

**TOWN OF CHEBEAGUE ISLAND, MAINE
ANNUAL TOWN MEETING WARRANT**

**TO: Mr. John Wilson, a resident of the Town of Chebeague Island, in the
County of Cumberland and State of Maine,**

GREETING:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Chebeague Island in the County of Cumberland, State of Maine, qualified by law to vote in town affairs, to meet at the Chebeague Island Hall Community Center, 247 South Road, Chebeague Island, Maine on Saturday, the 8th day of June, 2013 at 9 o'clock in the morning, then and there to act upon the following Articles:

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

Article 2: To see if the Town will approve opening the floor of this Town Meeting to all non-registered persons for the purpose of discussion only on each of the following articles of this 2013 Warrant.

Explanation: This article must be passed by a 2/3 majority of those present in the hall.

MUNICIPAL ORDINANCE ARTICLES

Article 3: To see if the Town will create a new article of the Town of Chebeague Island Code of Ordinances and enact an ordinance entitled Shellfish Conservation Ordinance (Exhibit A) as Article II of Chapter 18 and to repeal Section A-10 and Appendix B of the Coastal Waters Ordinance.

Explanation: This ordinance separates the Shellfish Conservation Ordinance from the Coastal Waters Ordinance. It also changes the senior citizen age from 62 to 65. The ordinance clarifies that any recreational license holder may take multiple guests clamming but can only dig one peck per license per tide and the group can only use one clam hoe between them. Any resident licensee who wants his/her group to use two clam hoes can buy a two-hoe license at an additional cost. All senior resident licenses will continue to be offered at a reduced rate (currently, these licenses are free) for the holder and guests if the group uses only one hoe. Senior resident license holders may also buy a two-hoe license. According to the ordinance the selectmen will set the fees in the late fall. The licensing section of this ordinance will take effect on January 1, 2014.

Example: Resident recreational licenses cost "X". Under this ordinance that license would allow the holder and guests to dig one peck of clams per tide with one hoe. An additional charge of "Y" would allow the group to use two hoes. A senior resident license holder would only pay "Y" to be able to have the group use two hoes.

Article 4: To see if the Town will create a new article of the Town of Chebeague Island Code of Ordinances and enact an ordinance entitled Cemetery Ordinance (Exhibit B) as Article VII of Chapter 11.

Explanation: The Cemetery Committee is the last of the standing committees that has no governing ordinance. The Cemetery Committee has developed an ordinance to accomplish the following: officially form the committee, create the position of Superintendent, enable rules and regulations and address some funding mechanisms.

EDUCATION BUDGET ARTICLES

ARTICLE 5: THROUGH ARTICLE 15: AUTHORIZE EXPENDITURES IN EDUCATION COST CENTER CATEGORIES

Article 5: Shall the Town Authorize the School Committee to expend **\$340,282** for Regular Instruction?

Article 6: Shall the Town Authorize the School Committee to expend **\$37,430** for Special Education?

Article 7: Shall the Town Authorize the School Committee to expend **\$0** for Career and Technical Ed?

Article 8: Shall the Town Authorize the School Committee to expend **\$0** for Other Instruction?

Article 9: Shall the Town Authorize the School Committee to expend **\$15,600** for Student and Staff Support?

Article 10: Shall the Town Authorize the School Committee to expend **\$49,535** for System Administration?

Article 11: Shall the Town Authorize the School Committee to expend **\$34,888** School Administration?

Article 12: Shall the Town Authorize the School Committee to expend **\$87,387** for Transportation and Buses?

Article 13: Shall the Town Authorize the School Committee to expend **\$88,776** for Facilities Maintenance?

Article 14: Shall the Town Authorize the School Committee to expend **\$220,228** for Debt Service?

Article 15: Shall the Town Authorize the School Committee to expend **\$30,255** for all Other Expenditures?

ARTICLE 16: THROUGH ARTICLE 17: RAISE FUNDS FOR THE PROPOSED SCHOOL BUDGET

Article 16: Shall the Town appropriate \$648,590. for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and shall the Town raise \$530,822. as the Town's contribution to the total cost of funding public education Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with Maine Revised Statutes, Title 20-A, section 15688?

Explanation: The Town's contribution to the total cost of funding public education from Pre-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 17: Shall the Town raise and appropriate \$168,758. in additional local funds, which exceeds the State's Essential Programs and Services funding model by \$158,522. as required to fund the budget recommended by the School Committee?

Article 17 is required to be voted by written ballot.

The School Committee recommends \$168,758. for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$158,522.: EPS does not fully support all the necessary costs of a Pre-k12 educational program, such as:

(1) Special Education cost (2) ferry transportation and bus costs, (3) staff benefits, including health insurance, FICA, Medicare, unemployment benefits, workers comp; and (4) 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 Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town budget for educational programs.

ARTICLE 18: SUMMARIZES THE PROPOSED SCHOOL BUDGET

Article 18: Shall the Town authorize the School Committee to expend **\$904,381**, for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the Town’s contribution to the total cost of funding public education from Pre-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?

*Explanation: This is a summary article and approves expenditures of the proposed budget of **\$904,381**. 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.*

ADDITIONAL SCHOOL RELATED ARTICLES

Article 19: Shall the School Committee be authorized to spend through the Chebeague Island School private enterprise checking account unanticipated gifts or donations of money in accordance with their policies in the best interests of the school system?

Article 20: Shall the Town authorize the School Committee to expend any state, federal and other grants, aid and receipts during the fiscal year beginning July 1, 2013 and ending June 30, 2014 for school purposes provided that such grants, aid, and receipts do not require expenditure of local funds not previously appropriated?

Explanation: This article has no relation to previously voted articles pertaining to the general operating budget’s expenditures and revenues. The question authorizes the School Board to expend any other related receipts such as state and federal grants to assist in the operation of Chebeague Island School. Example would be Special Education services (Local Entitlement).

Article 21: Shall the Town vote to appropriate the following Revenues, Balances Carried and Fund Transfers, to cover the expenditures appropriated in the previous articles with the remaining funding required to be raised by taxation.

School Undesignated Fund Balance	87,033.
General Purpose Aid	<u>117,768.</u>
Total	204,801.

The Explanation for Article 21 is on the following page:

Explanation: This article identifies and summarizes the various revenue sources to be appropriated for school purposes. The School Undesignated Fund Balance, held by the Town, identifies a transfer to lower the tax rate. General Purpose Aid is received from the State of Maine to be used for school purposes and has been reduced.

MUNICIPAL BUDGET ARTICLES

Article 22: To see what sum the Town will raise and appropriate for Administration and Selectmen Accounts (1300).

Board of Selectmen recommends: \$ 176,850

Explanation: 6.6% (\$10,988) increase from FY13 budget. This change is primarily due to increased wages.

Article 23: To see what sum the Town will raise and appropriate for Assessor (1400).

Board of Selectmen recommends: \$ 12,200

Explanation: 6.1% (\$700) increase from FY13 budget. This change is a result of increased use of the Registry of Deeds and updates to tax maps.

Article 24: To see what sum the Town will raise and appropriate for Elections/Voter Registration (1650).

Board of Selectmen recommends: \$ 3,800

Explanation: No change from FY13 budget.

Article 25: To see what sum the Town will raise and appropriate for Planning. (1700)

Board of Selectmen recommends: \$ 2,350

Explanation: No change from FY13 budget.

Article 26: To see what sum the Town will raise and appropriate for Legal Services (1900).

Board of Selectmen recommends: \$ 8,000

Explanation: No change from FY13 budget.

Article 27: To see what sum the Town will raise and appropriate for Law Enforcement Services (2100).

Board of Selectmen recommends: \$ 36,215

Explanation: 5.3% (\$1,837) increase from FY13 budget. This change is a result of an increased contract price.

Article 28: To see what sum the Town will raise and appropriate for Fire and Rescue Department (2200).

Board of Selectmen recommends: \$ 89,325

Explanation: 9.2% (\$9,100) decrease from FY13 budget. This change is primarily due to the transfer of defibrillator payments from this department to the Debt Service department (6900) and a reduction in budgeted wages.

Article 29: To see what sum the Town will raise and appropriate for Code Enforcement (2400).

Board of Selectmen recommends: \$ 19,480

Explanation: 17.7% (\$2,930) increase from FY13 budget. This change is a result of a different accounting of combined overtime costs for the Harbormaster / Shellfish Warden and Code Enforcement positions.

Article 30: To see what sum the Town will raise and appropriate for Harbormaster and Shellfish Warden (2500).

Board of Selectmen recommends: \$ 36,610

Explanation: 3.7% (\$1,415) decrease from FY13 budget. This change is primarily due to a different accounting of combined overtime costs for the Harbormaster / Shellfish Warden and Code Enforcement positions and an increase in marine equipment costs.

Article 31: To see what sum the Town will raise and appropriate for Animal Control (2600).

Board of Selectmen recommends: \$ 4,000

Explanation: No change from FY13 budget.

Article 32: To see what sum the Town will raise and appropriate for Public Services (3100).

Board of Selectmen recommends: \$ 169,175

Explanation: 0.2% (\$415) decrease from FY13 budget. This change is a result of several shifts in spending within the department, generally from materials to wages and services, which result in a small net decrease.

Article 33: To see what sum the Town will raise and appropriate for Solid Waste (3200).

Board of Selectmen recommends: \$ 124,320

Explanation: 4.9% (\$6,409) decrease from FY13 budget. This change is primarily due to better estimating of hazardous waste and landfill costs.

Article 34: To see what sum the Town will raise and appropriate for Cousins Island & Blanchard Lot (4400).

Board of Selectmen recommends: \$ 16,145

Explanation: 4.0% (\$621) increase from FY13 budget. This change is a result of a scheduled increase.

Article 35: To see if the Town will create a new account entitled Contributions (4600), what sum it will raise and appropriate for the account and if it will authorize the Board of Selectmen to disburse the full amount.

Board of Selectmen recommends raising **\$106,750** and authorizing the Board of Selectmen to disburse the full amount according to this table:

Contribution Disbursement	Proposed 13-14 to be Raised	Notes
3150 Library	50,000	Same as last year
3164 VNA Home Health Hospice	750	Same as last year
3166 Island Council	6,000	2,000 additional for Clinic
3167 Recreation	50,000	Same as last year
TOTAL	106,750	

Explanation: 1.9% (\$2,000) increase from FY13 budget. If approved the Selectmen will disburse the appropriated funds to the appropriate entities.

Article 36: To see what sum the Town will raise and appropriate for General Assistance (5810).

Board of Selectmen recommends: \$1,200

Article 37: Explanation: No change from FY13 budget. To see what sum the Town will raise and appropriate for Health Services (5910).

Board of Selectmen recommends: \$2,100

Explanation: 30.0% (\$900) decrease from FY13 budget. This change is primarily due to the transfer of the VNA Home Health Hospice donation to the Contributions department (4600).

Article 38: To see what sum the Town will raise and appropriate for Cemetery (6200).

Board of Selectmen recommends: \$ 4,000

Explanation: 20.0% (\$1,000) decrease from FY13 budget. This change is a result of a \$1,000 transfer to a cemetery Capital Reserve department (9000).

Article 39: To see what sum the Town will raise and appropriate for Debt Service (6900).

Board of Selectmen recommends: \$ 569,644

Explanation: 0.4% (\$2,336) increase from FY13 budget. This amount includes principal and interest on the bonds, the lease of a backhoe and defibrillator, and the Deferred Debt Reserve Account.

Article 40: To see what sum the Town will raise and appropriate for Benefits & Insurance (7500).

Board of Selectmen recommends: \$ 121,836

Explanation: 13.6% (\$14,623) increase from FY13 budget. This change is primarily due to the impacts of increased wages and associated employee benefits, increased utilization of employee benefits, and increased insurance rates.

Article 41: To see what sum the Town will raise and appropriate for Street Lights (8100).

Board of Selectmen recommends: \$ 8,500

Explanation: 10.5% (\$1,000) decrease from FY13 budget. This change is a result of lower utility rates and better estimating of costs

Article 42: To see what sum the Town will raise, appropriate and authorize the Board of Selectmen to spend for unexpected expenses as they deem necessary for Contingency (8300).

Board of Selectmen recommends: \$ 21,000

Explanation: 27.6% (\$8,000) decrease from FY13 budget. This change is a result of a \$4,000 transfer of general assistance related costs to the Contributions department (4600), and a \$4,000 decrease in the anticipated need for contingency funds.

Article 43: To see what sum the Town will raise and appropriate for Tax paid to Cumberland (8800).

Board of Selectmen recommends: \$ 41,000

Explanation: 2.5% (\$1,000) increase from FY13 budget. As required in the law allowing Chebeague to secede from the Town of Cumberland, this article appropriates 50% of the property taxes committed to the Town of Chebeague Island from the Outer Islands.

Article 44: To see what sum the Town will raise and appropriate for County Tax (8900).

Board of Selectmen recommends: \$ 125,235

Explanation: 7.0% (\$8,235) increase from FY13 budget.

Article 45: To see if the Town will authorize the Board of Selectmen, upon a majority vote of the full Board of Selectmen, to exceed by no more than 10% annually, the amount authorized for each account approved in Article 22: through Article 44: above, so long as the overall amount spent for the sum total of those articles does not exceed the total appropriation approved for those articles.

Article 46: To see if the Town will transfer the remaining balance in the Hydroseeder reserve account (9000-9056) into the Easements & Drainage reserve account (9000-9058) and to remove the Hydroseeder account from the Chart of Accounts.

Explanation: The Hydroseeder reserve account (9000-9056) has less than \$200 dollars in it and the Town does not intend to purchase a hydroseeder.

Article 47: To see what sum the Town will raise and appropriate for Capital Improvements (9000), and to see what sum the Town will authorize the Board of Selectmen to spend from the capital reserves in fiscal year 2013-2014.

Board of Selectmen recommends raising **\$297,500** and authorizing the Board of Selectmen to spend **\$466,528** for fiscal year 2013-2014 utilizing current & previously budgeted reserve accounts.

Explanation: The table below shows the sum recommended by the Board of Selectmen for each capital account:

Capital Account	Approximate Current Balance	Proposed FY14 to be Raised	Proposed FY14 Expenditures	Estimated Balance 7/01/14
9010 Dredging	119,092	40,000	100,000	59,092
9012 Fire Ponds	6,112	0	2,000	4,112
9015 Wharf Reserve	78,848	50,000	128,848	0
9016 Barge Ramps	10,045	0	0	10,045
9020 Floats & Gangways	44,959	0	20,000	24,959
9025 Fire Truck Reserve	49,592	20,000	0	69,592
9030 Facilities	10,919	0	0	10,919
9035 Vehicle Reserve	17,538	0	0	17,538
9040 Grant Matching Reserves	21,680	0	21,680	0
9042 Paper Streets	7,001	3,000	9,000	1,001
9045 Revaluation Reserve	49,969	0	15,000	34,969
9050 Paving	11,770	150,000	150,000	11,770
9055 Public Services Equipment	102,297	21,000	0	123,297
9057 Recycling Compactor	5,003	0	0	5,003
9058 Easements & Drainage	12,619	0	5,000	7,619
9060 Harbormaster Vessel	2,627	0	2,500	127
9070 Coastal Access Fund	10,506	0	5,000	5,506
9192 Rescue Vehicles and Equipment *	26,824	12,500	7,500	31,824
Cemetery Reserve		1,000		1,000
TOTAL	587,401	297,500	466,528	418,373

** The name of this account has been changed from the "New Ambulance Fund" to better reflect the intended use for rescue vehicles as well as rescue equipment.*

The explanation for Article 47 is continued on the next page:

Explanation: Planned appropriations to several reserve accounts have been deferred and are recorded in the Town's Capital Plan. They include:

Administration	9030	Facilities	\$1,500
	9042	Paper Streets	\$2,000
Marine	9016	Barge Ramps	\$1,000
	9020	Floats and Gangways	\$6,000
	9060	Harbormaster Vessel	\$3,000
Public Safety	9025	Fire Truck Reserve	\$10,000
	9012	Fire Pond Dredging	\$5,000
	9192	Rescue Vehicles and Equipment	\$5,000
Public Services	9055	Equipment	\$15,000
Total Deferred Reserve Appropriations			\$48,500

MUNICIPAL REVENUE BUDGET

Article 48: To see if the Town will authorize the Board of Selectmen to appropriate all funds raised for the overlay to fund any tax abatements and interest for fiscal year 2013-2014.

Explanation: This article allows the use of funds from the overlay (charged by the Assessor when the mill rate is set) to be used for any abatements (including any interest).

Article 49: To see what sum the Town will authorize the Board of Selectmen to appropriate from the undesignated surplus funds to reduce the tax burden for fiscal year 2013-2014.

Board of Selectmen recommends: **\$ 40,000**

Explanation: If this article is approved the total amount taken from the fund balance for fiscal year 2013-2014 is \$40,000 which leaves an estimated fund balance of approximately \$207,000 as of July 1, 2013. This is approximately 8.1% of the current operating budget and is within allowable limits (8%-15%) based on the current fund balance policy.

Article 50: To see what sum the Town will vote to take from receipts, sources and designations, to apply against Fiscal year 2013-2014 appropriations, and to accept any such funds from the State of Maine and the US Government as provided by the State Legislature or Federal Government for the Fiscal year 2013-2014.

Board of Selectmen recommend: \$ **433,357**

Explanation: The total revenues from receipts, sources and designations includes: \$204,801 (from Article 21) plus \$40,000 (from Article 49) and \$188,556 from the following table:

Revenue Account	Proposed Budget
302 AGENT FEE	2,500
303 EXCISE TAX	74,500
304 BOAT EXCISE TAX	6,000
305 INTEREST & PENALTIES	6,000
307 LIEN COST	800
311 HUNTING & FISHING LIC	50
312 MARRIAGE LICENSES	200
313 BIRTH CERTIFICATES	50
314 DEATH CERTIFICATES	100
315 CLERK LICENSES	50
316 SHELLFISH LICENSES	2,500
325 SUPPLEMENTAL TAX	50
327 HOMESTEAD STATE REIMB REV	7,000
328 VETERANS EXEMPTION REIMB	500
330 TREE GROWTH PENALTY	50
331 STATE REVENUE SHARING	20,306
334 SNOWMOBILE REGISTRATION	50
351 POLICE ISSUED FINES	2,500
364 GROWTH PERMITS	100
365 BOARD OF APPEALS	50
366 BUILDING PERMITS	8,000
367 ELECTRICAL PERMITS	1,000
368 PLUMBING PERMITS	2,000
369 OTHER PERMITS	1,000
390 INTEREST INCOME	1,000
380 INTEREST ON SAVINGS	50
401 DOG REVENUE	250
403 MOORING FEES	8,000
411 URBAN RURAL INIT PROGRAM	14,000
412 COLLECTED CEMETERY FEES	100
418 CHEB. ISLAND SOLID WASTE	18,000
500 RENTAL MOORING FEES	2,750
501 STONE WHARF PERMITS	5,000
502 TRANSIENT TIE-UP FEES	2,000
511 CTC ESCROW - BLANCHARD LOT	2,000
512 COPY FEE REVENUE	50
TOTAL	188,556

Article 51: To see if the Town will authorize the Board of Selectmen to accept gifts under the following conditions: That the Board place unanticipated gifts or donations of money in the Town of Chebeague Island private enterprise checking account and respect the wishes of the donor regarding use of donated funds or assets.

OTHER MUNICIPAL ARTICLES

Article 52: To see if the Town will authorize the Board of Selectmen to submit grant proposals to other governmental entities or private, non-profit foundations for funding for general administration or project-specific expenditures.

Article 53: To see if the Town will vote to authorize the municipal officers to make final determinations regarding the closing or opening of roads to winter maintenance pursuant to 23 M.R.S.A § 2953.

Article 54: To see if the Town will vote to set the date(s) that fiscal year 2013-2014 Real and Personal Taxes are due as September 30th, 2013 and March 31st, 2014 and to charge interest at the rate of 7.0% per annum for fiscal year 2013-2014 Real and Personal taxes paid after those dates.

Article 55: To see if the Town will vote to set the interest rates to be paid by the town on abated and overpaid taxes pursuant to 36M.R.S.A § 506-A at 3.0%.

Explanation: This rate must be equal to or no more than 4 percentage points lower than the rate set in the previous article.

Article 56: To see if the Town will vote to authorize the tax collector or treasurer to accept, without interest, prepayments of taxes not yet committed pursuant to 36 M.R.S.A § 506.

Explanation: This article is necessary to ensure that the bonds covering the treasurer and tax collector will apply to any property tax accepted by them which has not yet been legally committed by the assessors to the collector.

Article 57: To see if the Town will conduct a candidates forum here and now to allow the voters to hear statements from candidates (if they wish to make a statement) for the office of selectperson and school committee (both candidates whose names appear on the ballot as well as those interested in being write in candidates) each statement is limited to 3 minutes.

Explanation: The Town adopted the secret ballot election and voting method on November 19, 2011. This means that the election of municipal officers, both selectperson and school committee members, shall be conducted by secret ballot at the voting polls on June 11, 2013 rather than during the open town meeting. Although any party interested in being elected may speak; no nominations are accepted as part of this forum. In order for a candidate's name to appear on the ballot they must have filed nomination papers in accordance with Title 30-A M.R.S.A. Section 2528.

Article 58: To adjourn the Annual Town Meeting until June 11, 2013 8:00 AM so that secret ballot elections may be held at the Chebeague Island Hall and Community Center, 247 South Road for elected officials and then to adjourn after the closing of the poll at 8:00 PM and the announcement of the results by the moderator.

Given unto our hands this 24th day of May, 2013, at Chebeague Island, Maine

David Hill, Chair

Donna Damon

Herb Maine

Mark Dyer

Mary Holt

Chebeague Island Board of Selectmen

Exhibit A



SHELLFISH CONSERVATION ORDINANCE

**of the Town of Chebeague Island
MAINE**

Adopted by the Town Meeting:
Effective: June 9, 2013

Attest:

Town Clerk

Seal:

Town of Chebeague Island Code of Ordinances
Chapter 18 – Marine Resources
Article II – Shellfish Conservation

Section 101. TITLE

This Ordinance shall be known as and may be cited as the “Shellfish Conservation in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

Section 102. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to establish a shellfish conservation program for the Town of Chebeague Island’s coastal waters, which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means that may include:

- a) Licensing.
- b) Limiting the number of shellfish harvesters.
- c) Restricting the time and area where digging is permitted.
- d) Limiting the minimum size of clams taken.
- e) Limiting the amount of clams taken daily by a harvester.
- f) Establishing the Town of Chebeague Island as an interested part in aquaculture activities in accordance with State of Maine law.

This Ordinance is adopted pursuant to 12 M.R.S.A. § 6671. This ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality provided a certified copy of the ordinance is filed with the Commissioner within twenty (20) days of its adoption.

This Ordinance shall remain in effect until repealed by the Town of Chebeague Island, or rescinded by the Department of Marine Resources.

Section 103. DEFINITIONS

- a) Municipality. The term ‘Municipality’ shall refer to the Town of Chebeague Island.
- b) Non-Resident. The term "non-resident" means anyone not qualified as a resident under this ordinance.
- c) Resident. The term "resident" refers to a person who has been domiciled in the Town of Chebeague Island for at least three months prior to the time his claim of such residence is made. The term “resident” also includes persons who own real property in the Town of Chebeague Island.
- d) Shellfish, Clams, Intertidal Shellfish Resource. Shellfish, Clams, Intertidal Shellfish Resource When used in the context of this ordinance the words "shellfish", "clams", intertidal shellfish resource shall mean soft-shell clams (*Mya arenia*), surf clams and quahogs.
- e) Hand Implements. The term ‘hand implements’ shall refer to implements such as clam hoes. Spades and shovels are not allowed.

Town of Chebeague Island Code of Ordinances
Chapter 18 – Marine Resources
Article II – Shellfish Conservation

- f) The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance.
- g) Any words not otherwise defined therein shall be given their common and ordinary meaning.

Section 104. SHELLFISH CONSERVATION COMMITTEE

The Shellfish Conservation Program for the Town of Chebeague Island will be administered by the Shellfish Conservation Committee, consisting of five (5) members. The Selectmen will appoint the members. The Committee's responsibilities include:

- a) Recommending annually - after consultation with the Department of Marine Resources - the number of shellfish digging licenses to be issued. This recommendation shall be sent to the Board of Selectmen, who (after approval or revision) will send to the Town Clerk for implementation.
- b) Surveying the clam-flats to maintain current information on shellfish resources.
- c) Reviewing annually the status of the resource using the results of clam flat, harvester or dealer surveys and other sources of information and preparing in conjunction with and subject to the approval of the Department of Marine Resources, a plan for implementing conservation measures.
- d) Submitting to the Selectmen proposals for the expenditures of funds for the purpose of shellfish conservation.
- e) Keeping this Ordinance under review and making recommendations for its amendments.
- f) Securing and maintaining records of shellfish harvest from the Town of Chebeague Island's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.
- g) Recommending conservation closures and openings to the Selectmen in conjunction with the Department of Marine Resources.
- h) Submitting an annual report to the Selectmen and the Department of Marine Resources covering the above topics and all other Committee activities.

The clam-flats of the Town of Chebeague Island are a very valuable shellfish resource, which is important to the local economy. These flats are not an inexhaustible resource, and, therefore, must be prudently managed in order to remain viable.

As part of the management process, it may be necessary to (a) restrict the taking of shellfish by limiting the number of shellfish licenses, (b) restrict the size and quantity of shellfish which may be harvested, and (c) take other measures as outline in the Ordinance.

Section 105. SHELLFISH CONSERVATION WARDEN

The Selectmen shall appoint a Shellfish Conservation (Clam) Warden yearly and shall recommend the Warden's compensation. The Shellfish Conservation Warden shall regularly

Town of Chebeague Island Code of Ordinances
Chapter 18 – Marine Resources
Article II – Shellfish Conservation

attend meetings of the Shellfish Conservation Committee, but shall not be a member of the Committee. The Selectmen, for cause by them declared in writing, after due notice to the officer and hearing, if requested, may remove the Shellfish Conservation Warden and appoint another one.

Section 106. LICENSING

All licenses sold in calendar year 2013 shall be enforced in accordance with Section A-10 and Appendix B of the Coastal Waters Ordinance.

A Town of Chebeague Island Shellfish License is required. It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current, valid license issued by this municipality as provided by this ordinance. A commercial digger must also have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources.

No person shall be issued a Shellfish License who, upon the time of the request, has failed to appear in court for a shellfish violation, or has failed to pay any outstanding shellfish violation fines.

Only one hand implement (clam hoe) is allowed per license, except for the recreational resident “two hoe” licenses; and, the licensee must be present.

Licensing will be compliant with PS Law Chapter 47, LD 1735.

Section 107. COMMERCIAL LICENSES

The Shellfish Commission shall annually review and recommend to the Board of Selectman license fees for three types of Commercial licenses: Resident, Resident Senior and Non-resident.

- a) Resident Commercial Shellfish License: This license is available to residents of the Town of Chebeague.
- b) Resident Senior Commercial Shellfish License: This license is available to residents of the Town of Chebeague Island that are over the age of 70 and for a reduced license fee.
- c) Non-Resident Commercial Shellfish License: This license is available to non-residents of this municipality.
- d) At license issue, the licensee will choose any 90 days out of the 365 days available to harvest commercially. The license will serve as a recreational license the remaining 275 days except as may be modified in f) below. In all cases the maximum harvest per tide is 1 bushel.
- e) A commercial license under this section entitles the holder to dig and take one (1) bushel of shellfish per tide from the shores and flats of this municipality and reciprocating municipalities.

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- f) The Shellfish Conservation Committee may specifically recommend the period of validity as well as the areas open to commercial harvesting each year.
- g) Commercial Shellfish License Holders are supplied with, and required to keep, a Shellfish Harvesting Log, which must be submitted to the Town Clerk monthly, by the 10th day of the following month. The Log will include the license holder's name and address, and will show the date, location and quantity harvested during each tide. Commercial license holders, who do not submit Harvesting Logs, as required, will not be eligible for a commercial License during the next period of issuance of Commercial licenses.
- h) All commercial license holders that participate in the annual Clam Survey undertaken by the Shellfish conservation committee shall be guaranteed a renewal of their license for the following year. If the number of licenses available is less than the number of licenses guaranteed in this fashion, then a lottery will be held by the Town Clerk prior to the day licenses go on sale to determine which of the Survey participants receives their guaranteed license. Any license holder wishing to renew their license must have submitted a Shellfish Harvesting Log under Section 107(g) of this ordinance. The license holder who wishes to take advantage of the license guarantee must also indicate in writing to the Town Clerk their intention to take advantage of this guarantee at least one week prior to the day licenses go on sale.

Section 108. RECREATIONAL LICENSES

- a) A person holding a recreational shellfish license may not engage in the wholesale or retail sale of any shellfish harvested under that license. Maine certified shellfish wardens of the Town of Chebeague Island shall be issued a recreational shellfish license.
- b) Resident Recreational Shellfish License: This category of license shall be made available in a "one hoe" and in a "two hoe" license. This category of license is available to residents of the Town of Chebeague Island and entitles the holder and guests to dig and take no more than one peck of shellfish per tide for the use of the licensee, guests and immediate family. The Resident Recreational Shellfish license may be issued for the following durations:
 - Annual
 - Month
 - Day
- c) Resident Senior Recreational Shellfish License: This category of license shall be made available in a "one hoe" and in a "two hoe" license. This license is available to residents of the Town of Chebeague Island who are over the age of 65 for a reduced license fee. It entitles the licensee and guests to dig and take no more than one peck of shellfish per tide for the use of the licensee, guest and licensee's immediate family.

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- d) **Non-Resident Recreational Shellfish License:** This license is available to non-residents of the Town of Chebeague Island, and entitles the holder and guests to dig and take no more than one peck of shellfish per tide for the use of the licensee, guests, and immediate family and may be issued for the same durations as the Resident Recreational Shellfish License described in a) above.
- e) To facilitate weekend recreational clammers, the Town Clerk and the Shellfish Warden have arranged for a few licenses to be ‘delegated’ to the Shellfish Warden, who may be available on the weekend to sell daily licenses. The Shellfish Warden can then complete the license issuing process, collect the funds, etc. A daily license can also be obtained by mail in advance from the Town Clerk. At no time shall any recreational license enable the harvest of more than one peck of shellfish per license per tide.

Section 109. **REQUIREMENTS**

- a) **Signature:** The licensee must sign the shellfish license to make it valid.
- b) A Shellfish license must be on the licensee’s person when harvesting shellfish.
- c) **Fees:** The fees for licenses will be maintained on a separate fee schedule reviewed annually by the Shellfish Conservation Commission, recommended to the Board of Selectmen and approved by the Maine Department of Marine resources. The fee structure and number of licenses available must be available at the Town Office.
- d) **Misrepresentation:** Any person who gives false information on a shellfish license application will cause said shellfish license to become invalid and void.
- e) **Expiration Date:** Each shellfish license issued under the authority of this Ordinance expires at midnight on the December 31st next following date of issue, unless otherwise specified in this Ordinance.
- f) **Reciprocal Harvesting:** Privileges: Licenses from other municipalities cooperating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of their shellfish licenses.
- g) **Numbers of Licenses and Notice of Period of Issuance:** Numbers of licenses and period of issuance will be reviewed annually by the Town of Chebeague Island Shellfish Conservation Committee, submitted for approval of the Commissioner of the Department of Marine Resources and by the Board of Selectmen.
- h) **Minimum Legal Size:** Pursuant to 12 M.R.S. §§ 6671 and 6681, as amended from time to time, it is unlawful to possess soft-shelled clam shell stock whose shells are less than 2 inches in the largest diameter. For purposes of this Ordinance the term, “possess”, means dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft-shelled clam shell stock.
- i) **Legal Hours:** shellfish may only be harvested from ½ hour before sunrise until ½ hour after sunset.

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- j) Method of Determining Tolerance: Pursuant to 12 M.R.S. §§ 6671 and 6681, as amended from time to time, any person may possess soft-shelled clams that are less than 2 inches if they comprise less than 10% of any bulk pile. The tolerance shall be determined by numerical count of not less than one (1) peck nor more than four (4) pecks taken at random from various parts of the bulk pile or by a count of the entire pile if it contains less than one peck.
- k) Implements: Shellfish may be harvested by hand implement only, such as clam hoes. Spades and shovels are not allowed.

Section 110. OPENING/CLOSING OF FLATS

The Selectmen with the approval of the Commissioner of Marine Resources may open and close areas for shellfish harvest.

When information in the possession of the Shellfish Conservation Committee indicates a clam-flat should be opened or closed, it shall advise the Selectmen. Upon concurrence of the Department of Marine Resources Area Biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Selectmen may call a public hearing, and shall send a copy of the notice to the Department of Marine Resources.

After the hearing is closed the Selectmen shall make findings of fact on the relevant evidence presented. The Selectmen shall then make a decision based on those findings of fact as to whether opening or closing of the flat is warranted with the concurrence of the Department of Marine Resources shall order the flat opening or closing and shall set such time limitation and other harvesting conditions as are consistent with good conservation practices. The Commissioner of Marine Resources prior to enactment shall approve any proposal for opening or closing of flats.

Section 111. ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered by the Town Administrator. This Ordinance shall be enforced by the shellfish warden, special officers as provided in 30-A M.R.S.A. § 2672, municipal officers, code enforcement officer or law enforcement officer with jurisdiction in the Town of Chebeague Island.

Section 112. PENALTIES

A person who violates this ordinance shall be punished as provided in 12 M.R.S.A. § 6671, as amended from time to time.

Section 113. SUSPENSION OF LICENSE

- a) Violation of Shellfish Ordinance: The Town Clerk shall suspend any and all shellfish licenses issued under this Ordinance, if the license holder is convicted in court of violating any section of this Ordinance.
- b) Suspension based on conviction in a Town closed Conservation area: The Town Clerk shall suspend any and all shellfish licenses issued under this

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Ordinance if the license holder has been convicted in court of possessing shellfish from a Town Closed Conservation Area.

- c) Length of Suspension for Section 113a) and Section 113b) above for a first conviction is 30 days from the date of first conviction or, for a second conviction; 365 days (one year) from the date of the second conviction. Any conviction more than three (3) years before last conviction shall not be counted in determining lengths of suspension.
- d) Suspension Based on Refusing Inspection. The Town Clerk shall suspend any and all shellfish licenses if the license holder refuses to allow inspection in the enforcement of the Ordinance. This suspension may not exceed 90 days.
- e) Any licensee whose shellfish license has been suspended shall be entitled to a hearing before the Selectmen, upon the filing of a written request for hearing with the Selectmen within thirty (30) days following the effective date of suspension. The applicant shall be given at least seven (7) days prior written notice of the date, time and place of hearing before the Selectmen. Any person aggrieved by the Selectmen's decision may appeal to the Superior Court within thirty (30) days from receipt of the Selectmen" written decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

Section 114. AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting after it has been approved by the Commissioner of Marine Resources and shall become effective after its adoption by the municipality provided a certified copy of the ordinance is filed with the Commissioner within twenty (20) days of its adoption.

Section 115. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

Exhibit B



CEMETERY ORDINANCE

of the Town of Chebeague Island
MAINE

Adopted by the Town Meeting:
Effective: June 9, 2013

Attest:

Town Clerk

Seal:

Town of Chebeague Island Code of Ordinances
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Article VIII – Cemetery

Section 116. TITLE

This Ordinance shall be known as and may be cited as the “Cemetery Ordinance for the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance”.

SECTION 102. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to establish a Cemetery Committee under Title 13, M.R.S.A. §1301, and to create a framework for regulating and managing the use and operation of the Chebeague Cemetery. This Ordinance is adopted pursuant to 30-A M.R.S.A. §3001.

SECTION 103. DEFINITIONS

“Burial” refers to the remains of a single person, whether in a casket or in cremated form.

A “grave” or “gravesite” is a parcel of cemetery land suitable for the burial of a single full casket. Some gravesites are specifically for cremations, and are smaller.

A cemetery “lot” is a parcel of cemetery land that may contain a block of graves, sometimes, but not always, owned by a single family.

SECTION 104. THE CEMETERY COMMITTEE

1. Appointment, qualifications, tenure, and vacancies on the Cemetery Committee
 - A. The Cemetery Committee will have between five (5) and seven (7) members appointed by the Board of Selectmen. They shall serve without compensation.
 - B. The Superintendent of the Cemetery will serve as a non-voting, ex-officio member of the Committee. The Board of Selectmen may also appoint other staff of the Town, such as the staff member who maintains the Cemetery accounts, as non-voting ex-officio members of the Committee.
 - C. Members shall be legal residents or property owners of the Town of Chebeague Island. Property ownership in this case includes ownership of a cemetery grave or lot.
 - D. The term of office of each regular member shall be three years. The terms of office shall be staggered, with the terms of 2 (3, if the Committee has 7 members) members expiring in one year; the term of one (2, if the Committee has 7 members) member expiring in the next year; and the terms of two members expiring in the third year.
 - E. The Committee may create subcommittees to work on particular issues. These subcommittees may include members who are not members of the Cemetery Committee.

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F. Vacancies may occur by reason of resignation, death, or removal from the Town. The Board of Selectmen will fill vacancies for the unexpired term.

2. Organization and Rules of the Committee

A. The Committee shall annually elect a Chairperson and a Secretary. Each of these officers shall serve a one-year term and shall be eligible for reelection. The Chair will call the meetings and the Secretary will take minutes.

B. A majority of the members shall constitute a quorum.

C. All meetings shall be held pursuant to public notice and be held in a public building.

D. All records of meetings and actions of the Committee shall be public records except for deliberations and decisions relating to personnel or cases involving individual burials.

E. The Committee may adopt additional rules, not inconsistent with this Ordinance, for its operation, as necessary.

3. Duties of the Cemetery Committee

A. The Committee is advisory to the Board of Selectmen. The committee shall make recommendations to the Selectmen concerning:

i. Regulations for the Cemetery.

ii. Policy for the operation, care and maintenance of the Cemetery, including recommendations for capital expenditures.

iii. Investment of perpetual care funds.

iv. Changes in fees to be charged for Cemetery services.

v. Expansion of the Cemetery.

vi. Removal of the Superintendent of the Cemetery for cause and the hiring of any new Superintendent.

4. The Cemetery Committee will provide an annual report to the Board of Selectmen on the operation and financing of the Cemetery.

SECTION 105. CEMETERY FINANCES

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1. The Perpetual Care Fund

This fund is created under 13 MRSA 1306 that requires that at least 30 percent of the proceeds from the sale of lots and individual gravesites in the Cemetery be deposited in an endowment fund for the Cemetery. This fund is held at the Town's bank. The Cemetery Committee will make recommendations to the Selectmen on the proportion of monies from the sale of lots to be invested in the Perpetual Care Fund.

2. The Cemetery Reserve

The Cemetery Reserve is funded by several revenue streams and is used for Cemetery capital expenditures such as repair and maintenance of gravestones, purchase of equipment, and repair of buildings. This account will also be held at the Town's bank. Its revenues are:

- A. Interest from the Perpetual Care Fund. Under state law, this interest must be devoted to maintenance of the Cemetery or for the purchase of additional Cemetery land.
- B. Money from the sale of cemetery lots that does not go into the Perpetual Care Fund principal.
- C. Money from burial administrative fees.

3. The Town Appropriation

The Town will annually budget for the operation of the Cemetery including compensation for employees and regular annual expenses.

4. The Cemetery Committee and the Town Administrator shall develop the annual budget for the Cemetery. This budget will recommend operating expenses from the Town appropriation, and capital expenditures from the Cemetery Reserve.

SECTION 106. OPERATION OF THE CEMETERY

1. A Superintendent will be appointed annually by the Board of Selectmen and will report to the Town Administrator. The Superintendent will be responsible for:

- A. Maintaining a map and record in the Town Office of the layout of the Cemetery and the ownership of lots and/or individual graves.
- B. Selling lots through Town Office with the assistance of Town staff responsible for the Cemetery.
- C. Arranging for opening and closing of graves and setting of gravestones.

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D. Determining the dates of the winter closing and spring opening of the Cemetery for burials.

E. Maintaining the grounds, buildings, and equipment of the Cemetery.

F. Make day-to-day administrative and operational decisions related to the Cemetery.

3. In the performance of these responsibilities the Superintendent may arrange for work to be performed by Town employees or other contractors. Such work and any outside contracts are subject to the approval of the Town Administrator and the Selectmen.

4. Under 30-A MRSA 2901 Municipalities are responsible for decorating graves of veterans of the Armed Forces of the United States of America with an American flag in an appropriate flag holder on Memorial Day (observed). They are also required to request that the Church bell be rung at 11:00 on Veterans Day.

SECTION 107. ENFORCEMENT AND PENALTIES

This Ordinance shall be enforced by the Selectmen and the Town Administrator. Each violation of this Ordinance shall be punishable by a fine of at least \$50 but no more than \$200.

SECTION 108. AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting.

SECTION 109. SEVERABILITY

In the event that any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

RETURN ON THE WARRANT

Chebeague Island, Maine

June 1, 2013

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said Town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at: Chebeague Island Town Office, Chebeague Island Hall Community Center, Chebeague Island Library, Chebeague Island Recreation Center, Island Market, Chandlers Cove Landing, Chebeague Transportation Companies vessel "Islander" and the said Town, being public and conspicuous places in said Town, on the first day of June, 2013, being at least seven days before the meeting.

Resident of Chebeague Island

We Hope to See You There!

8:00am to 8:00pm on June 11th at the Island Hall

2013 Schoolboard and Selectboard Elections

9:00am on June 8th at the Island Hall

2013 Annual Town Meeting

Town of Chebeague Island
192 North Rd.
Chebeague Island, ME
04017

Local Delivery
Chebeague Island, ME
04017