

**- PUBLIC MEETING -**  
**Rockport Select Board**

Monday, March 12, 2018  
7:00 p.m.

Geoffrey C. Parker Community Meeting Room, Rockport Opera House  
Streamed at <http://livestream.com/Rockportmaine>

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**AGENDA**

**I. Call Meeting to Order**

Please either turn off your cell phones and other electronic devices or set them to mute while in this meeting room or the hallways. If you need to take or make a phone call, please step outdoors.

**II. Public Hearing**

- a. None scheduled

**III. Minutes, Meetings and Announcements**

- a. Approval of the minutes of previous meetings:
- **Monday, September 25, 2017**, meeting of the Select Board
  - **Tuesday, October 10, 2017**, meeting of the Select Board
  - **Monday, November 13, 2017**, meeting of the Select Board
  - **Monday January 8, 2018**, meeting of the Select Board
  - **Monday January 22, 2018**, meeting of the Select Board
  - **Monday February 12, 2018**, meeting of the Select Board
- b. Announcements of upcoming Select Board meeting(s):
- Brief Select Board meeting on **Wednesday March 14, 2018, 7:00 p.m.** (vote to hold a public hearing for budget and land use articles) . Budget workshop will continue after meeting (see below), Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
  - Select Board meeting on **Thursday April 5, 2018, 5:30 p.m.** to review recommendations from the Budget Committee, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
  - Regular Select Board meeting on **Monday, April 9, 2018, 7:00 p.m.** to include a public hearing on all warrant articles for the annual town meeting,

and votes to place said articles on the warrant, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>

c. Announcements of upcoming Select Board workshop(s):

- **Tuesday March 13, 2018, 5:30 p.m.** Budget review workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- **Wednesday March 14, 2018, 5:30 p.m.** Budget review workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- **Thursday March 15, 2018, 5:30 p.m.** Budget review workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- **Monday March 26, 2018, 3:00 p.m.** Budget review workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- **Monday March 26, 2018, 7:00 PM,** Library workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- **Tuesday March 27, 2018, 3:00 p.m.** Budget workshop (consensus votes on budget), Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- **Monday April 2, 2018, 6:30 PM,** Public Presentation of Final Concept Plan for the new Rockport :Public Library, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>

d. Announcements:

**Note: All meetings and workshops of the Select Board and Town Committees can be found on the Town website: [www.town.rockport.me.us](http://www.town.rockport.me.us)**

The Town Office will open at 9AM (1 hour late) on Tuesday, March 13th to allow for employee training.

Nomination papers are available at the town office for the following positions:

2 Select Board members, each for a three year term (seats currently held by K. McKinley, O. Casas)

1 Select Board member for a one year term (to fill remainder of term vacated by the resignation of T. Gray)

1 Director for the MSAD 28 School District, to serve concurrently with the CSD for a three year term (seat currently held by M. Dietrich)

1 Director for the MSAD 28 School District, to serve concurrently with the CSD for a one year term (seat currently held by C. Gartley)

2 Library Committee members, each for a three year term (seats currently held by E. Haselton, C. Liechty)

3 Budget Committee members, each for a three year term (seats currently held by B. Saltonstall, H. Shaw, P. Johnson)

The deadline for all nomination papers is 5 p.m. on Friday, April 13th. The town election will be held on Tuesday, June 12th. For more information please contact the Town Clerk's office.

e. Committee Openings:

Application for Committee Service can be found at the Town Office and on the Town Website: [www.town.rockport.me.us](http://www.town.rockport.me.us)

NOTE: If a committee does not have any vacancies, it may still be possible to apply to join the committee as an alternate member. Alternate members can attend all meetings, participate in discussions, but may only vote in the absence of a regular member. If interested, please check with the town office to see if there are alternate member spots available for the committee of interest.

- Board of Assessment Review – no vacant seats
- Camden-Rockport Pathways Committee – 1 vacant seat
- Capital Improvement Committee – 1 vacant seat
- Conservation Commission – no vacant seats
- Harbor Committee – no vacant seats
- Investment Committee – 1 vacant seat
- Opera House Committee – no vacant seats
- Ordinance Review Committee – no vacant seats
- Parks Committee – no vacant seats
- Planning Board – no vacant seats
- Recreation Committee – no vacant seats
- Zoning Board of Appeals – no vacant seats

f. Agenda Changes

- g. Public Comment – public comment should be directed at issues not under discussion on this evening's agenda. Comment from the public will be welcome prior to each agenda item. Further comment will be granted only by permission from the Board. All public comment should be brief and to the point.

#### **IV. Town Manager's Report**

#### **V. Unfinished Business**

- a. None this meeting

#### **VI. New Business**

- a. Acknowledgment of Gifts to the Town:
  - Coastal Mountain Land Trust: \$700 Payment in lieu of taxes
- b. Committee Resignation(s):
  - none
- c. Committee Application(s):
  - none
- d. Receive petition from residents of Rockport
- e. Committee Presentation(s):
  - Cemetery Committee
- f. Consideration of a moratorium for the sale of Seaview Cemetery lots to non-residents
- g. Consider developing an ordinance to prohibit selling take-out food in styrofoam containers in Rockport.
- h. Consider approving an increase in fees for trash disposal at the MCSW transfer station.
- i. Consider developing a Tobacco Free Policy for the Town of Rockport for town vehicles and town property.
- j. Discussion regarding a possible ordinance regulating the discharge of firearms within the Town of Rockport
- k. Execute a quitclaim deed

#### **VII. Wastewater Commissioners**

- a. Consider changes to Sewer Rules and Regulations

#### **VIII. Liaison Reports**

#### **IX. Executive Session**

- a. None this meeting

#### **X. Adjournment**

## 2017-2018 Select Board Committee Liaison List

BOARD/COMMITTEE	2017-2018
Ad Hoc Technology Committee	Owen Casas
Ad Hoc Water Quality Committee (subset of Conservation Committee)	Mark Kelley
Camden-Rockport Pathways Committee	Owen Casas
Capital Improvement Committee	Mark Kelley and Thomas Gray
Cemetery Committee	Kenneth McKinley
Conservation Commission	Mark Kelley
Harbor Committee	Douglas Cole
Pesticide Advisory Board (subset of Conservation Committee)	Mark Kelley
Investment Committee	Douglas Cole
Keep Rockport Beautiful	Douglas Cole
Legacy Rockport <sup>1</sup>	Kenneth McKinley
Library Committee	Thomas Gray
MCSWC Board of Directors <sup>2</sup>	Owen Casas & Thomas Gray
Northeast Ambulance <sup>3</sup>	Mark Kelley and Ken McKinley
Opera House Committee	Thomas Gray
Ordinance Review Committee	Kenneth McKinley
Parks Committee	Mark Kelley
Planning Board <sup>4</sup>	Douglas Cole
Recreation Committee	Owen Casas
Zoning Board of Appeals <sup>4</sup>	Kenneth McKinley

Footnotes:

- <sup>1.</sup> 501(c)3 organization; 1 member of Select Board is automatically a voting member
- <sup>2.</sup> MCSWC Board of Directors are elected to 3-year terms
- <sup>3.</sup> Northeast Ambulance oversight committee is a 4-town cooperative venture
- <sup>4.</sup> Planning Board and Zoning Board of Appeals are quasi-judicial entities
- <sup>5.</sup> Voting member

RED = Decisions made June

# 2017-2018 Select Board Committee Liaison List

Breakdown by Select Board member:

Ken McKinley	Cemetery Committee Legacy Rockport Northeast Ambulance Ordinance Review Committee Zoning Board of Appeals
Owen Casas	Ad Hoc Technology Committee Camden-Rockport Pathways Committee MCSWC Board of Directors Recreation Committee
Douglas Cole	Harbor Committee Investment Committee Keep Rockport Beautiful Planning Board
Thomas Gray	Capital Improvement Committee Library Committee MCSWC Board of Directors Opera House Committee
Mark Kelley	Capital Improvement Committee Conservation Committee (Ad Hoc Water Quality Committee & Pesticide Advisory Board) MCSWC Board of Directors Northeast Ambulance Planning Board

## ***Manager's Report – March 12, 2018***

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### **Narcan Save**

On January 17<sup>th</sup> all of Rockport's Police Officers, our Fire Chief, Harbormaster and other first responders, received training in administering of Narcan in overdose cases. This was done in conjunction with the Town of Camden.

On February 22, 2018, Officer Christopher Taylor and Fire Chief Jason Peasley, while performing duties for the Rockport Police and Fire Departments, were dispatched to a reported drug overdose in the Town of Rockport. As the initial first responders to the scene Officer Taylor and Chief Peasley quickly established that the victim they discovered a male had collapsed in his bedroom after injecting some type of opiate based drug.

Officer Taylor, with the assistance of Chief Peasley was able to administer the Narcan and save the person's life.

Since we started providing emergency responders with Narcan, this is the third life saved in Rockport and Camden since the middle of January.

Congratulations to Chris and Jason for a job well done!

### **New Police Officer**

Jacob started on 12/18/17 as a Part-Time Officer. He completed field training and has been working been working a set shift for several weeks now. He was transferred to full time employment status on 02/28/17. He has completed the Maine Criminal Justice Academy and has spent time as an officer with the Maine State Police and Waldo County Sheriff's Office. He is a graduate of Camden Hills Regional High School and the University of Maine. He has a Bachelor's degree in Sociology. He lives in Appleton. His badge will be pinned by his mother Tracy Powers.

### **Budget**

As you might imagine I have been spending a great deal of my time working on the budget with Megan. While the budget has been presented to the Select Board and Budget Committee for their review there is still a lot of work that goes on along getting prepared for the meetings. Megan and I spend a lot of time preparing for the next meetings.

## **Library**

This continues to be a priority, as we are under such a tight time line. A lot of my time has gone into working on moving the Library question forward. We are working on the development of the bond language with Bond Counsel. How to handle donations. With the architect and engineer on the plans and in trying to pull together the steering committee to begin a capital campaign. We had planned on meeting with DOT on March 8<sup>th</sup>, but the storm postponed that meeting, until later this week. As I am writing this, the date has not been set.

## **Public Works**

The Public Works department has been very busy. It seemed like they were getting a break and were out cutting brush and getting ready for spring when the storm hit. Brandy has started working at the office, she is a great addition to the team.

There has been a lot of illness running through the staff down there, but somehow all the guys have managed to be there when we needed them for snow removal.

We purchased more sand and salt before the last storm and it was a good thing as we have needed it. We would have run out or gotten very low, with the last storm

## **Ambulance Contract**

We have been working on the ambulance contract over the past month and the four Town Managers are writing a contract that we hope to get to the ambulance review committee at their next meeting.

The four Town Managers are currently developing reporting and levels of service benchmarks that can be built into the contract. We have met with Rick Petri from Atlantic Partners EMS. Atlantic Partners EMS works to maintain a leadership role towards the development of a comprehensive emergency medical and public safety system that embraces quality and performance improvement, accountability, as well as the refinement of administrative and support services. Rick has been advising us from the beginning.

We are developing a performance based contract that has specific measurable benchmarks and outcomes for us to use in evaluating the success of NEA in meeting the terms of the contract. It will have penalties for failure to meet the terms of the contract.

The representatives of NEA have supported this process as one that will be concrete and less subjective.

As I said in my last report, this is a complicated issue that will not be solved easily.



## **Fire Department**

As always, the Fire Department has been busy with calls and motor vehicle accidents. They have also been doing a lot of additional training over the past month. These Firefighters commit to countless hours of training to better serve our residents.

## **Planning and Community Development Director Position**

This position has been advertised in various locations including, the Maine, NH and MA municipal association web sites. It will remain open until we find a candidate to fill the position. I have been pulling together a screening committee/ interview team which will begin their work once we have enough applications to warrant starting. I will be looking for a member of the Select Board to sit on that panel so if someone would like to participate, please let me know.

## **Assessing**

The cost of the new Vision Software update has been reduced because of the work that Kerry has been doing as a Beta site for the upgrade. It has not been without problems; however, Kerry is confident that the new system is now the best it can be and has many features that helped get into the program so that it works better.

The cost has been reduced from \$15,000 - \$5,000.

## **The Town Clerk Tax Collector**

Linda reported that she has been busy with foreclosure notices as well as helping Diane with GA

## **GA**

GA has been unusually busy for this time of the year with several very difficult cases. Diane and Linda have been training on the welpac system which is the computer application program we use to track and submit for State reimbursement.

## **Harbor**

Abbie has been trying to use some of her vacation time as she gets into the busier season for the Harbor. She attended the three-day Harbormaster training in Castine last week. The docks will start going in the water in the next few weeks.

## **Other**

I have been too busy to move forward with the 687 Rockland Street sale language given everything that is going on.

The same holds true for the Heron lease and the Rockport Boat Club lease.

**Opera House**

Terri Lea Smith our Opera House Manager, and Rental Agent has given her resignation. She is offering to stay till the end of May. She will be devoting her time to her passion which is more multi-media related.



# COASTAL MOUNTAINS LAND TRUST

Protecting land for the community, *forever.*

February 27, 2018

## BOARD OF DIRECTORS

*President*

James A. Krosschell

*Vice President*

Thomas R. Moore

*Treasurer*

E. Daniel Johnson

*Secretary*

Lys McLaughlin Pike

Roy J. Call

Courtney Collins

Gianne Conard

Valerie Foster

David D. Noble

Roger S. Rittmaster

Nicholas C. Ruffin

Darby C. Urey

Judy Wallingford

Malcolm White

## STAFF

*Executive Director*

Ian Stewart

*Development Director*

Kathy Young

*Office Manager*

Polly Jones

*Stewardship Project Manager*

Jackie Stratton

*Stewardship Project Manager*

Hale Morrell

*Land Protection Coordinator*

John Gioia

Richard Bates, Town Manager

Town of Rockport

PO Box 10

Rockport, ME 04856

Dear Rick,

Enclosed is a \$700 contribution From Coastal Mountains Land Trust in recognition that Beech Nut, the historic stone house at the summit of our Beech Hill Preserve, though granted exemption from property taxation, nevertheless is benefited by various non-educational municipal service provided by the Town of Rockport. We very much appreciate the quality of services provided by the Town and its many capable employees, and want to pay our fair share towards those services.

Sincerely,

Ian Stewart

Executive Director



101 Mt. Battie Street  
Camden, Maine 04843  
207 236 7091  
coastalmountains.org

**COASTAL MOUNTAINS LAND TRUST**

101 MT BATTIE STREET  
CAMDEN, ME 04843

**BANGOR SAVINGS BANK**  
BANGOR, ME 04401

8200

52-7438/2112

2/26/2018

PAY TO THE ORDER OF Town of Rockport

\$ **\*\*700.00**

Seven Hundred and 00/100 \*\*\*\*\* DOLLARS

Town of Rockport  
PO Box 10  
Rockport, ME 04856



*[Handwritten Signature]*  
AUTHORIZED SIGNATURE

MEMO 2018 Contribution in lieu of real estate taxes

⑈008200⑈ ⑆211274382⑆ 2010081898⑈

**COASTAL MOUNTAINS LAND TRUST**

8200

Town of Rockport

2/26/2018

2018 Contribution in lieu of real estate taxes

700.00

Bangor Savings Bank 2018 Contribution in lieu of real estate taxes

700.00

Town of Rockport  
Receipt

02/26/18 4:43 PM ID:1768 410794-1  
 REF: REF: AMOUNT  
 TOWN OF ROCKPORT  
 2018 CONTRIBUTION IN LIEU OF TAXES

DEPOSITED BY	700.00
Total	700.00
PAID BY: COASTAL MOUNTAINS LAND TRUST	
Remaining Balance:	0.00
Check	700.00
8200	700.00

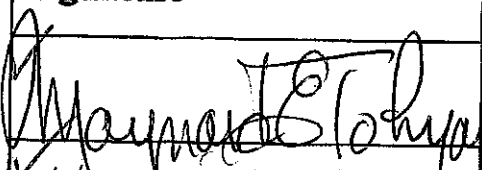
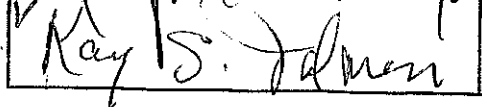
Linda M. Greenlaw, hereby certify <sup>seventeen</sup> names as registered voters of the Town of Rockport

3-1-18 Linda M. Greenlaw, Town Clerk

### CITIZENS PETITION

We, the registered voters of the Town of Rockport petition the Town of Rockport Select Board and its Town Manager as follows:

1. That before entering into any agreement with any other town to combine or share Police Departments, the Fire Department, Harbor Masters, Sewer Department, the Highway Department or any other department, the Select Board must hold at least four public hearings within the Town of Rockport advertised in the paper of local circulation at least twice within 14 days of the public hearing.
2. That before the Town of Rockport entertains entering into any agreement, including interlocal agreement for sharing services such as the combining of the Police Departments, the Fire Department, Harbor Masters, Sewer Department, the Highway Department or any other department of the town, they must present the interlocal agreement to the voters of the Town of Rockport at its annual town meeting.
3. The Town of Rockport Select Board must report to the citizens within 30 days the status of any proposals to combine the Police Departments, the Fire Department, Harbor Masters, Sewer Department, the Highway Department or any other department with any other town and to place a full one page advertisement in a local newspaper setting forth the Town's full report.
4. This agreement does not affect the mutual aid agreement between and among the Town of Rockport and other towns.

Signature	Printed Name	Street Address
	MAYNARD TOLMAN	465 So. St.
	KAY TOLMAN	465 South St.

Signature	Printed Name	Street Address
✓ 3 <i>Quarine Allen</i>	DIENNE ALLEN	20 West Street Ext
4 <i>Joseph Allen</i>	JOSEPH ALLEN	20 West Street Ext.
5 <i>William Winslow</i>	WILLIAM WINSLOW	34 West Street Ext
6 ✓ <i>Maryann Montgomery</i>	MARYANN MONTGOMERY	490 MAIN ST.
7 ✓ <i>Geraldine P. Hitchcock</i>	GERALDINE P. HUTCHCOCK	490 MAIN ST.
8 ✓ <i>Robert R. Young</i>	ROBERT R. YOUNG	61 OLD COUNTY ROAD
9 ✓ <i>Annie M. Spirio</i>	ANNIE M. SPIRIO	61 OLD COUNTY ROAD
10 ✓ <i>C. Herbert Annis</i>	C. HERBERT ANNIS <del>55 Annis Ln</del>	55 ANNIS LN.
11 ✓ <i>Laurence Miller Jr</i>	LAURENCE MILLER JR <del>40</del>	40 MILLER FARM
12 ✓ <i>Kala Myers-French</i>	KALA MYERS-FRENCH	83 Hosmer Pond Rd
13 ✓ <i>Steven P. Miller</i>	STEVEN P. MILLER	34 MILLER FARM
14 ✓ <i>Keryn Annis</i>	KERYN ANNIS	535 MAIN ST
15 ✓ <i>MATT DEANE</i>	MATT DEANE	3 RUSS ROAD
16 ✓ <i>David Farley</i>	DAVID FARLEY	550 main st.
17 ✓ <i>Carole Farley</i>	CAROLE FARLEY	550 MAIN ST.
18 ✓ <i>Jennifer Woodward</i>	JENNIFER WOODWARD	310 Main St.
19 ✓ <i>Kimberlee S. Garret</i>	KIMBERLEE S. GARRET	148 MAIN ST

# Memorandum

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**To: RICHARD C. BATES, TOWN MANAGER**  
**Cc: SELECT BOARD**  
**From: LINDA M. GREENLAW, TOWN CLERK**  
**Date: 3/9/2018**  
**Re: AGENDA FOR MARCH 12, 2018 MEETING**

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I am requesting that you place the following item on the agenda for the March 12<sup>th</sup> Select Board Meeting.

The Cemetery Committee met on January 23, 2018 and as a result has a recommendation for your consideration. Space at Sea View Cemetery is getting limited. We need to consider expanding the cremation section in the very near future. We have 29 lots available in the cremation section.

The Committee is recommending that the sale of lots at Sea View be limited to Rockport residents only for three years (January 23, 2021.)

We are researching the possibility of a columbarium and have a sub-committee looking into it. We have had one meeting and will be meeting on Thursday, the 16<sup>th</sup> at 2:00 p.m. We will be having a site walk at the cemetery, weather permitting.

The committee is also recommending to add \$25,000 a year, for three years, in a reserve account for the purpose of purchasing a columbarium.

Thank you in advance for your consideration.

## **Ban on Use of Expanded Polystyrene Foam for All Takeout Food and Beverage Businesses Ordinance**

The Code of Ordinances, Town of Rockport, Maine, is hereby amended to add an additional article as follows:

Ban on the use of Expanded Polystyrene Foam in situations involving takeout food or beverages.

### Section 1. Purpose of the Article

1. The Town has a duty to protect the natural environment; and
2. Expanded Polystyrene Packaging has a harsh environmental impact on a local and global scale, including greenhouse gas emissions, litter, and harm to wildlife; and
3. It is in the best interest of the citizens of Rockport to protect the environment and natural resources by prohibiting the distribution and use of disposable Expanded Polystyrene cups, plates, bowls, coolers, and food containers and to require the use of food containers made of other materials associated with all takeout foods defined in this section; and
4. The Town through its policies, programs, and laws supports efforts to reduce the environmental impact of waste by supporting the State waste management hierarchy to reduce, reuse, recycle, compost, and landfill.

### Section 2. Definitions

As used in this Ordinance the following terms have the following meanings:

**Expanded Polystyrene packaging** means any containers, including coolers, that are made of expanded polystyrene foam and used to package both food and beverage for both onsite and offsite consumption. It does not include Expanded Polystyrene meat trays or other Polystyrene packaging used to transport raw and/or uncured meat, poultry, and fish from all food stores.

**Store** means all retail establishments, including but not limited to convenience stores, restaurants, sellers of food merchandise sold to the ultimate consumer for direct use or consumption and not for sale.



### Section 3. Violations and Enforcement

The Town Manager and his/her designee(s) shall have the primary responsibility for the enforcement of this Ordinance. For the first six months following the implementation of the Ordinance, the Town Manager shall issue verbal warnings to Stores in violation of the Ordinance. Following this six month period, if the Town Manager and his/her designee(s) determine a violation of this article has occurred, he/she shall issue a written Notice to the Store and request compliance with this Ordinance within ten days of the issuance of the Notice. Subsequent violations after the initial warning Notice shall be subject to the penalties put forth below.

Violations of this Ordinance shall be punishable by fines and reimbursed legal fees as follows:

1. A fine not exceeding \$250 for the violation for each year of noncompliance; and
2. Reimbursement of the Town's legal fees and costs for prosecution of each violation.

### Section 4. Permitted Expanded Polystyrene containers

Nothing in this Article shall be construed to prohibit customers from using containers of any type that the customer owns. Customers will not be in violation if they bring their own container of any type to use in carrying away food from the Store.

### Section 5. Effective Date

The provisions of this Ordinance shall become effective on January 1, 2019.

# Styrofoam in Rockport

Polystyrene, or styrofoam, is a convenient and relatively cheap packaging material— but its environmental impact isn't worth the costs it saves businesses. Not only is its production energy intensive, it never biodegrades; and because it's often littered, it gets into waterways and harms birds and marine animals.



## Environmental problems:

- Styrofoam, made from the non-renewable substance petroleum, uses carbon dioxide and pentane in its production, which damage the ozone layer.
- It is resistant to photolysis, or the breaking down of materials by photons originating from a light source. The pieces get smaller and smaller, but they never biodegrade.
- It is often littered because it is used for takeout food, and because it's 95% air, it blows around easily. It gets into waterways causes lethal blockages in animals' intestines when ingested, and also acts also like a pollutant sponge, picking up and concentrating contaminants in the water before being ingested by animals.
- There are no facilities in our community that recycle styrofoam, as there is almost no market for polystyrene beads that have already been expanded.

## Solutions:

When properly disposed of in your household trash, polystyrene is incinerated and converted into energy.

Removing styrofoam from the environment prevents the poisoning and starvation to wildlife.

According to Keep Rockport Beautiful, which has facilitated six roadside cleanup events and picked up over 5,000 pounds of trash off of Rockport roadsides, the styrofoam that doesn't make it to the trashcan is primarily takeout food packaging. It is nearly impossible to pickup because it breaks into tiny pieces.

A ban on this kind of packaging would have a minimal economic burden on our businesses, while maximizing environmental benefits. The Rockport Conservation Commission voted unanimously to support my efforts to minimize styrofoam litter with an Expanded Polystyrene Foam ban for the town of Rockport.

## Maine State Polystyrene Ban History:

The state of Maine banned the use of Expanded Polystyrene for serving individual portion of food or a beverage at a facility or function of the State.

## Several communities in Maine have implemented polystyrene bans to differing degrees.

**Freeport:** January 1, 1990.

**Brunswick:** October 1, 2016.

**Portland:** April 15, 2015.

**South Portland:** March 1, 2016.

**Saco:** October 19, 2016

**Topsham:** May 7, 2017.

**Cape Elizabeth:** December 6, 2017.

**Belfast:** January 1, 2018.

**Bath:** April 22, 2018.

Camden and Rockland are both working on polystyrene bans as well.

**Cost Comparison from the Natural Resources Council of Maine:**

**COMPARISON OF COSTS-  
LOWEST COST POLYSTYRENE FOAM CONTAINERS VERSUS LOWEST COST ALTERNATIVES**

	<b>Polystyrene Product (Lowest price, various suppliers)</b>	<b>Cost per unit</b>	<b>Non-foam Product (Lowest price, various suppliers)</b>	<b>Cost per unit</b>	<b>Difference in Marginal Cost</b>
<b>10 oz Cup</b>	Foam – Dart Container 1000 ct \$19.99	\$0.020	Plastic- Dart Container 2500 ct \$56.99	\$0.023	\$0.003
<b>12 oz Cup</b>	Foam – Dart Container 1000 ct \$22.49	\$0.022	Plastic- Dart Container 1000 ct \$25.99	\$0.026	\$0.004
<b>16 oz cup</b>	Foam – Dart Container 1000 ct \$32.49	\$0.032	Plastic – Dart Container 1000 ct \$35.94	\$0.036	\$0.004
<b>12 oz Bowl</b>	Foam – Dart Container 500 ct \$17.49	\$0.035	Plastic- Genpak 1000 ct \$41.99	\$0.042	\$0.007
<b>16 oz Bowl</b>	Foam – Dart Container 500 ct \$19.49	\$0.039	Plastic - Genpak 1000 ct \$69.99	\$0.070	\$0.031
<b>6" Plate</b>	Foam – Dart Container 1000 ct \$29.99	\$0.030	Paper - AJM 1000 ct \$19.99	\$0.020	<b>(\$0.010)</b>
<b>9" Plate</b>	Foam- Dart Container 500 ct \$17.99	\$0.036	Paper- AJM 1000 ct \$25.87	\$0.026	<b>(\$0.010)</b>
<b>6" Hinge Container</b>	Foam – Dart Container 500 ct \$18.99	\$0.038	Plastic 500 ct \$31.99	\$0.064	\$0.026
<b>9" Hinge Container</b>	Foam – Dart Container 200 ct \$14.49	\$0.072	Plastic 200 ct \$24.99	\$0.125	\$0.053

## What does this mean to businesses in Rockport?

Only restaurants and stores that offer takeout would be affected by this ban. They would have to choose an alternative to styrofoam. I called and/or visited most of the places in Rockport that sell food, and found that many of them don't use styrofoam or have just one or two styrofoam cup sizes.

<b>Restaurants/Stores that would be affected</b>	<b>Do they use Styrofoam?</b>
<b>Market Basket</b>	No
<b>3 Dogs Cafe</b>	Yes- 2 sizes of cups (?)
<b>Blue Sky Cantina</b>	
<b>Circle K</b>	Yes- Polar Pop cups
<b>Maritime Farms</b>	Yes- smallest of the 4 sizes of coffee cups
<b>Graffam Bros</b>	Yes- takeout clamshells; already exploring other options
<b>18 Central</b>	No
<b>Nina June</b>	No
<b>PenBay Hospital Cafeteria</b>	No
<b>Laugh Loud Smile Big</b>	No
<b>Tolman Pond Market</b>	Yes- smallest of the 4 sizes of coffee cups
<b>KFC</b>	Yes- smallest size of containers
<b>Dunkin' Donuts</b>	Yes- all 3 sizes of hot coffee cups; company wide elimination of styrofoam by 2020
<b>Tomi</b>	No
<b>JJ's Snack Shack</b>	N/A— not open
<b>La Bella Vita</b>	No
<b>The Helm</b>	N/A— being sold
<b>Taco Bell</b>	No
<b>Rockport Lobster</b>	
<b>Fog Lifters</b>	No
<b>47 West</b>	No
<b>Offshore Restaurant</b>	Yes- clamshells

## **How have other communities handled the change?**

I called and emailed city managers, sustainability coordinators, and managers of places that sell food in some of the municipalities where styrofoam bans have been adopted. Overall the switch to more sustainable materials was a positive experience. The complaints from businesses were usually about the inconvenience of their new containers rather than an economic burden.

### **Portland:**

Troy Moon, Portland Sustainability Coordinator: “Our ban of polystyrene foam has gone very well. Businesses were able to make the transition to other packaging products quite well. We haven't had to take any enforcement actions since the ordinance went into effect in 2015.” February 14, 2018

### **Belfast:**

Joseph Slocum, Belfast City Manager: “It went into effect on January 1st and has largely worked very well. We have a few businesses that we need to work with to insure compliance. This issue came from people in the community not elected officials. They made a convincing case to elected officials and the law got passed.” February 14, 2018.

Dunkin' Donuts in Belfast: Manager seemed unhappy with the change— “cups are now about 2x as expensive.”

Dunkin' Donuts has committed to eliminating foam cups worldwide by 2020 as part of its commitment to “serve both people and the planet responsibly.”

<https://news.dunkindonuts.com/news/dunkin-donuts-to-eliminate-foam-cups-worldwide-in-2020>

Circle K in Belfast: Manager said the financial burden was not enough to need to raise prices. With the company’s buying power, bulk discounts let them purchase paper products without a large economic impact. She hears complaints that paper cups don't keep Polar Pops as cold, and that they are flimsier. She promotes reusable cups because stainless steel insulates coffee as well as styrofoam.

Belfast Variety— Manager said that paper products are more expensive, but cardboard sleeves work well. The takeout containers that they use now are smaller, so the higher price of paper evens out and they don’t pay more for food packaging. They incentivize bringing your own cup with a mug button.

### **Saco:**

KFC in Saco: Manager said that the switch made containers “maybe a little pricier,” but switch was easy except for the employees needing to learn how to pack orders in bags with the different shaped containers.

### **South Portland:**

Julie Rosenbach, Sustainability Director of the City of Portland: “Our ordinance went into effect smoothly with direct outreach to entities affected. Every now and then I get an email or a call from a resident who got their food in Styrofoam. In that case I usually visit the store and provide them with information and they comply or in several cases, their supplies order got messed up and they were using the Styrofoam temporarily.” February 15, 2018.



P.O. Box 1016 • Rockport, Maine 04856  
Tel: 207-236-2467 ~ Fax: 207-236-7968

To: The Rockport Select Board

From: Jim Guerra, Mgr. MCSW

Re: Msw Fee Increase - background information for the proposed bag increase

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The reason this Select Board, as well as our other three member Select Boards, is being approached is because, according to the MCSW Interlocal Agreement, changes in the fee schedule require action of the municipal officers of each member town. The MCSW Budget approved on January 24, anticipates such a change in fee schedule.

Fees for trash disposal were last increased in 2013, with the expectation that the increase would hold for five years. MCSW was able to assure this by reserving any surplus generated by the increase in the earlier years to stabilize any deficit that might have occurred towards the end of five years. This worked quite well and it is the model we will follow with this increase so that it will hopefully hold for the three years we are contracted with ecomaine. The fee increase is necessary to keep up with increasing costs of operating this facility.

With increases in expenses over the past five years; payroll, benefits, costs associated with recycling and, now, a new contract directing our trash southward to ecomaine in Portland, operations are more expensive. Add to this the revenue losses including PERC Performance Distributions through the MRC (typically over \$100K), approximately 60K from private hauler fees, a softer recycling market as well as the fact that we have kept our assessment to the tax base virtually flat during this five year period, it becomes clearer why there is a need, once again, to raise either disposal fees or the tax assessment. Without the 25% increase in trash fees, the MCSW assessment for Rockport would rise from its current \$156K to over \$200K. Rather than increase assessments, where there is little recourse to lower the overall fiscal impact to our community, by choosing to raise bag fees, residents are once again encouraged to recycle. With a 21 % recycling rate, there remains significant room for improvement, lowering the amount of trash to be disposed and, overall, lowering the cost to residents. It would be a great thing to see this community break the 30% recycling rate.

The Mid-Coast Board of Directors voted to raise the trash disposal fee as follows:

- 33gallon bags - individual – \$2.50 ea (from \$2.00)
- 33gallon bags – to be sold in bundles of four rather than five - \$10
- Smaller Kitchen Liner bags – to be sold in bundles of 10 for \$15 (from \$12)
- Per ton fee for msw - \$166 per ton (from \$133)



# Town of Rockport, Maine

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## Safety Committee

Town Office Building  
101 Main Street  
Rockport, Maine 04856

Telephone: 207.706.4067

**Jason Peasley, Chair**

[firechief@town.rockport.me.us](mailto:firechief@town.rockport.me.us)

**Megan A. Brackett, Vice Chair**

[financedirector@town.rockport.me.us](mailto:financedirector@town.rockport.me.us)

Fax: 207.230.0112

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Date: March 5, 2018

To: Richard C. Bates, Town Manager  
Rockport Select Board

Re: Smoking Policy

In the last meeting of the safety committee municipal ground smoking was a topic of discussion. Below I have pasted the current smoking policy from the Town Personnel Policy that was last amended on March 13, 2017. The safety committee is requesting some changes be made to this policy.

### **The Current Policy**

(See next two pages)

7  
8 **ARTICLE 23 - WORKPLACE SMOKING POLICIES**  
9

10 **A. Smoke-Free Workplace Policy for the Town of Rockport**  
11

12  
13 **1. Background and Purpose**  
14

15 a. The Town of Rockport is dedicated to providing a healthy,  
16 comfortable and productive work environment for our employees, clients and  
17 visitors.  
18

19 b. Tobacco use is the single greatest preventable cause of premature  
20 death and disability in the United States. In Maine, it accounts for one out of every  
21 seven deaths, or over 2,500 deaths annually. Research has shown that nonsmokers,  
22 especially those with chronic heart or lung disease, can experience severe distress  
23 when exposed to secondhand smoke. Furthermore, the U.S. Environmental  
24 Protection Agency concluded that secondhand smoke is a human lung carcinogen  
25 responsible for 3,000 deaths a year in the United States.  
26

27 c. In light of these findings, it will be Town Policy to provide a  
28 smoke-free environment for employees, clients and visitors. This policy covers the  
29 smoking of any tobacco product and the use of smokeless or spitting tobacco and  
30 applies to employees, customers and visitors as follows:  
31

32 1. There will be no smoking or use of tobacco products  
33 within the Town's facilities and equipment at any time.  
34

35 2. There will be a designated smoking area fifteen (15) feet  
36 outside of the Town's facilities. All materials used for smoking, including cigarette  
37 butts and matches, will be extinguished and disposed of in appropriate containers.  
38 If the designated smoking area is not properly maintained (for example, if cigarette  
39 butts are found on the ground), it can be eliminated at the discretion of management.  
40



1 **B. Procedure**

2

3 1. Employees will be informed of this policy through signs posted in the  
4 facility, the policy manual, and orientation and training provided by their  
5 supervisors.

6

7 2. Visitors will be informed of the policy through signs and when  
8 necessary their host will explain it.

9

10 3. The Town will assist employees who wish to quit using tobacco by  
11 facilitating access to recommended tobacco cessation programs and materials.

12

13 4. Any violation of this policy will be handled through the Town's  
14 disciplinary procedure.

15

16

**Our recommended changes**

A.1.2. – We recommend removing this clause all together. It is the wish of the Safety Committee that **no-**  
**one** is permitted to smoke on **any** town owned property, this would include any town owned parks,  
buildings and/or equipment and vehicles.

**Other Recommendations**

At this time the Safety Committee is recommending that this change be made to the personnel policy and  
that the town post assigns at all municipal locations stating that use of tobacco products is prohibited.

**Proposed Signage**

(See next page)

# **SMOKE & TOBACCO FREE PROPERTY**



**WE PROHIBIT THE USE OF  
TOBACCO OR SMOKING  
ON TOWN PROPERTY**



**CHAPTER VIII  
TOWN OF CAMDEN  
Police Ordinance**

**PART III-B**

**\*AN ORDINANCE FOR THE REGULATION  
OF THE DISCHARGE OF FIREARMS  
IN CERTAIN AREAS OF THE TOWN OF CAMDEN**

**ARTICLE 1  
REGULATION OF DISCHARGE OF FIREARMS.**

**Section 1- Jurisdiction:**

This ordinance shall be enacted pursuant to the Municipal Home Rule powers of Title 30-A, M.S.R.A., Section 3001. The provisions of this ordinance shall be liberally interpreted in order to meet the objectives set forth in this ordinance.

**Section 2- Purposes and Objectives:**

The purposes and objectives of this ordinance are to protect both residents and non-residents of the Town of Camden from accidental injury as a result of the discharge of firearms in certain areas of the Town of Camden in which the discharge of firearms is considered to be unsafe in consequence of the congestion of residences in those areas, terrain features, or proximity to recreational or residential uses.

**Section 3- Discharge of Firearms Prohibited, Except With a Permit:**

No person, except a police officer, sheriff, constable, game warden, other law enforcement official, or military personnel in the performance of their official duties, shall, without a permit from the Police Chief of the Town of Camden, discharge any firearm. Notwithstanding the prohibition on the discharge of firearms set forth in this section, the following activities shall not be considered a prohibited discharge of firearms which violates the provisions of this ordinance:

- A. The discharge of firearms for official military exercises, and the discharge of firearms for ceremonies in connection with funerals, military reviews, and memorial events, specifically including the discharge of firearms by official participants in parades commemorating Memorial Day and in the observance of other holidays;
- B. The discharge of firearms in the proper defense of a person, that person's family, that person's property, and other people, but only to the extent that such actions are lawful and permitted by the laws of the State of Maine; and
- C. The discharge of firearms to destroy or to kill any dangerous animal, and to kill wild animals attacking other domestic animals or destroying property, as permitted under the terms of Title 12, M.R.S.A., Section 12401; and
- D. The discharge of firearms for the purpose of hunting in compliance with all provisions of Title 12 in areas not set forth below in Article II and / or Article III.
- E. All road/street names shall be governed by the official firearms discharge map located in the Town of Camden Public Safety Building.

#### **Section 4- Permit for Discharge of Firearms:**

Applications for a permit from the Police Chief of the Town of Camden to discharge a firearm shall be requested on a form provided for that purpose by the Police Chief. The application shall contain the full name and address of the applicant, together with addresses for the prior five (5) years, and an identification of the date and place of birth, height, weight, and eye color of the applicant. In addition, the application may contain a requirement for submission of any of the other information set forth in applications submitted pursuant to Title 25, M.R.S.A., Section 2003(1) (D). The application shall contain a specific statement of the date, time, and purpose of the discharge of firearms for which the application is submitted, together with a statement of appropriate safety measures to be taken to reduce danger to people and property.

Upon receipt of a proper written application, the Police Chief shall, within ten (10) days, issue the permit for a discharge of a firearm on the specific date(s), time(s), and location, and for the specific purpose set forth in the written application, unless the Police Chief determines, on the basis of the information submitted on the written application, that the requested discharge of a firearm would be dangerous or otherwise unsafe to people, property, or domestic animals. Upon a determination that the requested discharge of a firearm does not meet the foregoing criteria for the issuance of a permit, the Police Chief shall notify the applicant, in writing, of the denial of the permit and the reasons therefore.

A permit issued by the Police Chief pursuant to this section of this ordinance shall be valid only for the date(s), time(s), location, and purpose set forth in the written application.

### **Article II**

#### **GEOGRAPHIC AREAS WHERE DISCHARGE OF FIREARMS IS PROHIBITED, EXCEPT WITH A PERMIT**

##### **Section 1- Prohibited Area #1:**

The area bounded by Gould Street, Mountain Street, Molyneaux Road and State Route 105 back to Gould Street, more accurately described as follows:

Beginning at the southeasterly corner post of a bridge at the intersection of Gould and Washington Streets; THENCE running Northeasterly along the northerly line of Gould Street to the westerly line of Mountain Street; THENCE turning and running generally Northwesterly, along the westerly line of Mountain Street to the southerly line of the Molyneaux Road; THENCE turning and running in a generally Westerly direction, or as said Molyneaux Road runs, to the easterly line of State Route 105 (Hope Road); THENCE turning and running in a generally Southeasterly direction, or as said Route 105 runs, to the southeasterly corner post of the aforementioned bridge, being the place of beginning.

##### **Section 2- Prohibited Area #2:**

The area bounded by Molyneaux Road, East Fork Road, Melvin Heights Road, Upper Mechanic Street, Cobb Road, Thomas Street, and Washington Street back to Molyneaux Road, more accurately described as follows:

Beginning at the southerly corner of an intersection where the westerly line of State Route 105 joins the southerly line of Molyneaux Road; THENCE running Westerly, following the southerly line of said Molyneaux Road, to the easterly line of East Fork Road; THENCE turning and running generally Southerly and Southeasterly along the easterly lines of said East Fork Road, the Melvin Heights Road, and Upper Mechanic Street, to the easterly line of Cobb Road; THENCE turning and running generally Northerly along the easterly line of Cobb Road; to the southerly line of Thomas Street; THENCE turning and running generally

Northeasterly along the southerly line of Thomas Street to the westerly line of Washington Street at its point of intersection with said Thomas Street; THENCE turning and running generally Northwesterly, or as said Washington Street runs, to its intersection with the southerly line of said Molyneaux Road, being the place of beginning.

**Section 3- Prohibited Area #3:**

The area on the Penobscot Bay side of State Route 1 south of the Camden Hills State Park, bounded by Eaton Avenue, High Street/Route 1, Camden Hills State Park boundary, and the bay shore back to Eaton Avenue, more accurately described as follows:

Beginning on the southerly side of High Street (U.S. Route 1), at a point where it intersects with the easterly line of Eaton Avenue; THENCE running generally Northeasterly along the southerly line of Route 1 to the boundary line of the Camden Hills State Park; THENCE turning and running generally Southeasterly, following said boundary line of the Park, to the normal high water mark of Penobscot Bay; THENCE turning and running generally Southerly and Southwesterly along the normal high water mark of Penobscot Bay to a point where it intersects with the easterly line of Eaton Avenue; THENCE turning and running generally Northwesterly along the easterly line of said Eaton Avenue to the southerly line of High Street, being the place of beginning.

**Section 4- Prohibited Area #4:**

The area on the Penobscot Bay side of State Route 1 north of Camden Hills State Park, bounded by Camden Hills State Park, the Camden/Lincolntonville Town Line, and the bay shore back to the Park boundary, more accurately described as follows:

Beginning on the southerly side of said Route 1, at a point where it intersects with the easterly line of Camden Hills State Park; THENCE running generally Northeasterly, along the southerly line of said Route 1, to the Camden-Lincolntonville town line; THENCE turning and running generally Southeasterly, following said town line, to the normal high water mark of Penobscot Bay; THENCE turning and running generally Southwesterly along said high water mark, to the boundary line of said Park; THENCE turning and running generally Northwesterly, along said boundary line, to its intersection with said Route 1, being the place of beginning.

**Section 5- Prohibited Area #5:**

The area of the Town of Camden which is located within two hundred (200) yards of the normal high water mark of Hosmer Pond.

**Section 6- Prohibited Area #6:**

Any area located within the property boundary lines of the so-called Ada Mills Sand Pit, set forth as Map 40, Lot 3 on the tax maps of the Town of Camden and which is owned-on the date of enactment of the ordinance-by the Town of Camden by virtue of a deed recorded in the Knox County Registry of Deeds at Book 168, Page 367.

**Section 7- Prohibited Area #7:**

The triangular section of land bounded by Molyneaux Road, East Fork Road and Melvin Heights Road, more accurately described as follows:

Starting at the intersection of the southerly side of Molyneaux Road and the westerly side of East Fork Road;

THENCE traveling westerly along the southerly side of Molyneaux Road to the intersection with Melvin Heights Road; THENCE continuing southerly along the east side of Melvin Heights Road to the intersection with East Fork Road; and THENCE continuing northerly along the west side of East Fork Road to the place of beginning where the west side of East Fork Road meets the south side of Molyneaux Road.

**Section 8- Prohibited area #8:**

The land area between Lake Megunticook and State Route 105, from Codman Island Road to Carle Brook, more accurately described as follows:

Starting at the intersection of the Codman Island Road and the northeasterly side of State Route 105; THENCE continuing Northwesterly along the northeasterly side of State Route 105 for a distance of approximately one (1) mile to the south side of Carle Brook; THENCE by and along the south side of Carle Brook to its confluence with Megunticook Lake; THENCE Southeasterly by and along the high water mark of the southwesterly shore of Megunticook Lake to the place of beginning at the intersection of Codman Island Road and northeasterly side of State Route 105.

**Section 9- Prohibited Area #9:**

The land area between Lake Megunticook and Beaucaire Avenue, from Start Road to State Route 52, including Barretts Cove, more accurately described as follows:

Starting at the point where the northwest corner of Beaucaire Avenue intersects with the southwest side of State Route 52; THENCE westerly along the north side of Beaucaire Avenue to the northwest side of the intersection of Beaucaire Avenue and Start Road; THENCE northwesterly following an extension of the westerly sideline of Start Road to the intersection of that line with the high water mark of Megunticook Lake (said call being the easterly boundary of the area described in the third paragraph of Article III herein); THENCE continuing by and along the high water mark of Megunticook Lake easterly to a stone wall located on the east side of Barrett's Cove Beach; THENCE easterly along the stone wall to the southwest boundary of State Route 52; THENCE Southeasterly to the starting point where the northwest corner of Beaucaire Avenue intersects with the southwest side of State Route 52.

**ARTICLE III**

**GEOGRAPHIC AREAS WHERE DISCHARGE OF FIREARMS  
WITHOUT A PERMIT IS PROHIBITED,  
EXCEPT FOR THE DISCHARGE OF SHOTGUNS**

The discharge of firearms shall be prohibited in the following geographic areas, except that the discharge of shotguns, shall be permitted with a permit:

- A. The area bounded by Start Road, Beaucaire Avenue, and Molyneaux Road back to Start Road, more accurately described as follows:

Beginning in the northerly sideline of Molyneaux Road in the point at which that sideline intersects with the westerly sideline of Start Road; THENCE running generally Northwesterly, by and along said westerly sideline of Start Road, to its intersection with the southerly sideline of Beaucaire Avenue; THENCE turning and running generally Southwesterly and Southerly by and along said southerly sideline of Beaucaire Avenue, and approximately parallel with the shoreline of Megunticook River, to the intersection of Beaucaire Avenue with said northerly sideline of Molyneaux Road; THENCE turning and running generally Southeasterly along said northerly sideline of Molyneaux Road to its intersection with the Start Road, being the place of beginning.

- B. The land area along Lake Megunticook, from Start Road and bounded by Beaucaire Avenue, Molyneaux Road and State Route 105 to Bog Bridge, including Codman Island, and more accurately described as follows:

Beginning at a point in the northerly sideline of Beaucaire Avenue, which point is directly opposite from the point of intersection of the westerly sideline of Start Road with the southerly sideline of said Avenue; THENCE running generally Southwesterly and Southerly, by and along the northerly sideline of said Avenue, to a point opposite the point of intersection of the northerly sideline of Molyneaux Road with the southerly sideline of said Avenue; THENCE turning and running generally Southwesterly, by and along the northerly sideline of Molyneaux Road, to its intersection with the easterly sideline of State Route 105; THENCE turning and running generally Northwesterly, by and along the easterly sideline of said Route 105, to its intersection with Bog Bridge, so-called; THENCE turning and running generally Easterly to the normal high water mark of Megunticook Lake; THENCE turning and running generally Easterly and Northeasterly, by and along the normal high water mark of said Lake, to its intersection with a line extending from the point in the northerly sideline of Beaucaire Avenue which is located directly opposite the point of intersection of the westerly sideline of Start Road with the southerly sideline of said Avenue (that point being the point of beginning); THENCE turning and running generally Easterly, by and along that extension line, to the place of beginning; also including the entire geographic area of Codman Island, so-called.

#### **ARTICLE IV**

##### **PROHIBITED ACTS AND PENALTY**

Each person who discharges a firearm without a required permit, in violation of this ordinance, shall be subject to a penalty of not less than \$250 for each such violation of this ordinance. This fine shall be collected by a complaint of the Town, filed in the District Court for the Division of Knox County. Each and every incident of a discharge of firearms in violation of this ordinance shall be considered a separate and independent violation.

#### **ARTICLE V**

##### **DEFENITION OF FIREARMS**

For the purposes of this ordinance, a "firearm" or "firearms" shall mean any instrument defined as a "firearm" within the meaning of Title 12 M.R.S.A., Section 10001 (21). "Firearm" means any instrument used in propulsion of pellets, shot, shells or bullets by action of gunpowder, compressed air or gas exploded or released within it.

For the purposes of this ordinance, a "shotgun" shall mean a smoothbore shoulder weapon for firing shot at short distances. For the purposes of this ordinance, "shot" shall mean a solid ball or bullet that is not intended to fit the bore of a piece; also such projectiles collectively.

\*Ordinance adopted in its entirety November 5, 1991.

\*Ordinance revised November 6, 2007.

ARTICLE II. - WEAPONS<sup>[2]</sup>

Footnotes:

--- (2) ---

**State Law reference**— Weapons, 17-A M.R.S.A. § 1051 et seq.

Sec. 38-25. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Firearm* means any instrument used in the propulsion of pellets, shot, shells, or bullets by action of gunpowder, compressed air or gas exploded or released within it.

*Muzzleloader* means a firearm that is capable of being loaded only through the muzzle; is ignited by a matchlock, flintlock, or caplock, including an in-line caplock or shotgun or rifle primer mechanism; has a rifled or smooth-bored barrel or barrels, each barrel capable of firing only a single charge; propels a ball, bullet or charge of shot and may have any type of sights, including scopes.

(Ord. of 5-4-10(2))

Sec. 38-26. - Discharge near dwelling or occupied building or structure.

It shall be unlawful for any person to shoot or discharge a firearm of any kind or description in the town within 100 yards of a dwelling or occupied building or structure without having received the prior consent in writing of the owner of such dwelling or occupied building or structure.

(Ord. of 9-17-1980, § 2)

**Cross reference**— Buildings and building regulations, ch. 66.

Sec. 38-27. - Discharge causing projectile to pass near dwelling or occupied building or structure.

It shall be unlawful for any person to shoot or discharge a firearm of any kind or description in the town which causes or permits the bullet or projectile from such firearm to pass or results in the bullet or projectile from such firearm passing within 100 yards of a dwelling or occupied building or structure without having received the prior consent in writing of the owner of such dwelling or occupied building or structure.

(Ord. of 9-17-1980, § 3)

**Cross reference**— Buildings and building regulations, ch. 66.

Sec. 38-28. - Discharge within town.

(a) It shall be unlawful for any person to shoot or discharge a firearm of any kind or description, except for shotguns, within the geographic boundaries of the town.



- (b) This section shall not apply to persons having written permission to shoot or discharge firearms from the owner of the premises upon which such firearms are discharged.

(Ord. of 9-17-1980, § 4)

Sec. 38-29. - Exceptions.

- (a) Sections 38-26, 38-27 and 38-28 shall not apply to the following:
  - (1) An approved firing area.
  - (2) Raccoon hunting at night with a 0.22 caliber pistol.
  - (3) A trapper tending his traps.
  - (4) Rifled or smooth bore muzzle loaders.
- (b) As used in subsection (a)(1) of this section, an approved firing range area is defined as a backstop constructed of logs or timbers of at least 12 inches in diameter with an earth barrier of suitable materials with no less than a 45-degree slope. The following shall be required for an approved firing range area:
  - (1) In addition to the earth barrier, there shall also be a natural obstruction of trees or terrain to the rear of the backstop.
  - (2) The target area will be placed no less than three feet from the top and sides of the backstop.
  - (3) The range widths to the target shall be no less than 15 feet for 50 yards, 25 feet for 100 yards and 50 feet for 200 yards.
  - (4) No range will be situated less than 100 feet from the nearest roadway, and it shall not be constructed so the projectile travels toward the roadway.
  - (5) No shooting will be permitted except between the hours of sunrise and sunset.

(Ord. of 9-17-1980, § 5; Ord. of 5-4-10(2))

Secs. 38-30—38-55. - Reserved.

STATE OF MAINE  
LAWS  
RELATING TO  
PERMITS TO CARRY CONCEALED HANDGUNS



PREPARED BY THE OFFICE OF THE MAINE  
ATTORNEY GENERAL

AUGUSTA, MAINE

September 12, 2016

## **NOTICE TO APPLICANTS AND HOLDERS OF CONCEALED HANDGUN PERMITS**

A concealed handgun permit issued by a Maine issuing authority does not authorize you to possess or discharge firearms in locations within the State of Maine where such possession or discharge is prohibited. The permit does not authorize you to possess or use firearms in violation of applicable federal laws or the laws of other states. Such laws may prohibit possession or use in circumstances where Maine law does not. You have an obligation to confirm that your possession and use of firearms is lawful pursuant to Maine law, federal law, and the laws of any other jurisdiction in which you intend to possess a firearm. *Although you are encouraged to contact the Maine State Police or your issuing authority with permit questions, the State Police, municipal issuing authorities, and the Office of the Attorney General cannot provide legal advice or interpretations of Maine law to private citizens. If you need legal advice, you should consult a qualified private attorney concerning your specific situation.*

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication is current to the end of the Second Regular Session of the 127th Legislature, which adjourned April 29, 2016, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

**This pamphlet has been prepared by the Office of the Attorney General to be provided to applicants pursuant to 25 M.R.S. § 2003(3).**

**Title 25, Chapter 252**  
**Permits to Carry Concealed**  
**Handguns**

**25 M.R.S. § 2001-A. Threatening display of or carrying concealed weapon**

**1. Display or carrying prohibited.** A person may not, unless excepted by a provision of law:

- A. Display in a threatening manner a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person; or
- B. Wear under the person's clothes or conceal about the person's person a firearm, slingshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person.

**2. Exceptions.** The provisions of this section concerning the carrying of concealed weapons do not apply to:

- A. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued as provided in this chapter;
  - A-1. A handgun carried by a person who is 21 years of age or older and is not otherwise prohibited from carrying a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm;
- B. Disabling chemicals as described in Title 17-A, section 1002;
- C. Knives used to hunt, fish or trap as defined in Title 12, section 10001;
- D. A handgun carried by a law enforcement officer, a corrections officer or a corrections supervisor as permitted in writing by the officer's or supervisor's employer;
- E. A firearm carried by a person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or a firearm carried by a resident person engaged in conduct expressly authorized by Title 12, section 11108 and section 12202, subsection 1.<sup>1</sup> This paragraph does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle;
- F. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under this chapter;
- G. A handgun carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties;
- H. A handgun carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The qualified law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law

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<sup>1</sup> The reference to "subsection 1" appears to be an incorrect reference. Title 22 M.R.S. § 12202 should be referenced in its entirety.

enforcement agency by which the person is employed as a law enforcement officer;  
and

- I. A handgun carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The qualified retired law enforcement officer must have in the retired law enforcement officer's possession:

- (1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that agency to meet the standards established by that agency for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun; or
- (2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun.

**3. Firearm safety brochure.** Upon purchase of a handgun, a person exempt under subsection 2, paragraph A-1 shall sign in the presence of the firearm dealer an acknowledgment that the person was provided a basic firearm safety brochure in accordance with section 2012, subsection 2, paragraph A. The purchaser shall retain the acknowledgment. The Department of Public Safety shall post on the department's publicly accessible website a basic firearm safety brochure, an acknowledgment form and a list of safety programs certified by a national nonprofit membership organization that provides a volunteer safety program, including the training of people in the safe handling and use of handguns.

## **25 M.R.S. § 2002. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Corrections officer.** "Corrections officer" has the same meaning as set forth in [Title 25] section 2801-A, subsection 2.

**1-A. Conviction.** "Conviction" means the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

**1-B. Corrections supervisor.** "Corrections supervisor" has the same meaning as set forth in Title 17-A, section 2, subsection 5-B.

**2. Dependency-related drug.** "Dependency-related drug" has the same meaning as set forth in Title 5, section 20003, subsection 7.

**3. Drug abuser.** "Drug abuser" has the same meaning as set forth in Title 5, section 20003, subsection 10.

**4. Drug addict.** "Drug addict" has the same meaning as set forth in Title 5, section 20003,

subsection 11.

**5. Drug-dependent person.** "Drug-dependent person" has the same meaning as set forth in Title 5, section 20003, subsection 12.

**6. Firearm.** "Firearm" has the same meaning as set forth in Title 17-A, section 2, subsection 12-A.

**7. Formal charging instrument.** "Formal charging instrument" means a complaint, indictment, information, juvenile petition or other formal written accusation against a person for some criminal or juvenile offense.

**8. Fugitive from justice.** "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4.

**8-A. Handgun.** "Handgun" means a type of firearm commonly referred to as a pistol or revolver originally designed to be fired by the use of a single hand and that is designed to fire or is capable of firing fixed cartridge ammunition. "Handgun" does not include a shotgun or rifle that has been altered by having its stock or barrel cut or shortened or an automatic firearm that may be held with a single hand.

**9. Issuing authority.** "Issuing authority" means the following:

A. To a legal resident of a municipality:

- (1) The mayor and municipal officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee; or
- (2) The Chief of the State Police as the designee of the municipal officers under section 2002-A;

B. To a resident of an unorganized territory:

- (1) The Chief of the State Police;

C. To a nonresident:

- (1) The Chief of the State Police; and

D. To a professional investigator licensed under Title 32, chapter 89<sup>2</sup>:

- (1) The Chief of the State Police.

**10. Law enforcement officer.** "Law enforcement officer" has the same meaning as set forth in Title 17-A, section 2, subsection 17.

**10-A. Not criminally responsible by reason of mental disease or defect.** "Not criminally responsible by reason of mental disease or defect" has the same meaning as used in Title 17-A, section 39 [Insanity] and includes the former finding in this State under former provisions of Title 15, section 103 of "not guilty by reason of mental disease or defect excluding responsibility" as well as any comparable finding under the laws of the United States or any

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<sup>2</sup> 32 M.R.S. § 8120-A provides "A professional investigator licensed under this chapter [32 M.R.S. Chapter 89] may carry a handgun while performing the duties of a private investigator only after being issued a concealed handgun permit by the chief [the Chief of the State Police or the chief's designee] pursuant to Title 25, chapter 252 and passing the written firearms examination prescribed by the chief."

other state.

**11. Reckless or negligent conduct.** "Reckless or negligent conduct" means that the applicant, either consciously disregarding or failing to be aware of a risk that [the applicant's] conduct would cause such a result, engaged in conduct which in fact created a substantial risk of death, serious bodily injury or bodily injury to another human being and the applicant's disregard or failure to be aware of that risk, when viewed in light of the nature and purpose of the applicant's conduct and the circumstances known to [the applicant], involved a deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

**12. Bodily injury.** "Bodily injury" has the same meaning as set forth in Title 17-A, section 2, subsection 5.

**13. State and state.** "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.

**14. Use of a dangerous weapon.** "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.

#### **25 M.R.S. § 2002-A. Assignment of authority**

The municipal officers of a municipality without a full-time chief of police may designate, if the Chief of the State Police agrees, the State Police as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police are entitled to receive any fees authorized for performing the functions of an issuing authority. The Chief of the State Police continues to serve as the issuing authority until the chief receives from the municipal officers written notice of cancellation or revocation of the designation.

#### **25 M.R.S. § 2003. Permits to carry concealed handguns**

**1. Criteria for issuing permit.** The issuing authority shall, upon written application, issue a permit to carry concealed handguns to an applicant over whom it has issuing authority and who has demonstrated good moral character and who meets the following requirements:

- A. Is 18 years of age or older;
- B. Is not disqualified to possess a firearm pursuant to Title 15, section 393, is not disqualified as a permit holder under that same section and is not disqualified to possess a firearm based on federal law as a result of a criminal conviction;
- C. Repealed, P.L. 1993, c. 368 § 4.
- D. Submits an application that contains the following:
  - (1) Full name;
  - (2) Full current address and addresses for the prior 5 years;
  - (3) The date and place of birth, height, weight, color of eyes, color of hair, sex and race;

- (4) A record of previous issuances of, refusals to issue and revocations of a permit to carry concealed firearms, handguns or other concealed weapons by any issuing authority in the State or any other jurisdiction. The record of previous refusals alone does not constitute cause for refusal and the record of previous revocations alone constitutes cause for refusal only as provided in section 2005; and
- (5) Answers to the following questions:
- (a) Are you less than 18 years of age?
  - (b) Is there a formal charging instrument now pending against you in this State for a crime under the laws of this State that is punishable by imprisonment for a term of one year or more?
  - (c) Is there a formal charging instrument now pending against you in any federal court for a crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year?
  - (d) Is there a formal charging instrument now pending against you in another state for a crime that, under the laws of that state, is punishable by a term of imprisonment exceeding one year?
  - (e) If your answer to the question in division (d) is "yes," is that charged crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?
  - (f) Is there a formal charging instrument pending against you in another state for a crime punishable in that state by a term of imprisonment of 2 years or less and classified by that state as a misdemeanor, but that is substantially similar to a crime that under the laws of this State is punishable by imprisonment for a term of one year or more?
  - (g) Is there a formal charging instrument now pending against you under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority has pleaded that you committed the crime with the use of a firearm against a person or with the use of a dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A?
  - (h) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (b), (c), (d) or (f) and involves bodily injury or threatened bodily injury against another person?
  - (i) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (g)?
  - (j) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (b), (c), (d) or (f), but does not involve bodily injury or threatened bodily injury against another person?
  - (k) Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect [insanity] of committing a crime described in



division (b), (c), (f) or (g)?

**(l)** Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect [insanity] of committing a crime described in division (d)?

**(m)** If your answer to the question in division (l) is "yes," was that crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?

**(n)** Have you ever been adjudicated as having committed a juvenile offense described in division (h) or (i)?

**(o)** Have you ever been adjudicated as having committed a juvenile offense described in division (j)?

**(p)** Are you currently subject to an order of a Maine court or an order of a court of the United States or another state, territory, commonwealth or tribe that restrains you from harassing, stalking or threatening your intimate partner, as defined in 18 United States Code, Section 921(a), or a child of your intimate partner, or from engaging in other conduct that would place your intimate partner in reasonable fear of bodily injury to that intimate partner or the child?

**(q)** Are you a fugitive from justice?

**(r)** Are you a drug abuser, drug addict or drug dependent person?

**(s)** Do you have a mental disorder that causes you to be potentially dangerous to yourself or others?

**(t)** Have you been adjudicated to be an incapacitated person pursuant to Title 18-A, Article 5 [Probate Code; Protection of persons under disability and their property], Parts 3 and 4 and not had that designation removed by an order under Title 18-A, section 5-307, subsection (b) [Termination of incapacity]?

**(u)** Have you been dishonorably discharged from the military forces within the past 5 years?

**(v)** Are you an illegal alien?<sup>3</sup>

**(w)** Have you been convicted in a Maine court of a violation of Title 17-A, section 1057 [Possession of firearms in an establishment licensed for on-premises consumption of liquor] within the past 5 years?

**(x)** Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would be a violation of Title 17-A, section 1057 [Possession of firearms in an establishment licensed for on-premises consumption of liquor]?

**(y)** To your knowledge, have you been the subject of an investigation by any law enforcement agency within the past 5 years regarding the alleged abuse by you of family or household members?

**(z)** Have you been convicted in any jurisdiction within the past 5 years of 3 or more crimes punishable by a term of imprisonment of less than one year or of crimes

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<sup>3</sup> "Alien" means a person who is not a citizen of the United States.

classified under the laws of a state as a misdemeanor and punishable by a term of imprisonment of 2 years or less?

**(aa)** To your knowledge, have you engaged within the past 5 years in reckless or negligent conduct that has been the subject of an investigation by a governmental entity?

**(bb)** Have you been convicted in a Maine court within the past 5 years of any Title 17-A, chapter 45 drug crime?

**(cc)** Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would have been a violation of Title 17-A, chapter 45 [Criminal Code, Drugs]?

**(dd)** Have you been adjudged in a Maine court to have committed the civil violation of possession of a useable amount of marijuana, butyl nitrite or isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?

**(ee)** Have you been adjudicated in a Maine court within the past 5 years as having committed the juvenile crime defined in Title 15, section 3103, subsection 1, paragraph B of possession of a useable amount of marijuana, as provided in Title 22, section 2383?; and

**E.** Does the following:

- (1)** At the request of the issuing authority, takes whatever action is required by law to allow the issuing authority to obtain from the Department of Health and Human Services, limited to records of patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, the courts, law enforcement agencies and the military information relevant to the following:
  - (a)** The ascertainment of whether the information supplied on the application or any documents made a part of the application is true and correct;
  - (b)** The ascertainment of whether each of the additional requirements of this section has been met; and
  - (c)** Section 2005;
- (2)** If a photograph is an integral part of the permit to carry concealed handguns adopted by an issuing authority, submits to being photographed for that purpose;
- (3)** If it becomes necessary to resolve any questions as to identity, submits to having fingerprints taken by the issuing authority;
- (4)** Submits an application fee along with the written application to the proper issuing authority pursuant to the following schedule:
  - (a)** Resident of a municipality or unorganized territory, \$35 for an original application and \$20 for a renewal, except that a person who paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized; and
  - (b)** Nonresident, \$60 for an original or renewal application; and

- (5) Demonstrates to the issuing authority a knowledge of handgun safety. The applicant may fully satisfy this requirement by submitting to the issuing authority, through documentation in accordance with this subparagraph, proof that the applicant has within 5 years prior to the date of application completed a course that included handgun safety offered by or under the supervision of a federal, state, county or municipal law enforcement agency or a firearms instructor certified by a private firearms association recognized as knowledgeable in matters of handgun safety by the issuing authority or by the state in which the course was taken. A course completion certificate or other document, or a photocopy, is sufficient if it recites or otherwise demonstrates that the course meets all of the requirements of this subparagraph.

As an alternative way of fully satisfying this requirement, an applicant may personally demonstrate knowledge of handgun safety to an issuing authority, if the issuing authority is willing to evaluate an applicant's personal demonstration of such knowledge. The issuing authority is not required to offer this 2nd option.

The demonstration of knowledge of handgun safety to the issuing authority may not be required of any applicant who holds a valid state permit to carry a concealed firearm as of April 15, 1990 or of any applicant who was or is in any of the Armed Forces of the United States and has received at least basic firearms training.

**2. Complete application; certification by applicant.** The requirements set out in subsection 1, constitute a complete application. By affixing the applicant's signature to the application, the applicant certifies the following:

**A.** That the statements the applicant makes in the application and any documents the applicant makes a part of the application are true and correct;

**A-1.** That the applicant understands that an affirmative answer to the question in subsection 1, paragraph D, subparagraph (5), division (l) or (o) is cause for refusal unless the applicant is nonetheless authorized to possess a firearm under Title 15, section 393;

**A-2.** That the applicant understands that an affirmative answer to subsection 1, paragraph D, subparagraph (5), division (p) is cause for refusal if the order of the court meets the preconditions contained in Title 15, section 393, subsection 1, paragraph D. If the order of the court does not meet the preconditions, the conduct underlying the order may be used by the issuing authority, along with other information, in judging good moral character under subsection 4;

**B.** That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (a), (k), (n) or (q) to (x) is cause for refusal;

**B-1.** That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (b) to (j), (m), (y), (z) or (aa) to (ff) is used by the issuing authority, along with other information, in judging good moral character under subsection 4; and

**C.** That the applicant understands any false statements made in the application or in any document made a part of the application may result in prosecution as provided in section 2004.

**3. Copy of laws furnished to applicant.** A copy of this chapter and the definitions from

other chapters that are used in this chapter must be provided to every applicant.

**3-A. Model forms.** The Attorney General shall develop model forms for the following:

- A. An application for a resident permit to carry concealed handguns;
- B. An application for a nonresident permit to carry concealed handguns;
- C. A resident permit to carry concealed handguns of which a photograph is an integral part;
- D. A resident permit to carry concealed handguns of which a photograph is not an integral part;
- E. A nonresident permit to carry concealed handguns; and
- F. Authority to release information to the issuing authority for the purpose of evaluating information supplied on the application.

Each issuing authority shall utilize only the model forms.

**4. Good moral character.** The issuing authority in judging good moral character shall make its determination in writing based solely upon information recorded by governmental entities within 5 years of receipt of the application, including, but not limited to, the following matters:

- A. Information of record relative to incidents of abuse by the applicant of family or household members, provided pursuant to Title 19-A, section 4012, subsection 1;
- B. Information of record relative to 3 or more convictions of the applicant for crimes punishable by less than one year imprisonment or one or more adjudications of the applicant for juvenile offenses involving conduct that, if committed by an adult, is punishable by less than one year imprisonment;
- C. Information of record indicating that the applicant has engaged in reckless or negligent conduct; or
- D. Information of record indicating that the applicant has been convicted of or adjudicated as having committed a violation of Title 17-A, chapter 45 [Criminal Code, Drugs] or Title 22, section 2383 [Possession of marijuana, butyl nitrite or isobutyl nitrite], or adjudicated as having committed a juvenile crime that is a violation of Title 22, section 2383 or a juvenile crime that would be defined as a criminal violation under Title 17-A, chapter 45 if committed by an adult.

**5. Access to confidential records.** Notwithstanding that certain records retained by governmental entities are by law made confidential, the records pertaining to patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, and records compiled pursuant to Title 19-A, section 4012, subsection 1, that are necessary to the issuing authority's determination of the applicant's good moral character and compliance with the additional requirements of this section and of section 2005 must, at the request of the issuing authority, be made available for inspection by and dissemination to the issuing authority.

**6. Repealed, P.L. 1993, c. 524 § 10.**

**7. Repealed, P.L. 1993, c. 524 § 11.**

**8. Term of permit.** All concealed handgun permits are valid for 4 years from the date of

issue, unless sooner revoked for cause by the issuing authority. If a permit renewal is issued before the expiration date of the permit being renewed or within 6 months of the expiration date of the permit being renewed, the permit renewal is valid for 4 years from the expiration date of the permit being renewed.

**9. Information contained in permit.** Each permit to carry concealed handguns issued must contain the following: The name, address and physical description of the permit holder; the holder's signature; the date of issuance; and the date of expiration. A permit to carry concealed handguns may additionally contain a photograph of the permit holder if the issuing authority makes a photograph an integral part of the permit to carry concealed handguns.

**10. Validity of permit throughout the State.** Permits issued authorize the person to carry those concealed handguns throughout the State.

**11. Permit to be in permit holder's immediate possession.** Every permit holder shall have the holder's permit in the holder's immediate possession at all times when carrying a concealed handgun and shall display the same on demand of any law enforcement officer. A person charged with violating this subsection may not be adjudicated as having committed a civil violation if that person produces in court the concealed handgun permit that was valid at the time of the issuance of a summons to court or, if the holder exhibits the permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, a complaint may not be issued.

**12. Permit for a resident of 5 or more years to be issued or denied within 30 days; permit for a nonresident and resident of less than 5 years to be issued or denied within 60 days.** The issuing authority, as defined in this chapter, shall issue or deny, and reply in writing as to the reason for any denial, within 30 days of the application date in the case of a resident of 5 or more years and within 60 days of the application date in the case of a nonresident or in the case of a resident of less than 5 years. If the issuing authority does not issue or deny a request for a permit renewal within the time limits specified in this subsection, the validity of the expired permit is extended until the issuing authority issues or denies the renewal.

**13. Fee waiver.** An issuing authority may waive the permit fee for a permit issued to a law enforcement officer certified by the Maine Criminal Justice Academy.

**14. Lapsed permit.** A person may apply for renewal of a permit at the permit renewal rate at any time within 6 months after expiration of a permit. A person who applies for a permit more than 6 months after the expiration date of the permit last issued to that person must submit an original application and pay the original application fee.

**15. Duty of issuing authority; application fees.** The application fees submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) are subject to the following:

- A. If the issuing authority is other than the Chief of the State Police, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State.
- B. If the Chief of the State Police is the issuing authority as the designee of a municipality under section 2002-A, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State.

C. If the Chief of the State Police is the issuing authority because the applicant is a resident of an unorganized territory, a nonresident or an applicant under subsection 18, the application fee must be paid over to the Treasurer of State. The fee must be applied to the expenses of administration incurred by the State Police.

**16. Application fee; use.** The application fee submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) covers the cost of processing the application by the issuing authority and the cost of the permit to carry concealed handguns issued by the issuing authority.

**17. Waiver of law enforcement agency record and background check fees.**

Notwithstanding any other provision of law, a law enforcement agency may not charge an issuing authority a fee in association with the law enforcement agency's conducting a concealed handgun permit applicant record check or background check for the issuing authority.

**18. Certain persons on active duty in United States Armed Forces.** A person on active duty in the United States Armed Forces who qualifies as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules and is otherwise qualified to be issued a permit under this section is eligible for a permit under this section issued by the Chief of the State Police upon payment of the application fee for a resident specified in subsection 1, paragraph E, subparagraph (4), division (a).

#### **25 M.R.S. § 2004, Duty to inform law enforcement**

When an individual who is carrying a concealed handgun pursuant to the authority of this chapter and who does not have a valid permit to carry a concealed handgun that has been issued as provided in this chapter first comes into contact with any law enforcement officer of this State or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment or routine traffic stop, that individual shall immediately inform that law enforcement officer of the fact that the individual is carrying a concealed handgun.

#### **25 M.R.S. § 2004. Penalty**

**1. False statements.** A person who intentionally or knowingly makes a false statement in the written application for a permit to carry a concealed handgun or any documents made a part of the application commits a Class D crime.

**2. Carries or conceals dangerous weapon.** A person who violates section 2001-A commits a Class D crime.

**3. Failure to possess permit.** A person who fails to comply with section 2003, subsection 11 commits a civil violation for which a fine of not more than \$100 may be adjudged.

**4. Violation of confidentiality.** A person who intentionally or knowingly violates the confidentiality provisions of section 2006 commits a Class E crime.

**5. Failure to inform law enforcement.** A person who fails to comply with section 2003-A commits a civil violation for which a fine of not more than \$100 may be adjudged.

#### **25 M.R.S. § 2005. Revocation; change of residence**

**1. Revocation.** The issuing authority shall revoke a permit on the basis of one or more of

the following determinations:

- A. The application or any documents made part of the application contained a material misstatement;
  - B. The permit holder has been convicted of a violation of section 2001-A;
  - C. The permit holder becomes ineligible to possess a permit under this chapter. Ineligibility is determined on the basis of the criteria contained in section 2003;
  - D. For conduct that occurred after a permit was issued, that the permit holder was convicted of operating a motor vehicle, snowmobile, ATV or watercraft while under the influence of intoxicating liquor or drugs or with an excessive alcohol level and, by a preponderance of the evidence, that at the time of the offense the permit holder was in possession of a loaded firearm; or
  - E. For conduct that occurred after a permit was issued, that the permit holder was convicted of any violation of Title 17-A, chapter 45 [Criminal Code, Drugs].
- 2. Change of residence.** Except as provided in paragraph A, change of legal residence from one municipality to another during the term of the permit renders the permit invalid starting 30 days after the change is made. An invalid permit is not considered revoked for the purposes of subsection 3.
- A. If the permit holder changes the permit holder's legal residence from one municipality to another during the term of the permit, the permit remains valid if the permit holder provides the permit holder's new address to the issuing authority of the permit holder's new residence within 30 days of making that change. The issuing authority of the new residence shall immediately reissue the permit with the corrected address for a fee of not more than \$2.
  - B. If the issuing authority of the permit holder's new residence so requests, the previous issuing authority shall provide a photocopy of the permit holder's application, documents made a part of the application and any information of record collected by that previous issuing authority.
- 3. Reapplication.** If a permit has been revoked solely under subsection 1, paragraph D, the former permit holder may reapply upon successful completion of a substance abuse treatment program approved by the Department of Health and Human Services as appropriate for the permit holder's problem or condition. Except as specified in this subsection, no person, otherwise eligible, who has had a permit revoked, is eligible for reapplication until the expiration of 5 years from the date of revocation.

## **25 M.R.S. § 2005-A. Suspension of permit upon refusal**

- 1. Immediate suspension.** If the permit holder is required by law to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 or for conduct that occurs while the permit holder is in possession of a loaded firearm, and the permit holder refuses to submit to the required testing, the permit to carry a concealed handgun issued to that person is immediately suspended and must be surrendered at that time by the permit holder to the law enforcement officer.
- 2. Notice to issuing authority.** The law enforcement officer who has probable cause to require chemical testing shall promptly notify the issuing authority, in writing, of the permit holder's refusal and shall return the surrendered permit to the issuing authority.

**3. Suspension in effect during pendency.** The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV, or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section 2521, 2522 or 2523, that the law enforcement officer did not have probable cause to require the permit holder to submit to chemical testing.

**4. Suspension terminated.** If the permit holder is acquitted of the criminal charges to which the refusal pertains, if the charges are dismissed by the State or by the court or if a determination of no probable cause is made, the suspension is terminated and the court or the State shall promptly notify the issuing authority in writing. Upon receipt of the written notice the issuing authority shall return the permit.

## **25 M.R.S. § 2006. Access to information and proceedings**

**1. Application, refusals and collected information; proceedings.** All applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing agency during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 2003 and 2005 are not public records for the purposes of Title 1, chapter 13, subchapter 1. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal, suspension or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

**2. Permanent record of permit.** The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself. The record is confidential except that the following information about each permit holder is not confidential and is a public record:

- A. The municipality of residence;
- B. The date the permit was issued; and
- C. The date the permit expires.

This subsection does not limit disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities.

**[End Title 25, Chapter 252]**

## **25 M.R.S. §2011. STATE PREEMPTION**

**1. Preemption.** The State intends to occupy and preempt the entire field of legislation concerning the regulation of firearms, components, ammunition and supplies. Except as provided in subsection 3, any existing or future order, ordinance, rule or regulation in this field of any political subdivision of the State is void.

**2. Regulation restricted.** Except as provided in subsection 3, no political subdivision of the State, including, but not limited to, municipalities, counties, townships and village corporations, may adopt any order, ordinance, rule or regulation concerning the sale,



purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies.

**3. Exception.** This section does not prohibit an order, ordinance, rule or regulation of any political subdivision which, with the exception of appropriate civil penalty provisions, conforms exactly with any applicable provision of state law or which regulates the discharge of firearms within a jurisdiction.

**4. Law enforcement agency.** Nothing in this section limits the power of any law enforcement agency to regulate the type and use of firearms issued or authorized by that agency for use by its employees. For the purposes of this section "law enforcement agency" has the same meaning as set forth in section 3701.

**5. Restrictions on firearms and ammunition prohibited during state of emergency.** The provisions of this subsection apply to restrictions on firearms and ammunition during a state of emergency, as declared by the Governor pursuant to Title 37-B, section 742, subsection 1.

**A.** During a state of emergency, notwithstanding any provision of law to the contrary, a person acting on behalf or under the authority of the State or a political subdivision of the State may not:

- (1)** Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition. The provisions of this paragraph regarding the lawful transfer of a firearm or ammunition do not apply to the commercial sale of a firearm or ammunition if an authorized person has ordered an evacuation or general closure of businesses in the area of the business engaged in the sale of firearms or ammunition;
- (2)** Seize or confiscate, or authorize the seizure or confiscation of, an otherwise lawfully possessed firearm or ammunition unless the person acting on behalf of or under the authority of the State is:
  - (a)** Acting in self-defense against an assault;
  - (b)** Defending another person from an assault;
  - (c)** Arresting a person in actual possession of a firearm or ammunition for a violation of law; or
  - (d)** Seizing or confiscating the firearm or ammunition as evidence of a crime; or
- (3)** Require registration of a firearm or ammunition for which registration is not otherwise required by state law.

**B.** An individual aggrieved by a violation of this subsection may seek relief in an action at law or in equity for redress against any person who subjects that individual, or causes that individual to be subjected, to an action prohibited by this subsection.

**C.** In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this subsection may bring an action for the return of the firearm or ammunition in the Superior Court of the county in which that individual resides or in which the firearm or ammunition is located.

**D.** In an action or proceeding to enforce this subsection, the court shall award a prevailing plaintiff costs and reasonable attorney's fees.

**Title 25: INTERNAL SECURITY AND PUBLIC SAFETY**  
**Chapter 252-A: FIREARMS REGULATION HEADING: PL 1989, c. 359**

**§2012. SALE OF FIREARMS TO INCLUDE SAFETY BROCHURE**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Basic firearm safety brochure" means a brochure, produced by a national, nonprofit membership organization that provides a comprehensive voluntary safety program including the training of people in the safe handling and use of firearms or by any other organization, that contains the following information relating to firearms:

- (1) Rules for safe handling, storage and use of firearms;
- (2) Nomenclature and descriptions of various types of firearms; and
- (3) Responsibilities of firearm ownership and
- (4) The following information developed by the Department of Public Safety:
  - (a) A list of locations where handguns are prohibited; and
  - (b) Information concerning the use of handguns for self-defense.

B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

C. "Firearm dealer" means a person who is licensed as a dealer under 18 United States Code, Section 923, or who is required to be licensed as a dealer under that section.

**2. Requirement.** A firearm dealer must:

- A. Include a basic firearm safety brochure with every firearm sold at retail in this State, except that the brochure need not be supplied by the firearm dealer if the firearm manufacturer provides a basic firearm safety brochure with the firearm. The dealer may collect a charge for the brochure, which may not be greater than the dealer's cost to obtain the brochure; [1991, c. 127, (NEW).]
- B. Offer to demonstrate to the purchaser the use of a trigger locking device; and
- C. Post in a conspicuous place information relating to the availability of known local voluntary firearm safety programs.

**3. No liability.** Organizations that produce basic firearm safety brochures for distribution to firearm dealers for subsequent distribution to purchasers of firearms and firearm dealers are not liable for injuries resulting from the accidental discharge of nondefective firearms purchased from any dealer.

**26 M.R.S. §600. Concealed firearms in vehicles**

**1 Firearms in vehicles.** An employer or an agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. This subsection applies to the State as an employer when a state employee's vehicle is on property owned or leased by the State. This subsection does not authorize an employee or state employee to carry a firearm in a place where carrying a firearm is prohibited by law. For purposes of this section, "state employee" means an

employee of the State within the executive branch, the legislative branch or the judicial branch performing services within the scope of that employee's employment.

**2 Immunity from liability.** An employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this section, including, but not limited to, the theft of a firearm from an employee's vehicle, unless the employer or an agent of the employer intentionally solicited or procured the other person's injurious actions. Nothing in this section affects provisions in the Maine Workers' Compensation Act of 1992.

**30-A M.R.S. § 2801. Annual report [relevant subsection]**

**3-A. Names of those issued concealed handgun permits.** The names of persons issued concealed handgun permits under Title 25, chapter 252, may not be printed in the annual report.

**12 M.R.S. § 1803. General powers and duties of the bureau [subsections 1-5 are omitted]**

**6. Rules.** From time to time shall adopt, amend, repeal and enforce reasonable rules necessary to carry out the duties assigned to it, including, but not limited to, rules:

- A.** For the protection and preservation of state parks, historic sites, the Allagash Wilderness Waterway, public boating facilities owned or managed by the bureau, submerged lands, public reserved lands and nonreserved public lands
- B.** For the protection and safety of the public;
- C.** For observance of the conditions and restrictions, expressed in deeds of trust or otherwise, of the state parks, historic sites, the Allagash Wilderness Waterway, public boating facilities owned or managed by the bureau, submerged lands, public reserved lands and nonreserved public lands of the State and of monuments thereon; and
- D.** For preservation of the natural beauty, historic integrity and character of the Allagash Wilderness Waterway.

All rules of the bureau must be adopted in accordance with Title 5, chapter 375, subchapter II.

**7. Exceptions.** Notwithstanding subsection 6 or any other rule-making authority, the bureau may not adopt rules that prohibit the following persons from carrying concealed handgun in the buildings or parts of buildings and other public property that are under the bureau's jurisdiction:

- A.** A person to whom a valid permit to carry a concealed handgun has been issued under Title 25, chapter 252. The person must have in that person's possession the valid permit;
- B.** A person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;
- C.** An authorized federal, state or local law enforcement officer in the performance of

that officer's official duties;

- D. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in that law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; and
- E. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:
  - (1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a handgun of the same type as the concealed handgun; or
  - (2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a handgun of the same type as the concealed handgun.

*Note: Pursuant to 25 M.R.S.2001-A(2)(E), the provisions of Chapter 252 concerning concealed firearms do not apply to handguns carried by resident persons engaged in conduct expressly authorized by 12 M.R.S.§§ 11108 and 12202, which are reproduced below.*

#### **12 M.R.S. § 11108. Hunting without license.**

**1. On certain land.** Notwithstanding section 11109, subsection 1 as it applies to this subchapter, a resident over 10 years of age and a member of the resident's immediate family over 10 years of age, as long as the hunter's license to hunt is not under suspension or revocation, may hunt without a license, including, but not limited to, an archery hunting license, a crossbow hunting license and a muzzle-loading license, on a single plot of land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled;
- C. That is used exclusively for agricultural purposes; and
- D. That is in excess of 10 acres.

**2. Repealed, P.L. 2003, c. 655, Pt. B, § 113.**

**3. Repealed, P.L. 2003, c. 655, Pt. B, § 113.**

**4. Repealed, P.L. 2003, c. 655, Pt. B, § 113.**

**5. Hunting Assistance.** A person may assist in a hunt without a license or permit for that

activity as long as that person does not carry hunting equipment or engage in driving deer as described in section 11453.

**12 M.R.S §11212, sub-§1, ¶B, as amended by PL 2005, c. 477, §9, is further amended to read:**

- B.** A person may not, while in or on a motor vehicle or in or on a trailer or other type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism, except that a person who has a valid Maine permit to carry a concealed weapon is 21 years of age or older and is not otherwise prohibited from possessing a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may have in or on a motor vehicle or trailer or other type of vehicle a loaded pistol or revolver covered by that permit.

**12 M.R.S. § 11403. Regular archery only-deer hunting season [relevant subsections]**

**2. Open archery season on deer.** The commissioner shall by rule establish a regular archery-only season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 11401, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the regular archery-only season on deer, except as provided in section 10952 subsection 2 and section 10953, subsection 1-B, the following restrictions apply.

- B.** A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, except that a person who holds a license that allows hunting with firearms may carry a handgun. This paragraph may not be construed to prohibit a person who holds a valid permit to carry a concealed handgun pursuant to Title 25, section 2003 from carrying a handgun.

**12 M.R.S § 12202. Trapping by landowner.**

A resident and a member of the resident's immediate family, as long as the trapper's license to trap is not under suspension or revocation, may trap for wild animals without a trapping license issued under section 12201 on land:

- 1. Possession.** To which they are legally entitled to possession;
- 2. Domiciled.** On which they are actually domiciled; and
- 3. Agricultural purposes.** That is used exclusively for agricultural purposes.

***Note: For the purposes of the Title 12 provisions above, "resident" is defined by 12 M.R.S. § 10001(53)***

"Resident" means a citizen of the United States or an alien who has been domiciled in the State for one year who:

- A. If registered to vote, registered in this State;
- B. If licensed to drive a motor vehicle, has made application for or possesses a motor vehicle operator's license issued by the State;
- C. If owning a motor vehicle located within the State, registered each such vehicle in the State; and
- D. Is in compliance with the state income tax laws.

A person who is a full-time student at a college or university in the State and has satisfied the requirements of paragraphs A to D is rebuttably presumed to be a resident in the State during that period.

**DEFINITIONS FROM OTHER CHAPTERS OF THE MAINE REVISED STATUTES THAT ARE USED IN 25 M.R.S. CHAPTER 252**

**Bodily injury, 17-A M.R.S. § 2(5)**

"Bodily injury" means physical pain, physical illness or any impairment of physical condition.

**Civil Violations, 17-A M.R.S. § 4-B [relevant subsections]**

1. All civil violations are expressly declared not to be criminal offenses. They are enforceable by the Attorney General, his representative or any other appropriate public official in a civil action to recover what may be designated a fine, penalty or other sanction, or to secure the forfeiture that may be decreed by the law.
2. A law or ordinance may be expressly designated as a civil violation.
3. A law or ordinance which prohibits defined conduct, but does not provide an imprisonment penalty, is a civil violation, enforceable in accordance with subsection 1. A law or ordinance which is stated to be a criminal violation or which otherwise uses language indicating that it is a crime, but does not provide an imprisonment penalty is a civil violation, enforceable in accordance with subsection 1, unless the law or ordinance is an exception to the operation of this subsection.

**Corrections Officer, 25 M.R.S. § 2801-A(2)(A)**

"Corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2903-A.

**Dangerous weapon, 17-A M.R.S. § 2(9)**

- A. "Use of a dangerous weapon" means the use of a firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which, in the manner it is used or threatened to be used is capable of producing death or serious bodily injury.
- B. "Armed with a dangerous weapon" means in actual possession, regardless of whether the possession is visible or concealed, of:
  - (1) A firearm;

- (2) Any device designed as a weapon and capable of producing death or serious bodily injury; or
  - (3) Any other device, instrument, material or substance, whether animate or inanimate, which, in the manner it is intended to be used by the actor, is capable of producing or threatening death or serious bodily injury. For purposes of this definition, the intent may be conditional.
- C. When used in any other context, "dangerous weapon" means a firearm or any device designed as a weapon and capable of producing death or serious bodily injury.
- D. For purposes of this subsection, proof that a thing is presented in a covered or open manner as a dangerous weapon gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that it, in fact, is a dangerous weapon.

**Dependency-related drug, 5 M.R.S. § 20003(7)**

"Dependency-related drug" means alcohol or any substance controlled under Title 22, chapter 558 [ §§ 2383-2389 ] or Title 32, chapter 117 [ §§ 13701-13810 ].

**Drug Abuser, 5 M.R.S. § 20003(10)**

"Drug abuser" means a person who uses any drugs, dependency-related drugs or hallucinogens in violation of any law of the State.

**Drug Addict, 5 M.R.S. § 20003(11)**

"Drug addict" means a drug-dependent person who, due to the use of a dependency-related drug, has developed such a tolerance to the dependency-related drug that abrupt termination of its use would produce withdrawal symptoms.

**Drug-dependent person, 5 M.R.S. § 20003(12)**

"Drug-dependent person" means any person who is unable to function effectively and whose inability to do so causes, or results from, the use of a dependency-related drug.

**Firearm, 17-A M.R.S. § 2(12-A)**

"Firearm" means any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm.

**Fugitive from justice, 15 M.R.S. § 201(4)**

"Fugitive from justice" means:

- A. Any person accused of a crime in the demanding state who is not in that state, unless he is lawfully absent pursuant to the terms of his bail or other release. This definition shall include both a person who was present in the demanding state at the time of the commission of the alleged crime and thereafter left the demanding state and a person who committed an act in this State or in a 3rd state or elsewhere resulting in or constituting a crime in the demanding state; or
- B. Any person convicted of a crime in the demanding state who is not in that state, unless he is lawfully absent pursuant to the terms of his bail or other release, who has not

served or completed a sentence imposed pursuant to the conviction. This definition shall include, but not be limited to, a person who has been released pending appeal or other review of the conviction, the review having been completed; a person who has been serving a sentence in this State; a person who has escaped from confinement in the demanding state; or a person who has broken the terms of his bail, probation or parole.

**Fish, Hunt or Trap, 12 M.R.S. § 10001(23), (31), (64)**

To "fish" means to take, catch, kill, molest or destroy fish or to attempt to take, catch, kill, molest or destroy fish.

To "hunt" means to pursue, catch, take, kill or harvest wild animals or wild birds or to attempt to catch, take, kill or harvest wild animals or wild birds.

To "trap" means to set, place or tend a trap within the fields, forests or waters of the State, to kill an animal that is caught in a trap or to aid or assist another person in setting or placing a trap, tending a trap or killing an animal that is caught in a trap.

**Incapacitated person, 18-A M.R.S. § 5-101(1)**

"Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause except minority to the extent that [the person] lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his [or her] person.

**Juvenile crimes ("Juvenile offenses"), 15 M.R.S. § 3103(1)**

**1. Definition.** The term "juvenile crime," as used in this Part, means the following offenses:

- A. Conduct that, if committed by an adult, would be defined as criminal by Title 17-A, the Maine Criminal Code, or by any other criminal statute outside that code, including any rule or regulation under a statute, except for those provisions of Titles 12 and 29-A not specifically included in paragraphs E and F;
- B. Offenses involving illegal drugs or drug paraphernalia as follows:
  - (1) The possession of a useable amount of marijuana, as provided in Title 22, section 2383, unless the juvenile is authorized to possess marijuana for medical use pursuant to Title 22, chapter 558-C;
  - (2) The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4, paragraphs A and B; and
  - (3) Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2;
- C. Offenses involving intoxicating liquor, as provided in Title 28-A, sections 2051 and 2052 and offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087;
- D. Repealed, P.L. 2009, c. 93 § 2.
- E. Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 10701, subsection 1, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 11223;



- F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes;
- G. A violation of section 393, subsection 1, paragraph C or section 393, subsection 1-A; and
- H. If a juvenile has been convicted of a crime for a violation of a provision of Title 12 or 29-A not specifically included in paragraph E or F, willful refusal to pay a resulting fine or willful violation of the terms of a resulting administrative release or willful failure to comply with the terms of any other resulting court order.

**Law enforcement officer, 17-A M.R.S. § 2(17)**

"Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, or to perform probation functions or who is an adult probation supervisor.

**Not criminally responsible by reason of mental disease or defect Insanity, 17-A M.R.S. § 39 [relevant subsections]**

1. A defendant is not criminally responsible by reason of insanity if, at the time of the criminal conduct, as a result of mental disease or defect, the defendant lacked substantial capacity to appreciate the wrongfulness of the criminal conduct.
2. As used in this section, "mental disease or defect" means only those severely abnormal mental conditions that grossly and demonstrably impair a person's perception or understanding of reality. An abnormality manifested only by repeated criminal conduct or excessive use of alcohol, drugs or similar substances, in and of itself, does not constitute a mental disease or defect.

**Public proceedings, 1 M.R.S. § 402(2)**

The term "public proceedings" as used in this subchapter [Chapter 13, Subchapter I] means the transactions of any functions affecting any or all citizens of the State by any of the following:

- A. The Legislature of Maine and its committees and subcommittees;
- B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees;
- C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision;
- D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities;
- E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and

subcommittees;

- F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and
- G. The committee meetings, subcommittee meetings and full membership meetings of any association that:
  - (1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and
  - (2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach.

#### **OTHER SECTIONS OF THE MAINE REVISED STATUTES REFERENCED IN 25 M.R.S. CHAPTER 252**

#### **15 M.R.S. § 393, Possession of firearms prohibited for certain persons**

**Possession prohibited.** A person may not own, possess or have under that person's control a firearm, unless that person has obtained a permit under this section, if that person:

A-1. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

- (1) A crime in this State that is punishable by imprisonment for a term of one year or more;
- (2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;
- (3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;
- (4) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or

(5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

(a) A firearm against a person; or

(b) Any other dangerous weapon;

Violation of this paragraph is a Class C crime;

C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

(1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or

(3) Under paragraph A-1, subparagraph (5);

Violation of this paragraph is a Class C crime;

D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or

(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury;

Violation of this paragraph is a Class D crime;

E. Has been:

(1) Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B, section 3864 because the person was found to present a likelihood of serious harm, as defined under Title 34-B, section 3801, subsection 4-A, paragraphs A to C;

(2) Found not criminally responsible by reason of insanity with respect to a criminal charge; or

(3) Found not competent to stand trial with respect to a criminal charge;

Violation of this paragraph is a Class D crime;

F. Is a fugitive from justice. For the purposes of this paragraph, "fugitive from justice" has the same meaning as in section 201, subsection 4. Violation of this paragraph is a Class D crime;

G. Is an unlawful user of or is addicted to any controlled substance and as a result is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3). Violation of this paragraph is a Class D crime;

H. Is an alien who is illegally or unlawfully in the United States or who was admitted under a nonimmigrant visa and who is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5). Violation of this paragraph is a Class D crime;

I. Has been discharged from the United States Armed Forces under dishonorable conditions. Violation of this paragraph is a Class D crime; or

J. Has, having been a citizen of the United States, renounced that person's citizenship. Violation of this paragraph is a Class D crime.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

In the case of a deferred disposition, a person is deemed to have been convicted when the court imposes the sentence. In the case of a deferred disposition for a person alleged to have committed one or more of the offenses listed in section 1023, subsection 4, paragraph B-1, that person may not possess a firearm during the deferred disposition period. Violation of this paragraph is a Class C crime.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

**1. 1-A. Limited prohibition for nonviolent juvenile offenses.** A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A-1 or subsection 1-B, paragraph A but is not an adjudication under subsection 1, paragraph C or an adjudication under subsection 1-B, paragraph B in which bodily injury to another person was threatened or resulted may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later. Violation of this subsection by a person at least 18 years of age is a Class C crime.

**1-B. Prohibition for domestic violence offenses.** A person may not own, possess or have under that person's control a firearm if that person:

A. Has been convicted of committing or found not criminally responsible by reason of

insanity of committing:

(1) A Class D crime in this State in violation of Title 17-A, section 207-A, 209-A, 210-B, 210-C or 211-A; or

(2) A crime under the laws of the United States or any other state that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1).

Violation of this paragraph is a Class C crime; or

B. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under this subsection. Violation of this paragraph is a Class C crime.

Except as provided in subsection 1-A, the prohibition created by this subsection for a conviction or adjudication of an offense listed in paragraph A or B expires 5 years from the date the person is finally discharged from the sentence imposed as a result of the conviction or adjudication if that person has no subsequent criminal convictions during that 5-year period. If a person is convicted of a subsequent crime within the 5-year period, the 5-year period starts anew from the date of the subsequent conviction. In the case of a deferred disposition, the 5-year period begins at the start of the deferred disposition period. If, at the conclusion of the deferred disposition period, the court grants the State's motion to allow a person to withdraw the plea and the State dismisses the pending charging instrument with prejudice, the 5-year period terminates.

For the purposes of this subsection, a person is deemed to have been convicted or adjudicated upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

The provisions of this subsection apply only to a person convicted, adjudicated or placed on deferred disposition on or after October 15, 2015.

**2. Application after 5 years.** A person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the commissioner for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the commissioner. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

**3. Contents.** An application under subsection 2 must be on a form prepared by the Commissioner of Public Safety. The application must include the following: the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or

parole officer; date of discharge or release from prison or jail or termination of probation, supervised release for sex offenders, parole or administrative release; the reason for the request; and any other information determined by the commissioner to be of assistance. The application must be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge that are the subject of the conviction.

**4. Notification, objection and decision.** Upon receipt of an application, the commissioner shall determine if the application is in proper form. If the application is proper, the commissioner shall within 30 days notify in writing the sentencing or presiding judge, the Attorney General, the district attorney for the county where the applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency that investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The commissioner may direct any appropriate investigation to be carried out.

- A. If, within 30 days of the sending of notice, a person notified objects in writing to the commissioner regarding the initial issuance of a permit and provides the reason for the objection, the commissioner may not issue a permit. The reason for the objection must be communicated in writing to the commissioner in order for it to be the sole basis for denial.
- B. If, within 30 days of the sending of notice, a person notified objects in writing, including the reason for the objection, to the commissioner regarding a 2nd or subsequent issuance of a permit, the commissioner shall take the objection and its reason into consideration when determining whether to issue a 2nd or subsequent permit to the applicant, but need not deny the issuance of a permit based on an objection alone.

The commissioner may deny any application for a permit even if no objection is filed.

**4-A. Application for relief.** [Sub-section omitted]

*[NOTE: Title 15 M.R.S. § 393(4-A) sets forth a process for applying for relief from one particular Federal prohibition against possession of firearms and ammunition. The specific prohibition is based on involuntary commitment to a hospital. 18 U.S.C. § 922(g)(4). The Federal government has determined that Maine's process, as outlined in sub-section 4-A, Application for relief, is not in complete compliance with the NICS Improvement Amendments Act of 2007. Thus, even if the Commissioner were to grant an application submitted by a person pursuant to the Maine statute, the person would still be prohibited from possessing firearms and ammunition under Federal law.]*

**5. Appeal.** Any person to whom a permit under subsection 2 has been denied may file a petition for review pursuant to Title 5, chapter 375, subchapter 7.

**6. Filing fee.** The commissioner may establish a reasonable filing fee not to exceed \$25 to defray costs of processing applications.

**7. Definitions.** As used in this section, unless the context otherwise indicates, the following

terms have the following meanings.

- A. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.
- B. "Not criminally responsible by reason of insanity" has the same meaning as used in section 103 and any comparable finding under the laws of the United States or any other state.
- C. "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.
- D. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.
- E. "Commissioner" means the Commissioner of Public Safety or the commissioner's designee.

#### 8. Repealed

**9. Prima facie evidence.** Notwithstanding any other law or rule of evidence, a copy of a court abstract provided by a court to the Department of Public Safety, State Bureau of Identification pursuant to Title 34-B, section 3864, subsection 12, if certified by the custodian of the records of that bureau, or the custodian's designee, is admissible in a criminal prosecution brought pursuant to this section as prima facie evidence that the person identified in the abstract has been involuntarily committed by the court issuing the abstract and has been provided the notice required in Title 34-B, section 3864, subsection 5, paragraph A-1 and Title 34-B, section 3864, subsection 13.

**10. Subpoena power.** The commissioner is authorized to issue a subpoena in the name of the commissioner in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this section and is not limited to an adjudicatory hearing. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the commissioner, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.

**11. Rules.** The commissioner may adopt rules to implement the provisions of subsections 2 to 4-A. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

#### 17-A M.R.S. § 1002, Criminal use of disabling chemicals

1. A person is guilty of criminal use of disabling chemicals if he intentionally sprays or otherwise uses upon any other person chemical mace or any similar substance composed of a mixture of gas and chemicals which has or is designed to have a disabling effect upon human beings.

2. Criminal use of disabling chemicals is a Class D crime. This section shall not apply to the use of those disabling chemicals when that use is for the purpose of:

- A. Defending a person under section 108;
- B. Defending premises under section 104; or
- C. Retaking property, preventing that taking or preventing criminal mischief under section 105;

**17-A M.R.S. § 1057, Possession of firearms in an establishment licensed for on-premises consumption of liquor**

1. A person is guilty of criminal possession of a firearm if:
  - A. Not being a law enforcement officer or a professional investigator licensed under Title 32, chapter 89 and actually performing as a professional investigator, the person possesses any firearm on the premises of a licensed establishment posted to prohibit or restrict the possession of firearms in a manner reasonably likely to come to the attention of patrons, in violation of the posted prohibition or restriction; or
  - B. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive alcohol level, the person possesses a firearm in a licensed establishment.
2. For the purposes of this section, "licensed establishment" means a licensed establishment as defined by Title 28-A, section 2, subsection 15, the license for which is held by an on-premise retail licensee, as defined by Title 28-A, section 2, subsection 27, paragraph B. For the purposes of this section, "premises" has the same meaning as set forth in Title 28-A, section 2, subsection 24.
3. Repealed, P.L. 2011, c. 394 § 2.
4. A law enforcement officer who has probable cause to believe that a person has violated subsection 1, paragraph B, may require that person to submit to chemical testing to determine alcohol level or drug concentration. If the court is satisfied that the law enforcement officer had probable cause to believe that the defendant was in violation of subsection 1, paragraph B, and that the person was informed of the requirement to submit to chemical testing, the person's failure to comply with the requirement to submit to chemical testing is admissible evidence on the issue of whether that person was under the influence of intoxicating liquor or drugs.
5. For purposes of this section, "under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive alcohol level" has the same meaning as "under the influence of intoxicants" as defined in Title 29-A, section 2401, subsection 13. "Excessive alcohol level" means an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. Standards, tests and procedures applicable in determining whether a person is under the influence or has an excessive alcohol level within the meaning of this section are those applicable pursuant to Title 29- A, sections 2411 and 2431; except that the suspension of a permit to carry concealed handguns issued pursuant to Title 25, chapter 252, or of the authority of a professional investigator licensed to carry a concealed handgun pursuant to Title 32, chapter 89, is as provided in those chapters.
6. Criminal possession of a firearm is a Class D crime. In addition, as part of every judgment of conviction and sentence imposed, the court shall:
  - A. Revoke any permit to carry a concealed firearm issued to the person so convicted; and



B. If the person so convicted is licensed as a professional investigator, suspend for a period of 5 years that person's permit to carry a concealed firearm.

A person convicted of a violation of this section is not eligible to obtain or apply for a permit to carry a concealed handgun for 5 years from the date of that conviction.

#### **17-A M.R.S. § 1058, Unauthorized possession of firearm in courthouse**

1. A person is guilty of unauthorized possession of a firearm in a courthouse if that person in fact possesses a firearm in a courthouse.
2. This section does not apply to:
  - A. A law enforcement officer, a corrections officer or a corrections supervisor engaged in the performance of the law enforcement officer's, corrections officer's or corrections supervisor's public duty;
  - B. A person possessing an unloaded firearm for the purpose of offering the firearm as evidence in a civil or criminal proceeding if the presiding judge or justice has granted prior approval in writing to the person and the person possesses a copy of the written approval; or
  - C. An employee of a courier or security service in the course and scope of employment for the courier or security service, as approved by the judicial marshal.
- 2-A. It is not a defense to a prosecution under this section that the person holds a valid permit to carry a concealed firearm issued under Title 25, chapter 252.
3. Unauthorized possession of a firearm in a courthouse is a Class D crime.

#### **19-A M.R.S. § 4012, Law enforcement agency responsibilities [relevant provision]**

1. **Reports.** A law enforcement agency shall report all incidents of abuse by adults of family or household members as required by the State Bureau of Identification under Title 25, section 1544.

#### **22 M.R.S. § 2383, Possession**

1. **Marijuana.** Except as provided in chapter 558-C, a person may not possess marijuana.
  - A. A person who possesses a usable amount of marijuana commits a civil violation for which a fine of not less than \$350 and not more than \$600 must be adjudged for possession of up to 1 1/4 ounces of marijuana and a fine of not less than \$700 and not more than \$1,000 must be adjudged for possession of over 1 1/4 ounces to 2 1/2 ounces of marijuana, none of which may be suspended.
2. **Butyl nitrite and isobutyl nitrite.** A person who possesses a usable amount of butyl nitrite or isobutyl nitrite commits a civil violation for which a fine of not more than \$200 may be adjudged.

#### **18-A M.R.S. § 5-307, Removal or resignation of guardian, termination of guardianship [relevant provision]**

- (b) The ward or any person interested in the ward's welfare may petition for an order that he is no longer incapacitated, and for removal or resignation of the guardian. A

request for this order may be made by informal letter to the court or judge and any person who knowingly interferes with transmission of this kind of request to the court or judge may be adjudged guilty of contempt of court.

## **OTHER REFERENCED STATUTES**

### **18 U.S.C. § 921(a)(32). Intimate partner**

The term "intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

### **18 U.S.C, § 921(a)(33)(A). Misdemeanor Crime of Domestic Violence**

Except as provided in subparagraph (C), the term "misdemeanor crime of domestic violence" means an offense that--

- (i) is a misdemeanor under Federal, State, or Tribal law; and
- (ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

*Note: The language in the statute references subparagraph C, but subparagraph C was not enacted into law.*

## **OTHER RELEVANT STATUTES**

### **32 M.R.S. §8120-A. HANDGUNS**

A professional investigator licensed under this chapter may carry a handgun while performing the duties of a professional investigator only after being issued a concealed handgun permit by the chief pursuant to Title 25, chapter 252 and passing the written firearms examination prescribed by the chief.

### **25 M.R.S. § 2904 & DPS Rule Chapter 41**

#### **§2904. SECURITY AT CAPITOL AREA AND OTHER STATE-CONTROLLED LOCATIONS**

**1. Commissioner of Public Safety.** Except as provided in subsection 2, the Commissioner of Public Safety is authorized and empowered to adopt rules, including a schedule of parking violation fees, subject to the approval of the Governor, governing the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State at the capitol area or other state-controlled locations in Augusta. Prior to adoption of new or amended rules, the commissioner shall provide notice of rulemaking to the Legislative

Council. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

**2. Officials of governmental units.** The officials of the governmental units listed in paragraphs A to E are authorized and empowered to adopt rules governing the access, use and occupancy of buildings or parts of buildings and of other public property that are under their respective supervisions. Rules adopted by the Legislative Council may include provisions governing security at legislative offices. Prior to adopting any such rule, the official shall consult with the Commissioner of Public Safety; the commissioner must be given an opportunity to review the rule and to comment upon its content and enforcement. These rules become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec. These rules are suspended to the extent necessary at any time when the Commissioner of Public Safety determines that an emergency exists within the facilities to which they apply, except that the commissioner may not suspend the rules governing the legislative offices without the consent of the Legislative Council. The Commissioner of Public Safety shall enforce rules adopted pursuant to this subsection, consistent with available resources and funding.

The governmental officials authorized and empowered by this subsection are:

- A. The Legislative Council, for all legislative offices, including the Law and Legislative Reference Library, as established by Title 3, section 162;
- B.
- C. The State Librarian, for the State Library;
- D. The Director of the State Museum, for the State Museum; and
- E. The State Archivist, for the State Archives.

**16-219 DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF CAPITOL SECURITY  
CHAPTER 41 - Capitol Area Security Rules**

No person, except a police officer on duty, shall carry firearms, dangerous weapons, explosives, incendiary devices, or implements which by their nature are capable of being used to destroy or injure a person or property in the Capitol Area.

**12 M.R.S. § 756, Acadia National Park**

**1. Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

- A. “Firearm” has the same meaning as in section 10001, subsection 21.
- B. “Residential Dwelling” means a fixed housing structure that either is the principal residence of its occupants or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home.

**2. Possession of Firearms.** A person may not use or possess a firearm in Acadia National Park except:

- A. Within a residential dwelling;
- B. To the extent the firearm is used in connection with hunting when and where

authorized by state or federal law;

- C. Within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use;
- D. When the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties.
- E. When the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer;
- F. When the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 U.S.C. § 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:
  - (1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or
  - (2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and has certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active law enforcement officers to carry a firearm of the same type as a the concealed firearm; or
- G. When the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in Title 25, chapter 252. The person must have that person's possession the permit as required in Title 25, section 2003.

**3. Violation.** The following penalties apply to violations of this section.

- A. A person who, in violation of subsection 2, possesses or uses a firearm that is not concealed commits a Class E crime, which is a strict liability crime as defined in Title 17A, section 34, subsection 4A.
- B. A person who, in violation of subsection 2, possesses or uses a concealed firearm commits a Class D crime, which is a strict liability crime as defined in Title 17A, section 34, subsection 4A.
- C. A person who is authorized to use or possess a firearm under subsection 2, paragraphs E to G who does not have the required identification or permit in that person's possession at all times when possessing or using the firearm commits a civil violation for which a fine of not more than \$100 may be adjudged.

## **20-A M.R.S. § 6552, Firearms on School Property**

- 1. Prohibition.** A person may not possess a firearm on public school property or the property of an approved private school or discharge a firearm within 500 feet of a public school property or the property of an approved private school.
- 2. Exceptions.** The provisions under subsection 1 do not apply to the following:
  - A.** The prohibition on the possession and discharge of a firearm does not apply to law enforcement officials.
  - B.** The prohibition on the possession and discharge of a firearm does not apply to the following persons, if the possession is authorized by a written policy adopted by the school board:
    - (1)** A person who possesses an unloaded firearm for use in a supervised educational program authorized by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; and
    - (2)** A person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that:
      - (a)** Is held during an open firearm season established under Title 12, Part 13 for any species of wild bird or animals;
      - (b)** Takes place outside of regular school hours; and
      - (c)** Is authorized by the school board.
  - C.** The prohibition on possession and discharge of a firearm does not apply to a person possessing a firearm at a school-operated gun range or a person discharging the firearm as part of a school-sanctioned program at a school-operated gun range if the gun range and the program are authorized by a written policy adopted by the school's governing body.
- 3. Penalty.** A person who violates this section is guilty of a Class E crime.

## **20-A M.R.S. §10009. REGULATION OF PUBLIC SAFETY ON COLLEGE AND UNIVERSITY CAMPUSES**

- 1. Definition.** As used in this section the following terms have the following meanings.
  - A.** "College or university" means any postsecondary educational institution, including:
    - (1)** Any degree-granting educational institution regulated under chapter 409;
    - (2)** Any university in the University of Maine System;
    - (3)** Any college in the Maine Community College System; and
    - (4)** The Maine Maritime Academy.
- 2. Power to regulate.** Nothing in Title 25, section 2011 limits the power of any college or university to regulate the possession of firearms on the property of the college or university.

## **14 M.R.S. §6030-F. FIREARMS IN PUBLIC HOUSING**

- 1. Definitions.** As used in this section, unless the context otherwise indicates, the following

terms have the following meanings.

A. "Firearm" has the same meaning as in Title 12, section 10001, subsection 21.

B. "Rental agreement" means an agreement, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

C. "Subsidized apartment" means a rental unit for which the landlord receives rental assistance payments under a rental assistance agreement administered by the United States Department of Agriculture under the multifamily housing rental assistance program under Title V of the federal Housing Act of 1949 or receives housing assistance payments under a housing assistance payment contract administered by the United States Department of Housing and Urban Development under the housing choice voucher program, the new construction program, the substantial rehabilitation program or the moderate rehabilitation program under Section 8 of the United States Housing Act of 1937. "Subsidized apartment" does not include owner-occupied housing accommodations of 4 units or fewer.

**2. Prohibition or restriction on firearms prohibited.** A rental agreement for a subsidized apartment may not contain a provision or impose a rule that requires a person to agree, as a condition of tenancy, to a prohibition or restriction on the lawful ownership, use or possession of a firearm, a firearm component or ammunition within the tenant's specific rental unit. A landlord may impose reasonable restrictions related to the possession, use or transport of a firearm, a firearm component or ammunition within common areas as long as those restrictions do not circumvent the purpose of this subsection. A tenant shall exercise reasonable care in the storage of a firearm, a firearm component or ammunition.

**3. Damages; attorney's fees.** If a landlord brings an action to enforce a provision or rule prohibited under subsection 2, a tenant, tenant's household member or guest may recover actual damages sustained by that tenant, tenant's household member or guest and reasonable attorney's fees.

**4. Immunity.** Except in cases of willful, reckless or gross negligence, a landlord is not liable in a civil action for personal injury, death, property damage or other damages resulting from or arising out of an occurrence involving a firearm, a firearm component or ammunition that the landlord is required to allow on the property under this section.

**5. Exception.** This section does not apply to any prohibition or restriction that is required by federal or state law, rule or regulation.

### **30-A M.R.S. §3838. REFUSAL OR DENIAL OF ACCOMMODATIONS; EJECTION**

An innkeeper or campground owner may refuse or deny any accommodations, facilities or privileges of a hotel, lodging house or campground to or may eject from the hotel, lodging house or campground premises or may request a law enforcement officer to remove from the premises:

**1. Person unwilling or unable to pay.** Any person who is unwilling or unable to pay for accommodations and services of the hotel, lodging house or campground. The innkeeper or campground owner may require the prospective guest to demonstrate the ability

to pay by cash, valid credit card or a validated check;

**2. Minor.** Any person who has not attained 18 years of age. An innkeeper or campground owner may, at the innkeeper's or campground owner's discretion, grant the accommodations, facilities and privileges of a hotel, lodging house or campground to a minor if that minor:

- A. Presents a signed notification from a parent that the parent accepts liability for the guest room or campground site costs, taxes, all charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor while a guest at the hotel, lodging house or campground; and
- B. Provides the innkeeper or campground owner with a valid credit card number or cash deposit to cover the guest room or campground site costs, taxes, charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor. Any cash deposit provided must be refunded to the extent not used to cover any charges or damages as determined by the innkeeper or campground owner following room or campground site inspection at check-out;

**3. Property dangerous to others.** Any person the innkeeper or campground owner reasonably believes is bringing in property that may be dangerous to other persons, such as firearms or explosives;

**4. Limit on occupants exceeded.** Any person or persons, if admitting that person or those persons would cause the limit on the number of persons who may occupy any particular guest room in the hotel or lodging house or a site in the campground to be exceeded. For purposes of this subsection, the limit represents the number permitted by local ordinances or reasonable standards of the hotel, lodging house or campground relating to health, safety or sanitation; or

**5. Violates laws or rules; endangers others.** Any person who:

- A. Disturbs, threatens or endangers other guests;
- B. Is a minor and possesses or uses alcohol;
- C. Possesses or uses illegal drugs; or
- D. Violates any rule of the hotel, lodging house or campground that is posted in a conspicuous place and manner at the guest registration desk and in each guest room. Nothing in this section authorizes an innkeeper or campground owner to violate the Maine Human Rights Act, Title 5, chapter 337.

***See 18 U.S.C. Chapter 44 for federal prohibitions regarding possession of firearms.***

# Memorandum

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**To: RICHARD C. BATES, TOWN MANAGER**  
**Cc: SELECT BOARD**  
**From: LINDA M. GREENLAW, TOWN CLERK**  
**Date: 3/9/2018**  
**Re: AGENDA FOR MARCH 12, 2018 MEETING**

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I am requesting that you place the following item on the agenda for the March 12<sup>th</sup> Select Board Meeting.

A quitclaim deed for a timeshare formerly owned by Rosemarie J. Murphy (Map T01 Lot A17-009.) She did not pay the 2014, 2015 or the 2016 real estate taxes and therefore, we foreclosed the property. As stated by her she did not receive the tax bills as a result of her address changing. The 30 day notices were returned to us as unclaimed unable to forward. She has given us her address change for sending future bills.

I have received a letter from Rosemarie and one from Jill Moccia (The Samoset.) As stated in her letter Jill does not have a problem with us releasing the property back to Rosemarie. She has paid the outstanding real estate taxes for 2014, 2015, 2016 and 2017. This means that her real estate taxes are paid in full.

I would recommend that you approve this request.

Thank you in advance for your consideration.



3/7/18

To Whom It May Concern,

Haven't paid my taxes  
because I didn't receive  
bills do to address change.  
I will make sure they  
are taking care of from  
now on.

Thank,

Rosmarie Ruffley

LVX

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**SAMOSET**  
RESORT  
ON THE OCEAN  
CAMDEN-ROCKPORT-ROCKLAND, MAINE

March 6, 2018

Linda Greenlaw  
Town Clerk  
Town of Rockport,  
101 Main Street  
Rockport, ME 04856

Re: Rosemarie Murphy owner of Samoset Timeshare Unit IA17/9

Dear Linda:

It is our understanding that a lien has been perfected against the above referenced Samoset Timeshare Unit. This letter is to inform you that Ms. Murphy is an owner in good standing with Samoset Resort Timeshare Estates; she has always paid her fees on time. We therefore, have no objection to her paying the entire tax amount owed to the Town of Rockport and establishing her ownership once again.

Should you have any questions, please do not hesitate to ask.

Sincerely,

SAMOSET RESORT TIMESHARE ESTATES  
ASSOCIATION OF UNIT OWNERS



Jil Rawlinson Moccia  
Condominium Manager

Municipal  
QUITCLAIM DEED

(Maine Statutory Short Form)

The Inhabitants of the Municipality of Rockport, a body  
corporate and politic, located at Knox County,  
Maine, for consideration paid, release to Rosemarie J. Murphy  
of 23 Cove Rd Knox County,  
Freeport, ME 04032  
the land in Rockport Knox County,

Maine: (here insert Description, and Encumbrances if any)  
Being the Premises described as Map T01 Lot A17-009 of the Tax Maps of the  
Town of Rockport.

The purpose of this deed is to release any interest the Town  
of Rockport may have acquired by reason of the following liens for unpaid taxes,  
recorded at the Knox County Registry of Deeds:

2014 Tax Lien, Book 4943 Page 61  
2015 Tax Lien, Book 5089 Page 185

The said Inhabitants of the Municipality of Rockport  
have caused this instrument to be signed in its corporate name by Kenneth McKinley, Owen Casás,  
Douglas Cole and Mark Kelley  
, its duly authorized, this  
12<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
Kenneth McKinley, Chair

\_\_\_\_\_  
Owen Casás, Vice-Chair

\_\_\_\_\_  
Douglas Cole

\_\_\_\_\_  
Mark Kelley

State of Maine

County of Knox

,ss

March 12, 2018.

Then personally appeared the above named Kenneth McKinley, Owen Casás, Douglas Cole and  
Mark Kelley of said body corporate and politic, and acknowledged the foregoing instrument to be  
their free act and deed in their said capacity and free act and deed of said body corporate and politic.

Before me,

\_\_\_\_\_  
Notary Public

Linda M. Greenlaw  
Printed Name

**- PUBLIC MEETING -  
Rockport Select Board**

Monday, March 12, 2018

7:00 p.m.

Geoffrey C. Parker Community Meeting Room, Rockport Opera House

Streamed at <http://livestream.com/Rockportmaine>

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**Manager's Comments**

**I. Call Meeting to Order**

Please either turn off your cell phones and other electronic devices or set them to mute while in this meeting room or the hallways. If you need to take or make a phone call, please step outdoors.

## **II. Public Hearing**

- a. None scheduled

### III. Minutes, Meetings and Announcements

- a. Approval of the minutes of previous meetings:
  - **Monday, September 25, 2017**, meeting of the Select Board
  - **Tuesday, October 10, 2017**, meeting of the Select Board
  - **Monday, November 13, 2017**, meeting of the Select Board
  - **Monday January 8, 2018**, meeting of the Select Board
  - **Monday January 22, 2018**, meeting of the Select Board
  - **Monday February 12, 2018**, meeting of the Select Board
- b. Announcements of upcoming Select Board meeting(s):
  - Brief Select Board meeting on **Wednesday March 14, 2018, 7:00 p.m.** (vote to hold a public hearing for budget and land use articles) . Budget workshop will continue after meeting (see below), Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
  - Select Board meeting on **Thursday April 5, 2018, 5:30 p.m.** to review recommendations from the Budget Committee, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
  - Regular Select Board meeting on **Monday, April 9, 2018, 7:00 p.m.** to include a public hearing on all warrant articles for the annual town meeting, and votes to place said articles on the warrant, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- c. Announcements of upcoming Select Board workshop(s):
  - **Tuesday March 13, 2018, 5:30 p.m.** Budget review workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
  - **Wednesday March 14, 2018, 5:30 p.m.** Budget review workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
  - **Thursday March 15, 2018, 5:30 p.m.** Budget review workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
  - **Monday March 26, 2018, 3:00 p.m.** Budget review workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>

- **Monday March 26, 2018, 7:00 PM**, Library workshop, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- **Tuesday March 27, 2018, 3:00 p.m.** Budget workshop (consensus votes on budget), Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- **Monday April 2, 2018, 6:30 PM**, Public Presentation of Final Concept Plan for the new Rockport :Public Library, Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>

d. Announcements:

**Note: All meetings and workshops of the Select Board and Town Committees can be found on the Town website: [www.town.rockport.me.us](http://www.town.rockport.me.us)**

The Town Office will open at 9AM (1 hour late) on Tuesday, March 13th to allow for employee training.

Nomination papers are available at the town office for the following positions:

2 Select Board members, each for a three year term (seats currently held by K. McKinley, O. Casas)

1 Select Board member for a one year term (to fill remainder of term vacated by the resignation of T. Gray)

1 Director for the MSAD 28 School District, to serve concurrently with the CSD for a three year term (seat currently held by M. Dietrich)

1 Director for the MSAD 28 School District, to serve concurrently with the CSD for a one year term (seat currently held by C. Gartley)

2 Library Committee members, each for a three year term (seats currently held by E. Haselton, C. Liechty)

3 Budget Committee members, each for a three year term (seats currently held by B. Saltonstall, H. Shaw, P. Johnson)

The deadline for all nomination papers is 5 p.m. on Friday, April 13th. The town election will be held on Tuesday, June 12th. For more information please contact the Town Clerk's office.

e. Committee Openings:

Application for Committee Service can be found at the Town Office and on the Town Website: [www.town.rockport.me.us](http://www.town.rockport.me.us)

NOTE: If a committee does not have any vacancies, it may still be possible to apply to join the committee as an alternate member. Alternate members can attend all meetings, participate in discussions, but may only vote in the absence of a regular member. If interested, please check with the town office to see if there are alternate member spots available for the committee of interest.

- Board of Assessment Review – no vacant seats
- Camden-Rockport Pathways Committee – 1 vacant seat
- Capital Improvement Committee – 1 vacant seat
- Conservation Commission – no vacant seats
- Harbor Committee – no vacant seats
- Investment Committee – 1 vacant seat
- Opera House Committee – no vacant seats
- Ordinance Review Committee – no vacant seats
- Parks Committee – no vacant seats
- Planning Board – no vacant seats
- Recreation Committee – no vacant seats
- Zoning Board of Appeals – no vacant seats

f. Agenda Changes

g. Public Comment – public comment should be directed at issues not under discussion on this evening’s agenda. Comment from the public will be welcome prior to each agenda item. Further comment will be granted only by permission from the Board. All public comment should be brief and to the point



## **IV. Town Manager's Report**

**V. Unfinished Business**

- a. None this meeting

## **VI. New Business**

a. Acknowledgment of Gifts to the Town:

➤ Coastal Mountain Land Trust: \$700 Payment in lieu of taxes

### **Manager's Comments:**

We have received a payment in lieu of taxes from the Coastal Mountains Land Trust in the amount of \$700.

We will have a letter in the sign file for the board to sign, thanking them for their payment.

b. Committee Resignation(s):

➤ none

c. Committee Application(s):

➤ None

- d. Receive petition from residents of Rockport

**Manager's Comments:**

Included in your packet are copies of a petition from the residents of Rockport regarding the consolidation of municipal services and entering into inter-local agreements.

It was forwarded to Town Counsel for review.

First, it does not say what the petitioners want the Select Board to do with the petition. Second, it does not have the pre-requisite number of signatures to go on the ballot, even if that was the request. Finally, it does not have any impact on current agreements legally established previously.

Let me be clear, if we get to the point where the consolidation of the police department or any other department, with another town were to be considered, it is my belief, the final decision should be in the hands of the voters and should not be executed by the Select Boards.

That being said the legislature and statute is very clear that towns and cities are permitted to enter into inter-local agreements, in fact that it is being encouraged more and more to help control costs and improve services.

These agreements were executed in full compliance with State Statute, the Town's charter and developed with the assistance of our attorney, to ensure compliance with statute. In addition, the decision was made after several public meetings, and well covered in the press, with both Boards in attendance and with little or no public comment. In fact, we have several inter-local agreements. There are mutual aid agreements for police and fire, inter-local agreements for sewer, solid waste and ambulance services and now inter-local agreements for assessing and police. We share the services of our Assessor with Camden and they reimburse us 50% of the cost of his salary and expenses, as well as an agreement with the Town of Camden for the services of a shared Police Chief, where we reimburse the Town of Camden for approximately 42% of the chief's salary and his expenses.

e. Committee Presentation(s):

➤ Cemetery Committee

**Manager's Comments:**

Members of the Cemetery Committee are here to present their Annual presentation to the Select Board of their work over the past year.

No decision to be made and no action to be taken.

- f. Consideration of a moratorium for the sale of Seaview Cemetery lots to non-residents

**Manager's Comments:**

Included in your packet is a memo from Linda Greenlaw as chair of the Cemetery Committee requesting the moratorium on the sale of lots in the Sea View Cemetery which was put in place on January 23, 2018 to be extended for three years. This has been discussed and voted on by the Cemetery Committee.

**Suggested Motion:**

**I move to extend the moratorium that limits the sale of cemetery lots to Rockport residents for the period of 3 years to end on January 23, 2021.**

- g. Consider developing an ordinance to prohibit selling take-out food in Styrofoam containers in Rockport

**Manager's Comments:**

We have received a request from Frances Woodworth, who is a Camden Hills Regional High School student, for the Town to consider creating an ordinance to ban polystyrene containers. These are the ones that are typically found in cups and take-out food containers. This material has been identified by the Keep Rockport Beautiful Committee and the Conservation Committee as particularly prevalent in the litter we are picking up on the side of the roads in Town.

Speaking from experience from roadside clean-up, other than cigarette butts, these items are most prevalent as litter.

Included in your packet is back up information provided by Frances Woodworth for your review.

At this point there is no ordinance to consider, the only decision the board need to make at this point is the idea one you would like to move forward with or not. A formal vote is not needed, just a consensus from the Board



- h. Consider approving an increase in fees for trash disposal at the MCSW transfer station.

**Manager's Comments:**

Included in the packet is a memo from Jim Guerra. Jim is here to brief the Select Board on a request from the MCSW Board to increase the price of trash disposal bags from the current rate of \$2.00 a bag to \$2.50 a bag, and will answer any questions.

According to the inter-local agreement Section 4.2 the Municipal Officers (Select Boards) of each Town will need to approve the disposal fee increase before it goes into effect.

**Suggested Motion:**

**I move to approve the price increase of trash disposal bags voted on by the MCSW Board of Directors as follows:**

**33 gallon bags - Individual – \$2.50 each (from \$2.00)**

**33gallon bags – to be sold in bundles of four rather than five - \$10**

**Smaller Kitchen Liner bags – to be sold in bundles of 10 for \$15 (from \$12)**

**Per ton fee for MCSW - \$166 per ton (from \$133)**

- i. Consider developing a Tobacco Free Policy for the Town of Rockport for Town vehicles and Town property.

**Manager's Comments:**

The Safety Committee has been reviewing policies and is requesting that the Select Board consider two possible changes to the Personnel Policy that would limit smoking and tobacco products on Town owned properties.

There are two items to consider in this discussion; employee smoking and resident smoking on Town property:

1. The Town currently has a section in our Personnel Policy that restricts staff smoking. (It is included in your packet) There are limitations; the smoking area is 15 feet from the entrance of Town Buildings.

The proposed change would simply remove Article 23 A-1-2 of the Policy in its entirety. This would make it against Town policy for Town employees to smoke on Town property.

We currently have very few Town Employees that smoke. So, this is the perfect time to consider this.

**Suggested Motion:**

**I move to remove Article 23 A-1-2 from the Town Personnel policy that creates a smoking area for employees to smoke on Town owned property.**

2. The next question that needs consideration is the issue of residents smoking on Town property.

Currently smoking is allowed and it is mistakenly referenced in the Personnel Policy. Towns around the State are adopting ordinances to prohibit smoking on all Town owned properties and parks.

The request is to see if the Select Board is interested in considering an ordinance to be developed that would restrict and post all Town property as non-smoking. Before going too far with this, I wanted to gauge Board interest in the suggestion.

Included in your packet is a sample ordinance that Camden adopted, as an example. Admittedly this is difficult and may be impossible to enforce, but it sends a message that we want our public properties to be clean and smoke free.

No formal decision needs to be made at this time. I am just looking for the consensus of the Board.

- j. Discussion regarding a possible ordinance regulating the discharge of firearms within the Town of Rockport

**Manager's Comments:**

This discussion is at the request of a former Select Board member Tom Gray. Tom has requested that the Town consider adopting an ordinance that would regulate the discharge of firearms within the Town of Rockport.

Included in your packet are sample ordinances from the Town of Camden, Old Orchard Beach and the Town of Falmouth. These ordinances appear mostly to be focused on discharge in densely populated areas, like the village and are most often focused on hunting.

Again, this is not something that the Board is being asked to vote on at the meeting, it is purely in the interest of gauging Board support for development of a new ordinance or not.

- k. Execute a quitclaim deed

**Manager's Comments:**

This is regarding a quitclaim deed for a timeshare formerly owned by Rosemarie J. Murphy (Map T01, Lot A17-009). Real estate taxes were not paid in 2014, 2015, and 2016, due to her address change, and her not receiving the bills in the mail.

The Samoset does not have a problem releasing the property back to her. Taxes are currently paid in full.

**I recommend that you approve this request.**

## **VII. Wastewater Commissioners**

- a. Consider changes to Sewer Rules and Regulations

**VIII. Liaison Reports**

## **IX. Executive Session**

- a. None this meeting

## **X. Adjournment**