TOWN MEETING WARRANT
Saturday, May 12, 2012

To: Nancy H. Jordan, Citizen of the Town of Long Island, in the County of Cumberland, State of Maine.

Greetings… In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Long Island in said county and state, qualified by law to vote in Town affairs, to meet at the **Long Island Community Center** in said Town on Saturday, the 12th of May, A.D. 2012, at eight o'clock in the forenoon, then and there to act upon the **Articles 1 through 55:**

Article 1. To choose a moderator by written ballot to preside at said meeting.

Article 2. To elect by written ballot a Selectman to serve on the Board of Selectmen (those elected shall also serve as the assessors and overseers of the poor) for a term of three years, effective from 7/1/2012 to 06/30/2015.

Article 3. To elect by written ballot a School Committee member to serve on the School Committee for a term of three years, effective from 7/1/2012 to 06/30/2015.

Article 4. To see if the Town will vote to authorize the Board of Selectmen to make final determinations regarding the closing or opening of roads to winter maintenance pursuant to 23 M.R.S.A. {2953.

Article 5. To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to procure a loan or loans in anticipation of taxes, such loan or loans (principal and interest) to be repaid during the municipal year out of money raised from municipal year taxes.
The Finance Committee recommends a "YES" vote.

Article 6. To see if the Town will vote to authorize and direct the Board of Selectmen to screen and approve or appoint Sheriff's Deputies and/or Constables for the fiscal year 2012-2013.

Article 7. To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to enter into a contract with a waste hauler for solid waste hauling, for a period not to exceed three years.

Article 8. To see if the Town will vote that the Town tax is due on September 15, 2012 and is payable in two (2) installments on September 15, 2012 and March 15, 2013 and to set the interest rate to be charged for late payments 7% per year.
The Finance Committee recommends a "YES" vote.

Article 9. To see if the Town will vote to authorize the Tax Collector to accept tax money in advance of receiving the tax commitment from the assessors. The Town will pay no interest on these advance payments.
The Finance Committee recommends a "YES" vote.

Article 10. To see if the Town will vote to authorize the Board of Selectmen and the School Committee to accept, on behalf of the Town: gifts, donations and contributions in the form of money, personal services and materials. Said gifts will be for the benefit of the Town, its government including legal departments and public facilities thereof, for the purpose of aiding and enhancing the delivery of public services. Said gifts to be without conditions and not require the voters to raise additional maintenance monies.
The Finance Committee and School Committee recommend a "YES" vote.

Article 11. To see if the Town will authorize the Board of Selectmen and the School Committee, on behalf of the Town, to secure grants, funds and other available revenues from the state, federal and other agencies and sources and authorize the expenditure of said dedicated funds provided that such grants, funds and other revenues do not require expenditure of Town funds not previously appropriated.
The Finance Committee and School Committee recommend a "YES" vote.

Article 12. To see if the Town will vote to authorize the Selectmen to borrow or appropriate from un-appropriated surplus as they deem advisable to meet unanticipated expenses and emergencies that occur during fiscal year 2012-2013.
The Finance Committee recommends a "YES" vote.

Article 13. To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at 5% for the 2012-2013 fiscal year.

Article 14. To see what sum of money the Town will vote to raise and appropriate for compensation for Town Officers and/or Appointees.

The Finance Committee recommends:	
Selectmen (3 at $3,299)	$ 9,897
(Chair)	$ 2,030
Parklands/Beaches	$ 791
Wharves/Floats/Public Buildings	$ 3,000
Public Safety	$ 0
Solid Waste	$ 1,100
Rescue Boat	$ 2,500
Assessing/Map Updates	$ 1,071
Town Clerk	$11,824
Treasurer	$12,414
Tax Collector	$11,824
Office Assistant	$ 5,340
Admin. Assistant to Selectmen	$ 2,714
Town Hall Employee Benefits	$ 2,200
Road Commissioner	$ 2,112
Code Enforcement Officer	$10,277
Animal Control Officer	$ 1,025
Harbormaster	$ 1,025
Town Meeting Moderator	$ 100
Social Services Director	$ 256
Recreation Director	$ 4,100
Payroll Taxes	$ 7,935
Island Fellow Contribution	$ 8,000
Municipal Assistant	$ 0
Health Officer	$ 256
TOTAL	**$101,791**

Article 15. To see what sum of money the Town will vote to raise and appropriate for professional assistance.

The Finance Committee recommends:	
Town Accountant	$ 0
Town Annual Audit	$ 8,000
Town Counsel/FEMA Settlement	$41,000
Tax Assessor	$ 2,000
Additional Professional Assistance	$ 4,000
Lawn Mowing Contract	$ 8,500
LICLOC	$ 2,500
TOTAL	**$66,000**

Article 16. To see what sum of money the Town will vote to raise and appropriate for Town government administration.

The Finance Committee recommends:	
Town Government Administration	**$88,950**

Articles 17 through 27 Authorize Expenditures in Education Cost Center Categories.

Article 17. To see what sum the Town of Long Island will authorize the School Committee to expend for **REGULAR INSTRUCTION.**
School and Finance Committees Recommend $306,430

Article 18. To see what sum the Town of Long Island will authorize the School Committee to expend for **SPECIAL EDUCATION.**
School and Finance Committees Recommend $31,155

Article 19. To see what sum the Town of Long Island will authorize the School Committee to expend for **TECHNICAL EDUCATION.**
School and Finance Committees Recommend $0

Article 20. To see what sum the Town of Long Island will authorize the School Committee to expend for **OTHER INSTRUCTION.**
School and Finance Committees Recommend $0

Article 21. To see what sum the Town of Long Island will authorize the School Committee to expend for **STUDENT AND STAFF SUPPORT.**
School and Finance Committees Recommend $2,700

Article 22. To see what sum the Town of Long Island will authorize the School Committee to expend for **SYSTEM ADMINISTRATION.**
School and Finance Committees Recommend $27,500

Article 23. To see what sum the Town of Long Island will authorize the School Committee to expend for **SCHOOL ADMINISTRATION.**
School and Finance Committees Recommend $15,661

Article 24. To see what sum the Town of Long Island will authorize the School Committee to expend for **TRANSPORTATION AND BUSES.**
School and Finance Committees Recommend $33,600

Article 25. To see what sum the Town of Long Island will authorize the School Committee to expend for **FACILITIES MAINTENANCE.**
School and Finance Committees Recommend $34,068

Article 26. To see what sum the Town of Long Island will authorize the School Committee to expend for **DEBT SERVICE.**
School and Finance Committees Recommend $0

Article 27. To see what sum the Town of Long Island will authorize the School Committee to expend for **ALL OTHER EXPENDITURES.**
School and Finance Committees Recommend $7,700

ARTICLES 28 AND 29 RAISE FUNDS FOR THE PROPOSED SCHOOL BUDGET

Article 28. To see what sum the Town of Long Island will appropriate for the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend **$359,758**) and to see what sum the Town of Long Island will raise as its contribution to the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services Act in accordance with Maine Revised Statues, Title 20-A, section 15688.
The School and Finance Committees Recommend $327,928.

Explanation: The Town's contribution to the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

ARTICLE 29 IS REQUIRED TO HAVE AN ACCURATE RECORDED HAND COUNT

Article 29. Shall the Town of Long Island raise and appropriate **$99,056** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **$91,714** as required to fund the budget recommended by the School Committee?

The School and Finance Committees recommend **$99,056** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **$91,714**: EPS does not fully support all the necessary costs of a K-12 educational program, such as:
(1) Special Education cost (2) transportation and bus costs and (3) escalating fuel and electricity costs.

Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Program and Services Funding Act that will help achieve Long Island's budget for educational programs.

ARTICLE 30 SUMMARIZES THE PROPOSED SCHOOL BUDGET

Article 30. Shall the Town authorize the School Committee to expend **$458,814** for the fiscal year beginning July 1, 2011 and ending June 30, 2012 from the Town's contribution to the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools?
The School and Finance Committees Recommend $458,814.

*Explanation: This is a summary article and approves expenditures of the proposed budget of **$458,814**. This article authorizes the School Committee to spend the money appropriated in the previous articles, plus other revenues. This article does not raise any additional money*

Article 31. To see what sum the Town will vote to raise and appropriate for the Long Island Community Library operating costs.

The Finance Committee recommends:	**$ 5,000**

Article 32. To see what sum of money the Town will vote to raise and appropriate for insurance.

The Finance Committee recommends:	
Insurance	**$ 24,240**

Article 33. To see what sum of money the Town will vote to raise and appropriate for Public Safety.

The Finance Committee recommends:	
Police	$ 29,785
Fire and EMS	$102,700
Rescue Boat	$ 5,750
Emergency Preparedness	$ 2,000
TOTAL	**$140,235**

Article 34. To see what sum of money the Town will vote to raise and appropriate for Public Works.

The Finance Committee recommends:	
Public Works	**$101,861**

Article 35. To see what sum of money the Town will vote to raise and appropriate for Solid Waste.

The Finance Committee recommends:	
Solid Waste	**$ 91,472**

Article 36. To see what sum of money the Town will vote to raise and appropriate for Social Services.

The Finance Committee recommends:	
Social Services	**$ 2,500**

Article 37. To see what sum of money the Town will vote to raise and appropriate for the Recreation Committee, including Community Center operation.

The Finance Committee recommends:	**$ 23,549**

Article 38. To see what sum of money the Town will vote to raise and appropriate for the Cemetery operations.

The Finance Committee recommends:	**$ 6,960**

Article 39. To see what sum of money the Town will vote to raise and appropriate for Capital Debt Service.

The Finance Committee recommends:	
Capital Debt Service	**$ 52,308**

Article 40. To see if the Town will vote to appropriate, for the fiscal year beginning 1-July-2012 and ending 30-June-2013, all revenues, grants, fees and designated surplus, for the purpose of reducing 2012-2013 tax commitment.

The Finance Committee recommends:	
Revenues, Fees & Grants	**$140,570**
Audited 10-11 Government Surplus	**$ 70,568**

Article 41. To see what sum of money the Town will vote to raise and transfer to the Minimum Balance Set Aside with the condition that it be used to maintain the mil rate established at Town Meeting.

The Finance Committee recommends:	**$ 9,000**

Article 42. To see what sum of money the Town will vote to raise and appropriate for Social Service Referrals.

The Finance Committee recommends:	
Social Service Referrals	**$ 0**

Article 43. To see if the Town will vote to authorize 2011-2012 CIP Surplus to be transferred to CIP Reserve Fund.

The Finance Committee recommends a "YES" vote.

Article 44. To see what sum of money the Town will vote to transfer from the CIP Reserve Fund and appropriate for 2012-2013 Capital Improvement Projects.

The Finance Committee recommends:	**$ 0**

Article 45. To see what sum of money the Town will vote to raise and appropriate for the Capital Improvement Project Reserve Fund.

The Finance Committee recommends:	**$ 0**

Article 46. To see what sum the Town will vote to raise and appropriate for capital spending.

The Finance Committee recommends:	**$ 16,000**

Article 47. To see what sum the Town will vote to raise and appropriate for a Snow Plowing Reserve that can be used for snow plowing in FY 2013 should the FY2013 snowfall exceed 72". Any funds remaining in the reserve after the winter of 2013, will remain in the reserve.

The Finance Committee recommends:	**$ 0**

Article 48. To see what sum the Town will vote to raise and appropriate for the Harbor Master Boat Reserve.

The Finance Committee recommends:	**$ 1,000**

Article 49. To see what sum the Town will vote to raise and appropriate for the Teacher Deferred Compensation Fund.

The School Committee and Finance Committee Recommend:	**$ 1,500**

Article 50. Shall the Town vote to a) approve a Town Hall Roof project at a cost not to exceed $15,000; b) appropriate a sum not to exceed $15,000 to meet the cost; c) and fund the said appropriation by authorizing the Treasurer and Chairman of the Board of Selectmen to issue general obligation securities of the Town of Long Island, Maine (including temporary notes in anticipation of the sale thereof), in an aggregate principal amount not to exceed $15,000, and the discretion to fix the date(s), maturity(ies), calls for redemption, place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Long Island, and to provide for the sale thereof, is hereby delegated to the Treasurer and Chairman of the Board of Selectmen.
The Finance Committee recommends a "YES" vote.

FINANCIAL STATEMENT
Estimated 03/31/12

1. Total indebtedness:
   A. Bonds outstanding and unpaid:

1. Cumberland County	$ 5,281
2. Roads 2010	$ 3,333
3. FEMA and Fire Truck	$80,000
4. Town Hall Renovations and Garage roof	$18,533
5. Trash Compactor, School Office, Wave Break	$41,250

   B. Bonds to be issued if this Article Is approved: $15,000

2. Costs:
At an estimated maximum interest rate of 3.6% for 3 year maturity, the estimated costs of this bond issue will be:

Principal	$15,000
Interest	$ 3,000
Total New Debt Service	$18,000

3. Validity:
The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bonds issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/Nancy H. Jordan
Nancy H. Jordan - Treasurer

Article 51. Shall the Town vote to a) approve a Learning Center Floor Project at a cost not to exceed $6000; b) appropriate a sum not to exceed $6000 to meet the cost; c) and fund the said appropriation by authorizing the Treasurer and Chairman of the Board of Selectmen to issue general obligation securities of the Town of Long Island, Maine (including temporary notes in anticipation of the sale thereof), in an aggregate principal amount not to exceed $6,000, and the discretion to fix the date(s), maturity(ies), calls for redemption, place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Long Island, and to provide for the sale thereof, is hereby delegated to the Treasurer and Chairman of the Board of Selectmen.
The Finance Committee recommends a 'YES' vote.

FINANCIAL STATEMENT
Estimated 03/31/12

1. Total indebtedness:
   A. Bonds outstanding and unpaid:
      1. Cumberland County $ 5,281
      2. Roads 2010 $ 3,333
      3. FEMA and Fire Truck $80,000
      4. Town Hall Renovations and Garage roof $18,533
      5. Trash Compactor, School Office, Wave Break $41,250

   B. Bonds to be issued if this Article Is approved: $ 6,000

2. Costs:
At an estimated maximum interest rate of 3.6% for 3 year maturity, the estimated costs of this bond issue will be:

Principal	$ 6,000
Interest	$ 1,000
Total New Debt Service	$ 7,000

3. Validity:
The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bonds issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/Nancy H. Jordan
Nancy H. Jordan - Treasurer

Article 52. Shall the Town vote to a) approve a School Bus Purchase Project at a cost not to exceed $40000; b) appropriate a sum not to exceed $40000 to meet the cost; c) and fund the said appropriation by authorizing the Treasurer and Chairman of the Board of Selectmen to issue general obligation securities of the Town of Long Island, Maine (including temporary notes in anticipation of the sale thereof), in an aggregate principal amount not to exceed $40,000, and the discretion to fix the date(s), maturity(ies), calls for redemption, place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Long Island, and to provide for the sale thereof, is hereby delegated to the Treasurer and Chairman of the Board of Selectmen.

FINANCIAL STATEMENT
Estimated 03/31/12

1. Total indebtedness:
   A. Bonds outstanding and unpaid:

1. Cumberland County	$ 5,281
2. Roads 2010	$ 3,333
3. FEMA and Fire Truck	$80,000
4. Town Hall Renovations and Garage roof	$18,533
5. Trash Compactor, School Office, Wave Break	$41,250

   B. Bonds to be issued if this Article Is approved: $40,000

2. Costs:

At an estimated maximum interest rate of 3.6% for 3 year maturity, the estimated costs of this bond issue will be:

Principal	$40,000
Interest	$ 4,800
Total New Debt Service	$44,800

3. Validity:

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bonds issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/Nancy H. Jordan
Nancy H. Jordan - Treasurer

Article 53. Shall an ordinance entitled "Chapter 18 – Taxes, Article 1 – Vehicle Excise Tax Exemption for Active Duty Military Personnel", be adopted?

Chapter 18 – Taxes
Article 1 – Vehicle Excise Tax Exemption for Active Duty Military Personnel

Section 1. Authority.
This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

Section 2. Excise tax exemption; qualifications.
Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. § 814(1)(A).

For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

Section 3. Effective date; duration.
This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

Article 54. Shall an ordinance entitled "Chapter 10-A Consumer Fireworks Ordinance", be adopted?
Note: This article considers banning the sale and use of consumer fireworks.

Chapter 10-A
Consumer Fireworks Ordinance

Section 1. Purpose
The purpose of this Ordinance is to prohibit the use and sale of consumer fireworks to ensure the safety of the residents and property owners of the Town of Long Island and of the general public.

Section 2. Authority
This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S. § 3001, and the provisions of 8 M.R.S. § 223-A.

Section 3. Definitions
The following words, terms and phrases, when used in this Ordinance, shall have the same meanings ascribed to them as in 8 M.R.S. § 221-A, as may be amended from time to time, except where the context clearly indicates a different meaning:

Consumer Fireworks. "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

A. Missile-type rockets, as defined by the State Fire Marshal by rule;

B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and

C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams

of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Note: The products listed above in subsections A, B, and C are illegal to sell, use or possess in Maine except by State licensed pyrotechnicians as part of a permitted fireworks display.

4. **Fireworks.** "Fireworks" means any:

A. Combustible or explosive composition or substance;

B. Combination of explosive compositions or substances;

C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;

D. Fireworks containing any explosive or flammable compound; or

E. Tablets or other device containing any explosive substance or flammable compound.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

Section 4. Use of Consumer Fireworks Prohibited

No person shall use, display, fire, or cause to be exploded consumer fireworks within the Town of Long Island.*

Section 5. Sale of Consumer Fireworks Prohibited

No person shall sell or offer for sale consumer fireworks within the Town of Long Island.*

Section 6. Violation and Enforcement

(a) **Penalty for use violation.** Any person who uses consumer fireworks in violation of the provisions of this Ordinance shall commit a civil violation punishable by a penalty of two hundred dollars ($200.00) plus attorney's fees and costs, to be recovered by the Town of Long Island for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

(b) **Penalty for sale violation.** Any person who sells consumer fireworks in violation of the provisions of this Ordinance shall commit a civil violation punishable by a penalty of one thousand dollars ($1,000.00) plus attorney's fees and costs, to be recovered by the Town of Long Island for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

(c) **Injunction.** In addition to any other remedies available at law or equity, the Town of Long Island, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

(d) **Seizure & disposal of consumer fireworks**. The Town may seize consumer fireworks that the Town has probable cause to believe are used in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

Section 7. Exception

This Ordinance does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S. § 227-A. Display has the same meaning as in 8 M.R.S. § 221-A(3).

Section 8. Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Section 9. Effective Date

This Ordinance shall become immediately effective upon approval at Town Meeting.

**Note: State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, which are small fireworks as defined under state law. See 8 M.R.S. §§ 221-A, 223. By prohibiting the sale and use of consumer fireworks, the Town is effectively prohibiting the sale and use of all fireworks in the Town of Long Island.*

Article 55. Shall an ordinance entitled "Chapter 10-A Consumer Fireworks Ordinance", be adopted?
Note: This article considers allowing use with permit and banning sale of consumer fireworks.

Chapter 10-A
Consumer Fireworks Ordinance

Section 1. Purpose

The purpose of this Ordinance is to prohibit the sale and restrict the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Long Island and of the general public.

Section 2. Authority

This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S. § 3001, and the provisions of 8 M.R.S. § 223-A.

Section 3. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the same meanings ascribed to them as in 8 M.R.S. § 221-A, as may be amended from time to time, except where the context clearly indicates a different meaning:

Consumer Fireworks. "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

A. Missile-type rockets, as defined by the State Fire Marshal by rule;

B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and

C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Note: The products listed above in subsections A, B, and C are illegal to sell, use or possess in Maine except by State licensed pyrotechnicians as part of a permitted fireworks display.

4. Fireworks. "Fireworks" means any:

A. Combustible or explosive composition or substance;

B. Combination of explosive compositions or substances;

C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;

D. Fireworks containing any explosive or flammable compound; or

E. Tablets or other device containing any explosive substance or flammable compound.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

Section 4. Sale of Consumer Fireworks Prohibited

No person shall sell or offer for sale consumer fireworks within the Town of Long Island.*

Section 5. Consumer Fireworks Use Permit Required

A person must first obtain a consumer fireworks use permit from the Town of Long before using consumer fireworks. An application for a permit must be filed with the Town at least five (5) days before the proposed date of use and include, at a minimum, the name and address of the applicant, date of application, date of proposed use, hours and duration of use, location of use, written permission of landowner if location is not on land owned by applicant or the Town, and signature of applicant. No permit may be issued to an applicant who is less than 21 years of age.

The Town may issue a permit if it is found that the use meets the following requirements and will not create a fire danger, a danger to the persons at the location of the anticipated use, or a danger or nuisance to the general public.

(a) The Town assumes no liability for injuries that result from the use of consumer fireworks regardless of the status of a permit.

(b) A permit only may be issued for the following days and during the following times:

i. July 3rd, beginning at 9:00 a.m. and ending at 10:00 p.m.;

ii. July 4th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;

iii. December 31st, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;

iv. January 1st, beginning at 9:00 a.m. and ending at 10:00 p.m.

(c) A permit only may be issued to use consumer fireworks at the following locations:

i. South Beach;

ii. Front Beach;

iii. Boston Sand and Gravel, also known as Long Island Land;

iv. Cleaves Landing and Beach; and

v. East End Beach.

A map or plan depicting these specific areas will be maintained and posted at the Town Office.

Section 6. Acts Prohibited by State Law

Pursuant to 8 M.R.S. § 223-A, as may be amended from time to time, a person may not knowingly procure, or in any way aid or assist in procuring, furnish, give, sell or deliver consumer fireworks for or to a person under 21 years of age; or allow a person under 21 years of age under that person's control or in a place under that person's control to possess or use consumer fireworks. A person under 21 years of age may not purchase, use or possess consumer fireworks within the State or present to a person licensed to sell consumer fireworks any evidence of age that is false, fraudulent or not actually the person's own for the purpose of purchasing consumer fireworks.

Section 7. Violation and Enforcement

(a) **Penalty for sale violation.** Any person who sells consumer fireworks in violation of the

provisions of this Ordinance shall commit a civil violation punishable by a penalty of one thousand dollars ($1,000.00) plus attorney's fees and costs, to be recovered by the Town of Long Island for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

(b) **Penalty for use violation.** Any person who uses consumer fireworks in violation of the provisions of this Ordinance shall commit a civil violation punishable by a penalty of two hundred dollars ($200.00) plus attorney's fees and costs, to be recovered by the Town of Long Island for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

(c) **Injunction.** In addition to any other remedies available at law or equity, the Town of Long Island, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

(d) **Seizure & disposal of consumer fireworks**. The Town may seize consumer fireworks that the Town has probable cause to believe are used in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

Section 8. Exception

This Ordinance does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S. § 227-A. Display has the same meaning as in 8 M.R.S. § 221-A(3).

Section 9. Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Section 10. Effective Date

This Ordinance shall become immediately effective upon approval at Town Meeting.

**Note: State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, which are small fireworks devices as defined under state law. See 8 M.R.S. §§ 221-A, 223. By prohibiting the sale of consumer fireworks, the Town is effectively prohibiting the sale of all fireworks in the Town of Long Island.*

Given under our hands this 3rd day of May, Two Thousand and Twelve, A.D.

Thomas S. Hohn III **s/Thomas S. Hohn**

Samuel S. Whitener **s/Samuel S. Whitener**

John S. Norton **s/John S. Norton**

Selectmen of Long Island

A True Copy Attested of the Town of Long Islands' Town Meeting Warrant for the May 12, 2012 Annual Meeting:

s/ Brenda L. Singo
Brenda L. Singo – Town Clerk