signed by a majority of the municipal officers at a duly called public meeting, (b) seen and signed by a majority of them acting individually and separately, or (c) signed as otherwise provided by law for the disbursement of employees' wages and benefits and payment of municipal education costs.