



Town of Mount Desert
Board of Selectmen
Agenda

Regular Meeting
Monday, April 2, 2018

Location: Meeting Room, Town Hall, Northeast Harbor

- I. **Call to order at 6:30 p.m.**
- II. **Public Hearing(s)**
 - A. *Liquor License Application – 123 MAINSTREET RESTAURANT, LLC d/b/a 123 Main Street; 123 Main Street, Northeast Harbor*
- III. **Post Public Hearing**
 - A. *Approval of Liquor License Application – 123 MAINSTREET RESTAURANT, LLC d/b/a 123 Main Street; 123 Main Street, Northeast Harbor*
- III. **Minutes**
 - A. *Approval of minutes from March 5, 2018 meeting*
 - B. *Approval of minutes from March 19, 2018 meeting*
- IV. **Appointments/Recognitions/Resignations**
 - A. *Appoint Catherine Forthofer as Seasonal Office Manager beginning in April at \$16.00 per hour*
 - B. *Resignation of Benjamin Gilley as On-Call Firefighter in order to fulfill the Acting Full-Time Firefighter position*
- V. **Consent Agenda** *(These items are considered routine, and therefore, may be passed by the Selectmen in one blanket motion. Board members may remove any item for discussion by requesting such action prior to consideration of that portion of the agenda.)*
 - A. *Construction Schedules for the Route 198 work, Sylvan Drainage project, and NEH Main Street improvements*
 - B. *MRC memo dated March 28, 2018 regarding the Interim MSW Delivery to Crossroads and JRL as of April 1, 2018*
- VI. **Selectmen's Reports**
- VII. **Old Business**
 - A. *Finalize and Sign Warrant for Annual Town Meeting May 2 & 3, 2018*
- VIII. **New Business**
 - A. *Shellfish Conservation Committee requests approval from the Board of Selectmen to amend the existing seasonal closure 25 days earlier for transplanting activity on 4/5/18*
 - B. *Citizen request for waiving interest on 2017 Property Tax for 28 Tamarack Lane – Dongchun Jiang*
 - C. *Request to Authorize A Public Space Special Event Application to the Neighborhood House for Annual Memorial Day Community BBQ scheduled May 28, 2018– Northeast Harbor Marina Green*

Board of Selectmen Meeting Agenda April 2, 2018

- D. *Request to Authorize A Public Space Special Event Application to the Neighborhood House for Community Steel Drum Concert scheduled July 19, 2018 – Northeast Harbor Marina Green*
- E. *Report on Station #2 Window Replacement Project (no action required)*
- F. *Youth in Politics Proposed Project*
- G. *Municipal Officer's Certifications of Official Text of Proposed Ordinances and Amendments:*
 - 1. *Alewife Ordinance*
 - 2. *Amendments to the Solid Waste Ordinance*
 - 3. *Amendments to the Town of Mount Desert Public Road Acceptance Ordinance*
 - 4. *Amendments to the Town of Mount Desert Land Use Zoning Ordinance*
 - 5. *Amendments to the Town of Mount Desert Subdivision Ordinance*
 - 6. *Moratorium Ordinance on Retail Marijuana Establishments, Retail Marijuana Stores, and Retail Marijuana Social Clubs*

IX. Other Business

- A. *Such other business as may be legally conducted*

X. Treasurer's Warrants

- A. *Approve & Sign Treasurer's Warrant AP1859 in the amount of \$114,246.54*
- B. *Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1857, AP1858, and PR1821 in the amounts of \$3,270.98 , \$4,463.36, and \$100,528.14, respectively*
- C. *Acknowledge Treasurer's School Board AP/Payroll Warrant 20 in the amount of \$181,922.22*

XI. Executive Session

None Scheduled

XII. Adjournment

The next regularly scheduled meeting is at 6:30 p.m., Tuesday, April 17, 2018 in the Meeting Room, Town Hall, Northeast Harbor

PUBLIC HEARINGS

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
 10 WATER STREET, HALLOWELL, ME 04347
 TEL: (207) 624-7220 FAX: (207) 287-3434
 eMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: 123 MAIN STREET RESTAURANT, LLC			Business Name (D/B/A) 123 MAIN STREET		
APPLICANT(S) - (Sole Proprietor) JOHN BRYNTER		DOB: 10-6-65	Physical Location: 123 MAIN STREET		
TRACEY ABERMAN		DOB: 3-11-67	City/Town NORTHEAST HARBOR ME	State ME	Zip Code 04662
Address 33 BRADFORD ST			Mailing Address PO BOX 1075		
City/Town CONCORD	State MA	Zip Code 01742	City/Town NORTHEAST HARBOR ME	State ME	Zip Code 04662
Telephone Number 978 254-6264	Fax Number N/A	Business Telephone Number 207-276-4166		Fax Number N/A	
Federal I.D. # 37-1802275			Seller Certificate #: or Sales Tax #: 1179750		
Email Address: Please Print tracey@123neh.com			Website: 123NEH.COM		

If business is NEW or under new ownership, indicate starting date: June 1, 2016

Requested inspection date: MAY 8, 9 2018 Business hours: 8am - 10pm

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
 - State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ N/A LIQUOR \$ N/A
1ST YEAR
 - Is applicant a corporation, limited liability company or limited partnership? YES NO
- If Yes, please complete the Corporate Information required for Business Entities who are licensees.

Do you own or have any interest in any other Maine Liquor License? Yes No
 yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business	Physical Location	City / Town



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0008
TELEPHONE: (207) 624-7220
FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

NOTICE

To avoid any delay in the processing of your application and issuance of your liquor license, please make sure that:

1. You completed the application in full. (Please allow us 30 days to process)
2. Application is signed by the owner(s), corporate officer(s).
3. The application is signed by the Town or City Municipal Officers or County Commissioners.
4. The license fee is correct, you have included the \$10.00 filing fee and the check is made out to Treasurer, State of Maine.
5. Your room, food and liquor gross income for the year is filled in (if applicable).
6. A diagram of the premises to be licensed accompanies the application.
7. If business is located in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
8. Corporations, limited liability companies, partnerships must complete and submit the Corporate Information Required for Business Entities who are Licensees.
9. If not a publicly traded entity, ownership must add up to 100%.

5. Do you permit dancing or entertainment on the licensed premises? YES NO

6. If manager is to be employed, give name: TRACEY ABERMAN

7. Business records are located at: 33 BRADFORD ST, CONCORD, MA 01742

Is/are applicant(s) citizens of the United States? YES NO

9. Is/are applicant(s) residents of the State of Maine? YES NO → JOHN BOYNTON
TRACEY ABERMAN

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
JOHN BOYNTON	10-6-65	CONCORD, MA
TRACEY ABERMAN	3-11-67	WORCESTER, MA

Residence address on all of the above for previous 5 years (Limit answer to city & state)

JOHN BOYNTON: CONCORD, MA

TRACEY ABERMAN: NORTHEAST HARBOR, ME

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

13. Has/have applicant(s) formerly held a Maine liquor license? YES NO

14. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) FARM TO TABLE CAFE
SERVING BEAST, LUNCH, DINNER PLS SEE ATTACHED PLANS

16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____

17. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mile

Which of the above is nearest? CHURCH

Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]
[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]
[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008.
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

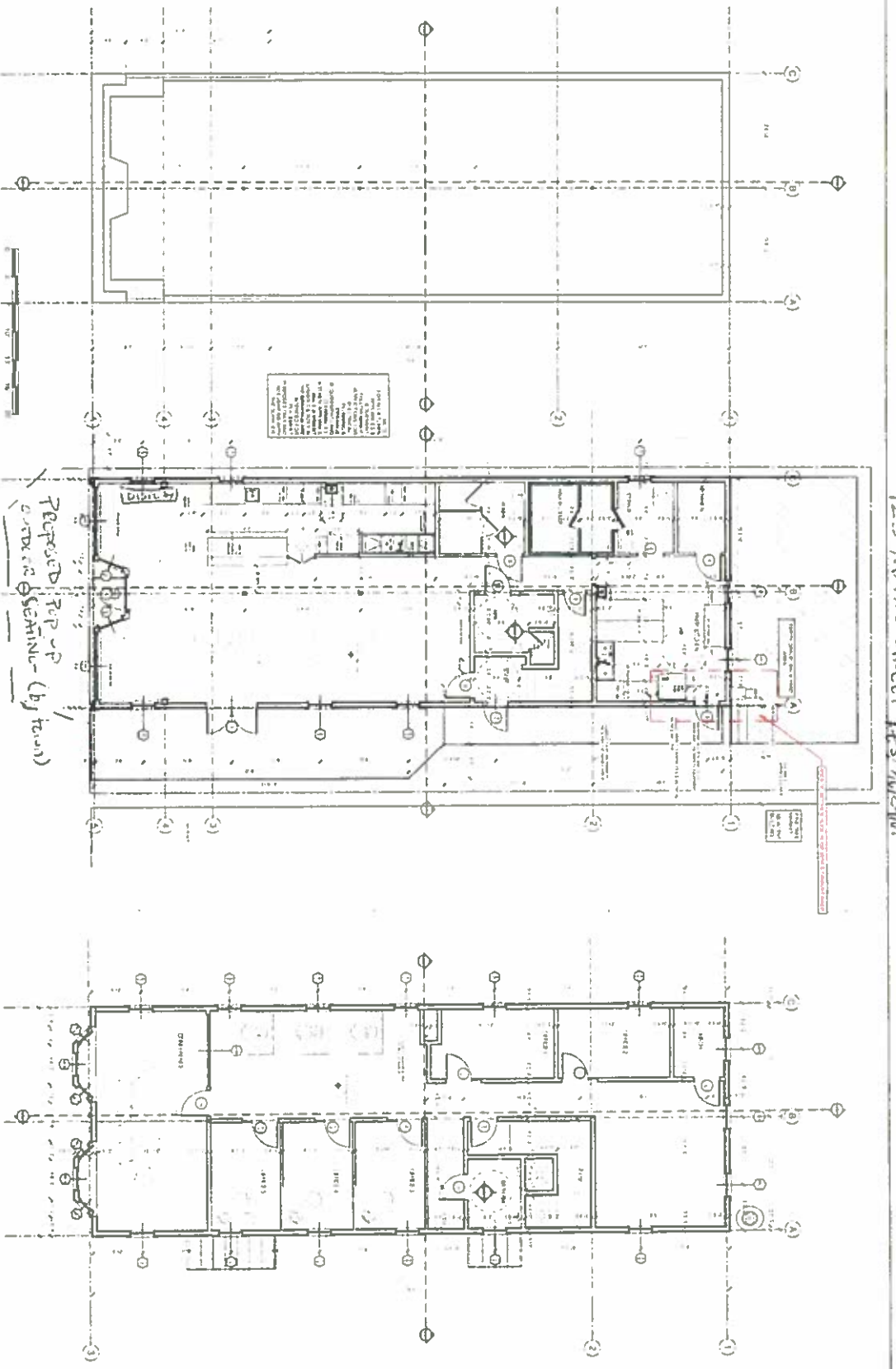
1. **Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

123 MAIN STREET RESTAURANT





ARCHITECTS

123 MAIN STREET
NORTHEAST HARBOR, MAINE

MEZZANINE
SCALE 1/8" = 1'-0"

FIRST FLOOR
SCALE 1/8" = 1'-0"

SECOND FLOOR
SCALE 1/8" = 1'-0"

123 MAIN STREET
NORTHEAST HARBOR, MAINE

A-01

*Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov*

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.

PLEASE SEE ARCHITECTURAL PLANS ATTACHED



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100%	Yes <input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: 123 MAIN STREET RESTAURANT, LLC
- Doing Business As, if any: 123 MAIN STREET
- Date of filing with Secretary of State: Feb 3, 2016 State in which you are formed: ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
JOHN BOYNTON	72 CHESTNUT ST. CONCORD, MA	10-6-65	OWNER	100%
TRACEY ABERMAN	365 SOUND DRIVE MT. DESERT, ME	3-11-67	MANAGER	0%

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: _____ (list primary officers in the above boxes)

7. IS ANY ^{official} principal person involved w/ the entity a law enforcement

Yes No If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

MANAGER 3/1/18
Signature of Duly Authorized Person Date

JOHN BOYNTON
Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

1940-1941



Mount Desert Islander

Note: 2017-18 Amount was \$ 413,756

What sum the Mount Desert Island Regional Expenditures for the fiscal year beginning

School Committee recommends \$ 135,000
 Note: 2017-18 Amount was \$ 125,000
 All authorize a total budget of \$10,797,218

What sum Mount Desert Island Regional public education from grade 9 to grade 12 funding Act and to see what sum the District to the total cost of funding public education programs and Services Funding Act in accordance with the period July 1, 2018 to June

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RECEIVED

MAR 23 2018

THE TOWN OF MOUNT DESERT

Less Anticipated Receipts:	\$515,350
Carryover	\$385,000
State Subsidy	\$1,500,000
Tuition	\$150,000
Tuition Surcharge	\$20,000
Spec. Ed. Tuition	\$7,500
AOS #91 Rent	\$4,000
Interest Income	\$9,000
Sports Events Revenue	\$0
Drama Events Revenue	\$750
Transfer from Bus Reserve	\$2,599,600
Building Rental	\$8,197,618
Total Receipts	
Local Tax Request	

To transact any other business which may legally come before said meeting.

HEREOF FAIL NOT to make return of the Warrant with your doings thereon unto the Secretary of the Regional School Committee, on or before the time of said meeting.

Given under our hands at Bar Harbor this 12th day of March A.D., 2018.

Ingrid Kachmar, Chairperson
 MDI Regional School Committee

Vernon S. McFarland, Jr., Chairperson
 MDIHS District Trustees

Town of Bar Harbor PUBLIC NOTICE

NOMINATION PAPERS

Nomination papers are now available in the Bar Harbor Town Clerk's office for the following elected officials with expiring terms of June 2021:

Bar Harbor Town Council

Two seats - Three year term

Superintending School Committee

One seat - Three year term

Mount Desert Island School District Trustee

One seat - Three year term

Deadline for filing nomination papers is Friday, April 27, 2018, at 5:00 p.m. The residents of Bar Harbor will vote for these elected officials at their annual town meeting on Tuesday, June 12, 2018.

in the boys' 10-and-under group.
 Brendan Graves took first and 50-yard butterfly, and was runner-up in the 50-yard freestyle and 50-yard breaststroke.



By Liz Graves
 lgraves@mdislander.com

Cake wins track gold



MINUTES

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Town of Mount Desert
Board of Selectmen
Regular Meeting
Monday, March 5, 2018
Location: Meeting Room, Town Hall, Northeast Harbor

Present were Chairman John Macauley, Selectmen Wendy Littlefield, Matt Hart, Martha Dudman, and Rick Mooers.

Town Manager Durlin Lunt, Town Clerk Claire Woolfolk, Treasurer Kathy Mahar, Fire Chief Mike Bender, Tax Assessor Kyle Avila, Public Works Director Tony Smith, and Harbormaster John Lemoine were present.

Members of the public were also present.

I. Call to order at 6:00 p.m.

Chairman Macauley called the meeting to order at 6:00 PM.

II. Executive Session

A. Pursuant to 1 M.R.S.A. §405(6) (A) review request from employee for leave without pay.

MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, to go into Executive Session. Motion approved 5-0.

The Board entered Executive Session at 6:00 PM.

III. Post Executive Session

A. Employee Leave Without Pay, action if necessary

The Board left Executive Session at 6:12 PM.

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, to extend till April 14, 2018 leave without pay to a Town employee. Motion approved 5-0.

IV. Public Hearings

A. May 7 & 8, 2018 Annual Town Meeting Proposed Warrant Articles for Appropriation of Funds, Ordinance Amendments, and Ordinances

Chairman Macauley stated the proposed warrant articles would be discussed later in the meeting. He requested public comments. There were none.

B. Special Amusement Application from Glen Squires and Kelsea Carr-Squires d/b/a Abels Lobster Point (Pure Ocean, LLC) 13 Abels Lane, Mount Desert
Chairman Macauley asked for public comments. There were none.

C. Liquor License Application – Glen Squires and Kelsea Carr-Squires d/b/a Abels Lobster Pound (Pure Coean, LLC) 13 Abels Lane, Mount Desert
Chairman Macauley asked for public comments. There were none.

1
2 MOTION: Selectman Mooers moved, with Selectman Hart seconding, closing the Public
3 Hearing. Motion approved 5-0.
4

5 **V. Post Public Hearing**

6 *A. Approval of Special Amusement Application from Glen Squires and Kelsea Carr-*
7 *Squires d/b/a Abels Lobster Pound (Pure Ocean, LLC) 13 Abels Lane, Mount Desert*
8

9 MOTION: Selectman Dudman moved, with Selectman Mooers seconding, approval of
10 Special Amusement Application from Glen Squires and Kelsea Carr-Squires d/b/a Abels
11 Lobster Pound (Pure Ocean, LLC) 13 Abels Lane, Mount Desert, as presented. Motion
12 approved 5-0.
13

14 *B. Approval of Liquor License Application from Glenn Squires and Kelsea Carr-*
15 *Squires d/b/a Abels Lobster Pound (Pure Ocean, LLC) 13 Abels Lane, Mount Desert*
16

17 MOTION: Selectman Hart moved, with Selectman Mooers seconding, approval of
18 Liquor License Application from Glenn Squires and Kelsea Carr-Squires d/b/a Abels
19 Lobster Pound (Pure Ocean, LLC) 13 Abels Lane, Mount Desert, as presented. Motion
20 approved 5-0.
21

22 **VI. Minutes**

23 *A. Approval of Minutes from February 20, 2018*
24

25 MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to approve the
26 February 20, 2018 Minutes as presented. Motion approved 3-0-2 (Dudman and Mooers
27 in Abstention).
28

29 *B. Approval of Minutes from February 26, 2018*
30

31 MOTION: Selectman Hart moved, with Selectman Dudman seconding, approval of the
32 Minutes of February 26, as presented. Motion approved 4-0-1 (Mooers in Abstention)
33

34 **VII. Appointments/Recognitions/Resignations**

35 *A. Appointment of Benjamin Gilley as acting full-time firefighter, effective March 6,*
36 *2018, and continuing through until May 14, 2018 at \$17.00/hr.*
37

38 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, appointment
39 of Benjamin Gilley as acting full-time firefighter, effective March 6, 2018, and
40 continuing through until May 14, 2018 at \$17.00/hour, as presented. Motion approved 5-
41 0.
42

43 **VIII. Consent Agenda**

44 *A. MRC Put Option Payments: memo dated March 2, 2018*

45 *B. League of Town Minutes from February 27, 2018*

46 *C. Hancock County Planning Commission letter of introduction: February 15, 2018*

1 MOTION: Selectman Mooers moved, with Selectman Hart seconding, approval of the
2 Consent Agenda as presented. Motion approved 5-0.
3

4 **IX. Selectman's Reports**

5 There were no Selectman's Reports.
6

7 **X. Old Business**

8 *A. Review and Votes on remaining Warrant Articles for May 7 and 8, 2018 Annual*
9 *Meeting*

10 A review of the following Warrant Articles was made:

11 *Article 6:* *Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Solid*
12 *Waste Ordinance of the Town of Mount Desert" be enacted*
13

14 MOTION: Selectman Hart moved, with Selectman Mooers seconding, recommending
15 passage of Article 6, as presented. Motion approved 5-0.
16

17 *Article 21:* *Shall the residents of the Town of Mount Desert vote to accept Farnham's*
18 *Way and Sydney's Way, both being private roads located in the Village of Somesville off*
19 *the Beech Hill Road, approximately 1,040 feet in length and 320 feet in length,*
20 *respectively, and presently owned by the Island Housing Trust, and as requested by same*
21 *in their correspondence to the Town dated February 9, 2018, as Public Roads, in*
22 *conformance with the Towns Public Road Acceptance Ordinance as amended at the May*
23 *5, 2009 annual Town meeting and further, to authorize the Municipal Officers to execute*
24 *all things necessary or convenient to facilitate successful completion of transferred*
25 *ownership of the roads from the Island Housing Trust to the Town.*
26

27 MOTION: Selectman Hart moved, with Selectman Littlefield seconding, recommending
28 passage of Article 21, as presented. Motion approved 5-0.
29

30 *Article 22:* *Shall the residents of the Town of Mount Desert vote to accept the existing*
31 *private sanitary sewer mains located in Farnham's Way and Sydney's Way as public*
32 *sanitary sewer mains, a total length of sewer mains being approximately 1,200 feet, and*
33 *presently owned by the Island Housing Trust and as requested by same in their*
34 *correspondence to the Town dated February 9, 2018, as public sewers, and not including*
35 *any building sewers, with said acceptance based on written documentation dated January*
36 *7, 2009 provided to the Town from the professional engineer of record responsible for*
37 *the design and construction monitoring of the installation of the sewer mains for*
38 *conformance to Town standards, with said documentation stating that the sewer mains*
39 *meet the requirements of the existing Sewer Ordinance as amended at the May 8, 2012*
40 *annual Town meeting and generally accepted engineering practice and further, to*
41 *authorize the Municipal Officers to execute all things necessary or convenient to*
42 *facilitate successful completion of the transfer of ownership of the sewer mains from the*
43 *Island Housing Trust to the Town.*
44

45 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
46 recommending passage of Article 22, as presented. Motion approved 5-0.

1
2 **Article 23:** *Shall the Town of Mount Desert be authorized to enter into an agreement with*
3 *the Maine Department of Transportation, in conformance with their Municipal*
4 *Partnership Initiative program, for technical and construction services related to*
5 *improvements of State Route 198 beginning approximately 0.10 miles (528-feet)*
6 *northerly of its intersection with Sargent Drive then proceeding in a northerly direction*
7 *approximately 1.10 miles plus or minus on State Route 198 ending at or near a point in*
8 *State Route 198 at or southerly of its intersection with State Route 233, said beginning*
9 *and ending points shown on the attached project site map included herein in Appendix*
10 *C.2; with said improvements to be completed in 2018-2019 and in accordance with the*
11 *Agreement including, but not necessarily being limited to, reclaiming (grinding and*
12 *leaving in place) the existing pavement, grading and compacting these materials,*
13 *construction of new base and surface pavement layers on the reclaimed materials,*
14 *construction of four-foot (4') wide extended shoulders on each side of the road, drainage*
15 *improvements and other typical roadway improvements associated with projects of this*
16 *kind, and further shall the Board of Selectmen be authorized to execute any and all*
17 *contracts and documents and do any and all things necessary or convenient to enter into*
18 *this agreement with the Maine Department of Transportation*
19

20 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
21 recommending passage of Article 23, as presented. Motion approved 5-0.
22

23 **Article 24:** *Shall the Town of Mount Desert be authorized to issue general obligation*
24 *bonds or notes of the Town in a principal amount not to exceed \$500000.00 to fund the*
25 *Town's 50%-50% cost share for construction of roadway improvements to Route 198 in*
26 *accordance with the agreement with the Maine Department of Transportation described*
27 *in Article 23 above; and further shall the Board of Selectmen be authorized to execute*
28 *any and all contracts and documents and do any and all things necessary or convenient*
29 *to issue the bonds or notes of the Town, which may be callable, and to accomplish the*
30 *project*
31

32 MOTION: Selectman Dudman moved, with Selectman Mooers seconding,
33 recommending passage of Article 24, as presented. Motion approved 5-0.
34

35 **Article 25:** *Shall the Town of Mount Desert be authorized to allocate any unspent funds*
36 *originally appropriated in connection with the 2017-2018 State Route 198 Maine*
37 *Department of Transportation's Municipal Partnership Initiative approved at the May*
38 *2017 Town Meeting to the work described in Article 23 and Article 24*
39

40 MOTION: Selectman Hart moved, with Selectman Littlefield seconding, recommending
41 passage of Article 25, as presented. Motion approved 5-0.
42

43 **Article 26:** *Shall the Town of Mount Desert be authorized to issue general obligation*
44 *bonds or notes of the Town in a principal amount not to exceed \$3,963,485.00 to finance*
45 *professional technical and construction services associated with improvements to Main*
46 *Street located in the Village of Northeast Harbor to improve the appearance,*

1 *functionality and vitality of the Main Street area beginning at or near the intersection of*
2 *Main Street with Summit Road then continuing in a southerly direction along Main Street*
3 *ending at or near the intersection of Main Street with Neighborhood Road, with said*
4 *improvements to be in general conformance with the report prepared by consultants to*
5 *the town entitled "Northeast Harbor Village Center Plan - Final Report" dated*
6 *December 19, 2016, further described in said report as Area 1A - Main Street and*
7 *generally described and illustrated in the site plan located in Appendix D Site Plan and*
8 *to include, but not necessarily be limited to improved sidewalks, grading, drainage,*
9 *roadway, utilities, including burying the overhead utility wires, plantings, lighting and*
10 *other amenities and appurtenances required to complete the improvements, and further*
11 *shall the Board of Selectmen be authorized to execute all things necessary or convenient*
12 *to issue the bonds or notes of the Town, which may be callable, and to accomplish the*
13 *Project*

14
15 Selectman Hart thanked those who have spent years in the planning of this project.

16
17 MOTION: Selectman Dudman moved, with Selectman Hart seconding recommending
18 passage of Article 26, as presented. Motion approved 5-0.

19
20 Article 27: *Shall the Town of Mount Desert be authorized to issue general obligation*
21 *bonds or notes of the Town in a principal amount not to exceed \$645,000.00 to finance*
22 *professional technical and construction services associated with improvements to Sylvan*
23 *Road, Pine Road, Spruce Road and Tennis Club Road located in the Village of Northeast*
24 *Harbor and generally described and illustrated in the site plan located in Appendix E*
25 *Site Plan to address surface and subsurface drainage functionality in the general area to*
26 *include, but not necessarily being limited to, improved grading, drainage, catch basins,*
27 *storm drain pipes, roadway surfaces and appurtenances required to complete the*
28 *improvements, and further shall the Board of Selectmen be authorized to execute all*
29 *things necessary or convenient to issue the bonds or notes of the Town, which may be*
30 *callable, and to accomplish the Project*

31
32 MOTION: Selectman Hart moved, with Selectman Littlefield seconding, recommending
33 passage of Article 27, as presented. Motion approved 5-0.

34
35 Article 28: *Shall the residents of the Town of Mount Desert vote to authorize the use of*
36 *funds that remain from those borrowed from the Maine Municipal Bond Bank through*
37 *the State of Maine Revolving Loan Fund and administered by the Maine Department of*
38 *Environmental Protection for the upgrade to the Northeast Harbor wastewater treatment*
39 *plant in 2013-2014, with a remaining balance of approximately \$53,000 and for the*
40 *upgrade of the Bracy Cove wastewater pumping station in 2016- 2017, with a remaining*
41 *balance of approximately \$400,000 for a total amount of remaining funds of*
42 *approximately \$453,000 to finance professional technical and construction services*
43 *associated with improvements to the Town's wastewater collection and conveyance*
44 *system, with said improvements being subject to review and authorization by the Maine*
45 *Department of Environmental Protection, said improvements to include but not be limited*
46 *to, and in no particular order of priority, and on a funds available basis, replacement of*

1 an existing wastewater pumping station metal wet well circa 1970's located off
2 Manchester Road in the Village of Northeast Harbor with a new precast concrete wet
3 well in the same general area as the existing one; replacement of the existing vitrified
4 clay circa 1970's sanitary sewer pipe that conveys sewage from Sinclair Road to
5 Manchester Road en route to the wastewater treatment facility; and upgrading the
6 electronics control system at the Gilpatrick Cove wastewater pumping station and
7 associated appurtenances and incidentals to complete the improvements and, based on
8 recommendations to them by Public Works staff, to authorize the Municipal Officers to
9 execute all things necessary or convenient to facilitate successful completion of the
10 improvements

11
12 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
13 recommending passage of Article 28, as presented. Motion approved 5-0.

14
15 Article 32: To see if the Inhabitants of the Town of Mount Desert will vote to authorize
16 the Tax Collector to accept pre-payment of property taxes, with no interest to be paid on
17 same.

18
19 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
20 recommending passage of Article 32, as presented. Motion approved 5-0.

21
22 Article 39: Shall the Town of Mount Desert be authorized to appropriate an amount not
23 to exceed \$100,000.00 from the Capital Gains Reserve Account, #400-24202, in order to
24 retain professional services for planning, technical study/studies and design related to
25 roadway improvements, including but not limited to, bicycle access and safety
26 improvements, to State Route 3 (Peabody Drive), between the intersection of State Routes
27 198 and 3 (Pedder's Corner) in the Village of Northeast Harbor and the intersection of
28 the Stanley Brook Road and State Route 3 in the Village of Seal Harbor; subject to the
29 Town's Bicycling Committee investigating alternative funding sources including but not
30 limited to Private, State and Federal funding in an effort to reduce the Town's
31 commitment of the aforementioned \$100,000.00 for the Project with the understanding
32 that the Committee shall demonstrate good faith efforts to raise funds from Others and to
33 have received written commitments from Others to provide funds by the date certain of
34 December 31, 2018, with said written commitments being documented by the Public
35 Works Director as the Committee's liaison to the Board of Selectmen and presented in
36 writing by the Public Works Director to the Board of Selectmen, such that the Town's
37 share of the cost of the Project shall be the aforementioned \$100,000.00 reduced by the
38 amount of funding the Committee has raised and obtained written commitments for as
39 described above but in no case shall it exceed the aforementioned \$100,000.00, and
40 further, shall the Board of Selectmen of the Town be authorized to execute any and all
41 contracts and documents and do any and all things necessary or convenient to the
42 accomplishment of the Project, including to accept any gifts, grants or contributions to
43 the Town, including conditional gifts to the Town the sole condition of which is that the
44 contributed funds be dedicated to the Project

1 Selectman Hart inquired why the date mentioned was December 31, 2018, as opposed to
2 the end of the fiscal year. Public Works Director Smith noted the earlier date was merely
3 to keep the project moving forward in a timely manner.
4

5 The work is still in the planning phase. Chairman Macauley asked how the Town would
6 acquire the necessary space along the roadway. Mr. Smith noted the Town would be
7 negotiating with the abutters.
8

9 MOTION: Selectman Littlefield moved, with Selectman Dudman seconding,
10 recommending passage of Article 39, as presented. Motion approved 5-0.
11

12 ***Article 40:** Shall the Town of Mount Desert be authorized to appropriate an amount not*
13 *to exceed \$90,000 from the Capital Gains Reserve Account, #400-24202, to finance*
14 *professional technical and construction services associated with improvements to up to*
15 *seven pedestrian crosswalks located in the Villages of Northeast Harbor, Pretty Marsh*
16 *and Somesville and as shown on the site plan located in Appendix F Site Map to include,*
17 *bringing the crosswalks into general compliance with the appropriate regulatory*
18 *agencies and requirements of same, including but not necessarily being limited to, the*
19 *Maine Department of Transportation's publication "Maine DOT Guidelines on*
20 *Crosswalks" and the Americans with Disabilities Act requirements for crosswalks with*
21 *said improvements to address, but not necessarily being limited to, improved access,*
22 *safety, effectiveness and appurtenances required to complete the improvements, and*
23 *further, shall the Board of Selectmen be authorized to execute any and all contracts and*
24 *documents and do all things necessary or convenient to accomplish the Project*
25

26 MOTION: Selectman Dudman moved, with Selectman Littlefield seconding,
27 recommending passage of Article 40, as presented. Motion approved 5-0.
28

29 ***Article 41:** Shall the Town of Mount Desert be authorized to appropriate an amount not*
30 *to exceed \$38,000.00 from the Capital Gains Reserve Account, #400- 24202, to finance*
31 *the professional evaluation of the Town's remaining crosswalks not described in Article*
32 *40 above, those being approximately 40 in number, located throughout the Town, to*
33 *assess them relative to factors including, but not necessarily limited to, accessibility,*
34 *safety, location and effectiveness, and to make recommendations for improvements to the*
35 *crosswalks, and further to prepare designs of the recommended improvements to the*
36 *crosswalks, to prepare construction documents and to solicit competitive bids for the*
37 *improvements to address and to include bringing the crosswalks into general compliance*
38 *with the appropriate regulatory agencies and requirements of same, including but not*
39 *necessarily being limited to the Maine Department of Transportation's publication*
40 *"Maine DOT Guidelines on Crosswalks" and the Americans with Disabilities Act*
41 *requirements for crosswalks and further, shall the Board of Selectmen be authorized to*
42 *execute any and all contracts and documents and do all things necessary or convenient to*
43 *accomplish the Project*
44

45 MOTION: Selectman Hart moved, with Selectman Mooers seconding, recommending
46 passage of Article 41, as presented. Motion approved 5-0.

1
2 **Article 42:** *Shall the Town of Mount Desert be authorized to appropriate an amount not*
3 *to exceed \$40,000.00 from the Capital Gains Reserve Account, #400- 24202, to finance*
4 *the evaluation and design of improvements to the Town's infrastructure within the*
5 *bounds of a portion of Summit Road located in the Village of Northeast Harbor*
6 *beginning at or near its intersection with Main Street then proceeding westerly along*
7 *Summit Road ending at or near its intersection with Church Road with said*
8 *improvements including, but not necessarily limited to, the traveled way, sanitary sewer*
9 *lines, storm water management and sidewalks, and further shall the Board of Selectmen*
10 *be authorized to execute any and all contracts and documents and do any and all things*
11 *necessary or convenient to accomplish the project?*
12

13 MOTION: Selectman Littlefield moved, with Selectman Hart seconding, recommending
14 passage of Article 42, as presented. Motion approved 5-0.
15

16 **Article 43:** *Shall the Town of Mount Desert be authorized to appropriate an amount not*
17 *to exceed \$50,000.00 from the Capital Gains Reserve Account, #400-24202 to fund the*
18 *design and construction, including all materials, equipment and labor, of a subsurface*
19 *irrigation system, for the so-called Village Green and the lawn area adjacent to the*
20 *Yachtsman Facility, both being located in the Village of Northeast Harbor; and further,*
21 *shall the Board of Selectmen be authorized to execute any and all contracts and*
22 *documents and do any and all things necessary or convenient to accomplish the project?*
23

24 MOTION: Selectman Mooers moved, with Selectman Hart seconding, recommending
25 passage of Article 43, as presented. Motion approved 5-0.
26

27 **Article 45:** *To see what sum the Inhabitants of the Town of Mount Desert will vote to*
28 *raise and appropriate for Department 200 through 221 General Government —*
29 *Governing Body (Board of Selectmen), Town Management, Town Clerk, Registrar,*
30 *Elections, Planning Board, Finance, Treasurer, Tax Collector, Assessment, Code*
31 *Enforcement, Unallocated Funds, Human Resources, and Technology for the 2018—*
32 *2019 Town Budget.*
33

34 Chairman Macauley inquired as to the breakdown of the amount. And specifically, how
35 much for the Governing Body's Legal costs. Town Manager Lunt thought it was
36 approximately \$5,000.00 allotted for the Governing Body's legal expenses. He noted it
37 comprised several expenses.
38

39 MOTION: Selectman Mart moved, with Selectman Mooers seconding, recommending
40 passage of raising and appropriating \$1,412,510.00 for Department 200 through 221
41 General Government - Governing Body (Board of Selectmen), Town Management, Town
42 Clerk, Registrar, Elections, Planning Board, Finance, Treasurer, Tax Collector,
43 Assessment, Code Enforcement, Unallocated Funds, Human Resources, and Technology
44 for the 2018—2019 Town Budget, as presented. Motion approved 5-0.
45

1 **Article 58:** *To see if the Inhabitants of the Town of Mount Desert will vote to increase the*
2 *property tax levy limit by \$70,412.00.*

3
4 Town Manager Lunt noted that if the Board votes the budget with changes from how it's
5 printed in the Warrant, then such a vote would be required.

6
7 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
8 recommending passage of Article 58, as presented. Motion approved 5-0.

9
10 **Article 76:** *Shall an ordinance dated May 8, 2018 and entitled "Town of Mount Desert*
11 *'Marijuana Moratorium'" be enacted as follow in the Draft Warrant*

12
13 Town Manager Lunt confirmed this was the edited draft. He noted that the legal nature
14 of a Moratorium is that it proves its necessity through stating risk. A Moratorium that
15 does not state risk really can't be validated.

16
17 Mr. Lunt reminded the Board that this was merely the vehicle to get to an Ordinance.

18
19 MOTION: Selectman Dudman moved, with Selectman Hart seconding, recommending
20 passage of Article 76, as presented. Motion approved 5-0.

21
22 *B. Award of the construction contract for the State Route 3/198 MPI Highway*
23 *Rehabilitation Project to R.F. Jordan & Sons of Ellsworth, Maine at a cost of*
24 *\$850,783.50 from Account Number 3000038-57710; grant authorization to Public Works*
25 *Director Tony Smith to execute the contract with R.F. Jordan & Sons on behalf of the*
26 *Town and; authorize the expenditure of the remaining balance of \$84,601.73 of G.F.*
27 *Johnston & Associates \$149,000 engineering budget for technical services related to the*
28 *completion of the project from Account Number 3000038-57710*

29
30 MOTION: Selectman Mooers moved, with Selectman Hart seconding, award of the
31 construction contract for the State Route 3/198 MPI Highway Rehabilitation Project to
32 R.F. Jordan & Sons of Ellsworth, Maine at a cost of \$850,783.50 from Account Number
33 3000038-57710; grant authorization to Public Works Director Tony Smith to execute the
34 contract with R.F. Jordan & Sons on behalf of the Town and; authorize the expenditure of
35 the remaining balance of \$84,601.73 of G.F. Johnston & Associates \$149,000
36 engineering budget for technical services related to the completion of the project from
37 Account Number 3000038-57710, as presented. Motion approved 5-0.

38
39 *C. Presentation and discussion of the Northeast Harbor Village Center*
40 *Improvements Project bid results, including the recommendation by the citizen committee*
41 *of requesting the total project cost of \$3,963,485 be included in the appropriate May*
42 *2018 Town Meeting warrant article*

43
44 Public Works Director Smith pointed out the bid summary was included in the Board
45 packets. RF Jordan was the low bidder. In an effort to lower the price of the project, the
46 Committee asked for a credit at the contractor's request if the contractor can maintain

1 one-way southerly traffic during construction. The Committee opted to postpone
2 construction of the southerly park as well as the pavers at the intersection of Sea St. and
3 Main St. These project deductions brings the price down to the project cost as noted.
4 Director Smith requests the project cost of \$3,963,485 be included in the May 2018 Town
5 Meeting Warrant contingent on availability of funding, and that RF Jordan be awarded
6 the contract for the bid amount of \$2,193,900.00, contingent on availability of funding.
7 Director Smith noted each detail of this project has been closely reviewed and examined
8 to reach this price.

9
10 Tracy Abram stated that all the crosswalks and parks on Main Street appear to be located
11 in front of lots that Rising Tide Partners own. She stated this placement has erased
12 parking in front of these properties. She hoped there would be flexibility in relocating
13 those spaces. Director Smith noted the Committee has worked with the owner who is
14 aware of the design. The crosswalk by 131 Main St. was located near a fire hydrant so
15 the crosswalk is within the already existing setback created by the hydrant. Director
16 Smith realized there was no space that would meet with 100% approval of the property
17 owners. Placement of crosswalks is also in part due to design standards and safety
18 connected to the traffic shifting from 2-way to 1-way traffic.

19
20 Mr. Smith noted that a number of business owners have asked about changes, and the
21 Committee will take another look at placement of the crosswalks.

22
23 Selectman Hart asked about the potential for new parking installed on Tracy Rd. and
24 connections between Tracy Rd. parking and Main St. being made. Director Smith
25 affirmed that parking on Tracy Rd. was part of Phase Two of the project. The intent is to
26 add more parking.

27
28 The timeframe for the work has not changed, despite the reductions in work noted by
29 Director Smith. There is no performance bonus. The project is scheduled to last two
30 winter construction seasons. There will be no construction during the period between
31 Memorial Day Weekend and the middle of October. The contractors will be penalized
32 should they delay beyond the two winter construction seasons agreed upon. Change
33 Orders will only be allowed should the circumstances surrounding it prove acceptable,
34 and test borings of the area have been done. This work does not include the Water
35 Company work.

36
37 Ms. Abram asked who would be maintaining the park planned for the area near 123 Main
38 St. She would like the park cleaned daily. Director Smith confirmed that the park would
39 have a daily trash pick-up each morning.

40
41 Given the expansions planned, there's only a minimal number of parking spots lost to the
42 project.

43
44 *D. Consideration of award of the construction contract for the Northeast Harbor*
45 *Village Center Improvements Project in the amount of \$2,193,000 to R.F. Jordan & Sons*
46 *of Ellsworth, contingent on May 2018 Town Meeting approval of project funding.*

1
2 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, awarding
3 the construction contract for the Northeast Harbor Village Center Improvements Project
4 in the amount of \$2,193,000 to R.F. Jordan & Sons of Ellsworth, contingent on May 2018
5 Town Meeting approval of project funding, as presented. Motion approved 5-0.
6

7 *E. Discussion of mobile vendor locations for 2018*
8

9 Harbor Committee member Rick Savage referenced the plan created by CES. The
10 Committee was in agreement with the design and placement of two mobile vendors and
11 the weekly farmer's market. There is off-road parking. Road space and parking space is
12 not being used. The Harbor Committee feels the traffic flow will be safer with this plan.
13 Electricity will be provided for the vendors, eliminating the need for generators. Stone
14 dust will be used, as opposed to asphalt. Farmer's Market vendors will park in such a
15 way that access to their booths will be away from the traffic.
16

17 Selectman Dudman noted that five mobile vendors are currently allowed in the Town of
18 Mount Desert. Two vendors have applied for this year, and a third has received an
19 application, but has not returned it. Discussion ensued regarding the question of two
20 versus three mobile vendors.
21

22 Restaurant owners in town felt the Town was unfairly supporting these businesses by
23 providing, at no cost, electricity hookups and space, when established businesses were
24 never provided such amenities. Their taxes are paying for their competition's amenities.
25 Additionally, mobile vendors have a very low rent for their space. Local restaurant
26 owners had been assured food offered by the mobile vendors would offer a wider variety,
27 in order to offset the competition. The space on the harbor is a prime spot, and mobile
28 vendors only had to set up during the tourist season. They were free to leave once the
29 tourist season was over with none of the cost associated with a business in the off season.
30

31 Lengthy discussion of mobile vendors ensued.
32

33 It was noted the Town seemed to prefer a stationary site for the vendors, hence the
34 dedicated spot on the harbor.
35

36 Pricing for the proposed work will not be estimated until the final design is achieved and
37 approved. Once a Plan has been approved Director Smith can solicit cost estimates.
38

39 Harbor Committee Member Chris Moore said that the plan for the harbor was created
40 primarily to address the farmer's market concerns. Installing electrical hookups for the
41 mobile vendors was merely a way to help offset the noise complaints stemming from
42 generator use. Two is the limit of mobile vendors the Committee feels is acceptable, in
43 relation to public safety, attracting people, and traffic issues. Once this scenario is in
44 place for another year or two, the Town can better see how it's working and what can be
45 improved on. Mr. Moore felt adding another mobile vendor at this juncture was
46 premature.

1
2 Jerry Miller asked whether there was a way to dictate the menus to ensure variety?
3 Chairman Macauley felt the Board would not get into the business of menu management.
4

5 The permits for a mobile vendor space are \$250.00. The Board has the right to revisit the
6 cost.
7

8 MOTION: Selectman Dudman moved, with Selectman Mooers seconding, to follow the
9 plan presented by Public Works Director Smith and the Harbor Committee, and cap the
10 number of food trucks at the harbor for this year at two.
11

12 A sign at the harbor for the restaurants in town was requested. Selectman Dudman
13 thought there was a sign and a map directory at the marina.
14

15 Ms. Abrams asked why the Town had not been informed of the project cost. Director
16 Smith reiterated that once the Plan has been approved he can solicit cost estimates.
17

18 Selectman Hart suggested that in an effort to be prepared for any future change, the site
19 be prepared for up to three mobile vendors.
20

21 Restaurant owners inquired whether they can apply for mobile vendor spots and, if they
22 are chosen in the lottery for vendors, choose to leave the spots empty. The ordinance
23 reads that after seven consecutive days of non-use, a permit can be pulled and awarded to
24 someone else.
25

26 Motion approved 5-0.
27

28 **XI. New Business**

29 *A. Request to authorize a Public Space Special Event Application to the MDI YMCA*
30 *for Half Iron Distance Triathlon scheduled September 30, 2018*
31

32 MOTION: Selectman Hart moved, with Selectman Mooers seconding, authorization of a
33 Public Space Special Event Application to the MDI YMCA for Half Iron Distance
34 Triathlon scheduled September 30, 2018, as presented. Motion approved 5-0.
35

36 *B. Request authorization to use funds from the Wastewater Equipment Reserve*
37 *Account Number 4050500-24501 with a current balance of approximately \$325,745 to*
38 *purchase a Multiquip Whisperwatt DCA 45 SSIU4F, 45 kW portable emergency standby*
39 *generator on a single axle trailer from CMD Power Systems in Hermon, Maine for the*
40 *quoted price of \$34,916*
41

42 MOTION: Selectman Hart moved, with Selectman Littlefield seconding authorization to
43 use funds from the Wastewater Equipment Reserve Account Number 4050500-24501
44 with a current balance of approximately \$325,745 to purchase a Multiquip Whisperwatt
45 DCA 45 SSIU4F, 45 kW portable emergency standby generator on a single axle trailer

1 from CMD Power Systems in Hermon, Maine for the quoted price of \$34,916, as
2 presented. Motion approved 5-0.
3

4 *C. Request to authorize the release and expenditure of \$9,700.00 to The Musson*
5 *Group from Bartlett CIP Line Acct. #64010300-24671 for the Realignment of the Bartlett*
6 *Landing Mooring Field*
7

8 Harbormaster Lemoine noted the amount was put out to bid with three vendors. Musson
9 Group and CF Johnston bid as a team and came in as the low bid.
10

11 MOTION: Selectman Mooers moved, with Selectman Hart seconding, authorizing the
12 release and expenditure of \$9,700.00 to The Musson Group from Bartlett CIP Line Acct.
13 #64010300-24671 for the Realignment of the Bartlett Landing Mooring Field, as
14 presented. Motion approved 5-0.
15

16 *D. Request to authorize the release and expenditure of \$4,593.39 to Winger's*
17 *Welding from the Northeast Harbor Reserve Acct. #64010100-24680 for the replacement*
18 *of a motor and hydraulic pump*
19

20 It was noted the pump being replaced was a prototype. The replacement will be a heavier
21 pump. The contractor paid for the other one.
22

23 MOTION: Selectman Hart moved with Selectman Littlefield seconding, authorizing the
24 release and expenditure of \$4,593.39 to Winger's Welding from the Northeast Harbor
25 Reserve Acct. #64010100-24680 for the replacement of a motor and hydraulic pump, as
26 presented. Motion approved 5-0.
27

28 *E. Request to authorize the release and expenditure of \$6,792.00 from account*
29 *\$4040300-24471 (Fire Equipment Reserve) for the purpose of purchasing a MSA Galaxy*
30 *GX2 calibration system, which will include the Altair Pro Singles module*
31

32 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
33 authorization of the release and expenditure of \$6,792.00 from account \$4040300-24471
34 (Fire Equipment Reserve) for the purpose of purchasing a MSA Galaxy GX2 calibration
35 system, which will include the Altair Pro Singles module as presented. Motion approved
36 5-0.
37

38 *F. Request to authorize the release and expenditure of \$87,097.88 from account*
39 *#4040300-24471 (Fire Equipment Reserve) for the purpose of purchasing 30 sets of*
40 *structural firefighting gear from Bergeron Protective Clothing*
41

42 This expenditure is part of the CIP. As gear is starting to show wear, the expense was
43 moved up. There will be sufficient funds left in the account. Interior firefighters were
44 given the option of having two full sets of gear. It's been shown that the risk of cancer is
45 higher in firefighters, due to the hazardous materials they are exposed to. An extra set of

1 gear can help lower that exposure. There were ten individuals that chose to have a
2 second set of gear.

3
4 MOTION: Selectman Mooers moved, with Selectman Hart seconding, authorization of
5 the release and expenditure of \$87,097.88 from account #4040300-24471 (Fire
6 Equipment Reserve) for the purpose of purchasing 30 sets of structural firefighting gear
7 from Bergeron Protective Clothing as presented. Motion approved 5-0.

8
9 *G. Presentation of the Citizen Transparency site*

10 Treasurer Mahar presented on the Citizen Transparency website. It has been difficult to
11 create a system where Board and committee members can access information with
12 financial software, due to security and reporting issues.

13
14 Citizen Transparency is a Munis program. It is an online product that pulls from the
15 Town's database. Ms. Mahar gave a brief overview of the system.

16
17 Information can be pulled from various departments, graphs and charts can be created. It
18 shows expenditures, in relation to the budget. Department breakdowns can be created,
19 down to the line item expenditures and vendors. Revenues can be reviewed the same
20 way. Spending over a certain period of time can be reviewed as well.

21
22 The system is web-based, so the public can access the information. The information is
23 updated weekly. The information is pulled from the Town's information; however, it is
24 not linked. Personal information or other sensitive information cannot be accessed.

25
26 The cost of the program is estimated at \$7500.00 – a one-time payment. There have been
27 requests from the public for this kind of information.

28
29 Town Manager Lunt noted the Human Resources piece of the software system is
30 currently installed and being used by the Town. Treasurer Mahar reported that no one in
31 the State of Maine is currently using this Citizen Transparency site. As the information is
32 being pulled from the work the Town is doing, there is no real extra work involved for
33 Town employees.

34
35 No action was taken on this item.

36
37 *H. Scholarship Recommendations*

38
39 MOTION: Selectman Dudman moved, with Selectman Mooers seconding, the
40 Scholarship Recommendations as presented. (Horace and Mary Reynolds Stipend in the
41 amount of \$100.00; Frank F. Stanley Trust Scholarship in the amount of \$100.00) Motion
42 approved 5-0.

43
44 *I. Dobbs Productions Inc. Request to use Public Access Channel 2*

1 MOTION: Selectman Dudman moved, with Selectman Hart seconding approval of the
2 request to use Public Access Channel 2, as presented. Motion approved 5-0.
3

4 **XII. Other Business**

5 There was no other business.
6

7 **XIII. Treasurer's Warrants**

8 *Tabled Motion from the February 20, 2018 Minutes: Approve Signed Treasurer's Payroll,*
9 *State Fees, & PR Benefit Warrants AP1848, AP1849, and PR1818 in the amounts of*
10 *\$27,762.47, \$1,373.25, and \$97,171.16, respectively*

11 MOTION: Selectman Mooers moved, with Selectman Dudman seconding, Approval of
12 Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1848, AP1849, and
13 PR1818 in the amounts of \$27,762.47, \$1,373.25, and \$97,171.16, respectively, as presented.
14 Motion approved 4-0-1 (Littlefield in Abstention)
15

16 *A. Approve & Sign Treasurer's Warrant AP1853 in the amount of \$386,855.12*

17 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, approval and
18 signature of Treasurer's Warrant AP1853 in the amount of \$386,855.12 as presented. Motion
19 approved 5-0.
20

21 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1851,*
22 *AP1852, and PR 1819 in the amounts of \$2,447.75, \$6,662.84, and \$99,719.32, respectively*

23 MOTION: Selectman Dudman moved, with Selectman Hart seconding, approval of Signed
24 Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1851, AP1852, and PR 1819 in
25 the amounts of \$2,447.75, \$6,662.84, and \$99,719.32, respectively as presented. Motion
26 approved 4-0-1 (Littlefield in Abstention).
27

28 *C. Acknowledge Treasurer's School Board AP/Payroll Warrants 11 and 18 in the*
29 *amounts of \$20,236.44 and \$72,489.48, respectively*

30 MOTION: Selectman Mooers moved, with Selectman Dudman seconding,
31 acknowledgement of Treasurer's School Board AP/Payroll Warrants 11 and 18 in the
32 amounts of \$20,236.44 and \$72,489.48, respectively as presented. Motion approved 5-0.
33

34 **XIV. Adjournment**

35
36 MOTION: Selectman Hart moved, with Selectman Dudman seconding, adjournment.
37 Motion approved 5-0.
38

39 The meeting was adjourned at 7:55PM.

40 Respectfully Submitted,
41

42
43
44 Wendy Littlefield, Secretary
45

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Town of Mount Desert
Board of Selectmen
Regular Meeting
Monday, March 19, 2018
Location: Meeting Room, Town Hall, Northeast Harbor

Present were Chairman John Macauley, Selectmen Matt Hart, Rick Mooers, Wendy Littlefield, and Martha Dudman.

Town Manager Durlin Lunt, Treasurer Kathy Mahar, Public Works Director Tony Smith, and Town Clerk Claire Woolfolk were in attendance.

Members of the public were also present.

I. Call to order at 6:00 p.m.

Chairman Macauley called the meeting to order at 6:00 PM.

II. Executive Session

A. *Pursuant to 1MRSA§405 (6)(D) Discussion regarding union negotiations with Teamsters Local Union No. 340*

MOTION: Selectman Rick Mooers moved, with Selectman Wendy Littlefield seconding, to enter into Executive Session. Motion approved 4-0.

Selectman Dudman joined the Session in progress.

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, to leave Executive Session. Motion approved 5-0.

The Board left Executive Session at 6:28PM.

III. Public Hearing(s)

There were none scheduled.

IV. Minutes

No Minutes were presented.

V. Appointments/Recognitions/Resignations

A. *Resignation of Joey Chittenden from the Housing Authority as Tenant Representative*

MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to accept the resignation of Joey Chittenden from the Housing Authority as Tenant Representative as presented and with many thanks. Motion approved 5-0.

VI. Consent Agenda

A. *Department Reports: Wastewater (January and February), Public Works (January and February)*

1 B. *Hancock County Commissioners' meeting minutes of February 6 and February 22,*
2 *2018*

3
4 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, acceptance of
5 the Consent Agenda as presented.
6

7 Selectman Dudman inquired about Gilpatrick Cove stormwater. Public Works Director
8 Smith reported there was no cause for concern. Should the situation change, he would
9 apprise the Board.

10
11 Motion approved 5-0.
12

13 **VII. Selectman's Reports**

14 Chairman Macauley reported that CEO Kimberly Keene requested the ordinance relating to
15 Boarding Houses be removed from the Warrant. The Article will need to be formally
16 withdrawn.
17

18 MOTION: Selectman Mooers moved, with Selectman Hart seconding, to withdraw the
19 Article from the Warrant. Motion approved 5-0.
20

21 Selectman Mooers reported that the Planning Board hoped to explore the possibility of
22 licensing for rooming houses. This would offer some level of checks and balances.
23

24 **VIII. Old Business**

25 No Old Business was presented.
26

27 **IX. New Business**

28 It was agreed to take some of the New Business items out of order.
29

30 A. *Presentation and review of FY 2016-2017 Audit by James W. Wadman, CPA*
31

32 James Wadman reviewed the audit with the Board. Points in the audit he covered include:
33

- 34 - Federal Funding has necessitated additional auditing, making the report thicker this year
35 than in years past.
- 36 - Pages 1 and 2 consist of the auditors' Opinion Letter. This year, the opinion is
37 unmodified, meaning there were no exceptions requiring mention.
- 38 - Pages 3 through 9 are the Management's Discussion and Analysis. The total ending fund
39 balances were \$10,003,898.00. A portion of that, the General Unassigned Fund Balance,
40 was \$2,893,357.00. This is the Surplus and represents approximately 18% of the cost of
41 expenses for the year.
- 42 - Financial Statements begin on Page 10 of the audit. The initial numbers on pages 10 and
43 11 are high because the figures include the Town's fixed assets. Page 12 statements use
44 the same figures used to prepare the budget and are lower.
- 45 - Page 41 shows Budget versus Actual Operating Statement. This shows any budget
46 modifications made during the year. The budget intended to reduce the Surplus by
47 \$400,000.00. The Surplus was actually increased by approximately \$400,000.00. This
48 makes a favorable budget variance of approximately \$800,000.00.

- 1 - Revenues exceeded budget by a little over \$50,000.00. However, the biggest change was
2 on the Expenditure side. Favorable Budget balances are at \$629,000.00.
3 - Pages 42 and 43 cover Disclosures regarding participation in the Maine Public
4 Employees' Retirement System. Looking at these estimated liabilities, they are
5 substantial. Eventually a ten-year comparison review will be created. Currently it shows
6 the liability is rising. Mr. Wadman noted these figures are a year behind in the Maine
7 System.
8

9 Selectman Mooers asked about the proportionate share of the net pension liability; it
10 appears to have doubled in three years. Was this a trend that would be recurring? Mr.
11 Wadman noted the investment side and the actuary side both would have to be looked at,
12 and how they're growing. Local contributions can be used to offset and control these
13 liabilities. The figures are dependent on salaries, so as they change, so will the figures.
14

- 15 - The Participating Local Districts Plan is on page 44. At this point no one is taking action
16 or funding these figures, but they do bear watching. In the Notes it goes into detail about
17 the assumptions and estimations involved.
18 - On Page 49 is a statement of changes in unassigned fund balance in the Surplus. The
19 Town began the year with \$2,479,562.00 and ended with \$2,893,457.00. There is a
20 favorable budget variance of over \$813,000.00, minus the \$400,000.00 used to reduce
21 taxation.
22 - There are financial statements included for various reserve funds and CIP funds.
23 - Pages 64 through 73 refer to the Federal Funds. On Page 70 is the Schedule of Findings
24 and Question Cost. This is where Management Letter Comments will be found. There
25 are none included this year, which is an improvement.
26 - Page 2 of a handout Mr. Wadman presented, relates to Long-term Debt. Mount Desert's
27 debt is between 16 and 17 million in total debt. In comparison to the State Valuation,
28 Mount Desert is at less than 1%, and well within any State statutes. It can be as high as
29 15%.
30

31 Chairman Macauley asked about the low-risk oddity. Mr. Wadman explained that in order to
32 qualify as a low-risk oddity for federal funding, the Town must have for the previous two
33 years federal funding audits and had no findings during those two years. Because Mount
34 Desert had no federal funding the previous two years, they can't qualify as low-risk oddity.
35

36 *B. Katelyn Buell d/b/a The Fork & Table (Tasteful Tides LLC) 102 Main Street,
37 Northeast Harbor request for Liquor License Renewal*
38

39 MOTION: Selectman Hart moved, with Selectman Mooers seconding, approval of Katelyn
40 Buell d/b/a The Fork & Table (Tasteful Tides LLC) 102 Main Street, Northeast Harbor
41 request for Liquor License Renewal, as presented. Motion approved 5-0.
42

43 *C. Winter Spring Inc. d/b/a Colonel's Restaurant 143 Main Street, Northeast Harbor
44 request for Liquor License Renewal*
45

46 MOTION: Selectman Hart moved, with Selectman Dudman seconding, approval of Winter
47 Spring Inc. d/b/a Colonel's Restaurant 143 Main Street, Northeast Harbor request for Liquor
48 License Renewal, as presented. Motion approved 5-0.

1 *D. Discussion with Citizen Steven Smith concerning the past, present, and future of*
2 *Otter Creek*

3
4 Otter Creek resident Steven Smith requested to know the status of the proposed turn-around
5 space at the bottom of the Town Landing in Otter Creek.
6

7 Public Works Director Tony Smith reported that he has begun discussions with Acadia
8 National Park regarding the turn-around. Follow up and a site visit are planned for the next
9 week or two. It was agreed that Public Works Director Smith was authorized to move
10 forward on this project.
11

12 Mr. Smith suggested Acadia National Park Superintendent Kevin Schneider report on the
13 Park's stance on the proposed work. Public Works Director Smith felt it was premature to
14 ask the Park for a position. Now that the Public Works Director has been authorized to
15 pursue the work, he will follow up with the Park.
16

17 Otter Creek resident Dennis Smith commented on the estuary area. He stated the openings to
18 the causeway have changed over the years. They are no longer as big as they were.
19 Reclamation of these areas can be done, as evidenced by the removal of dams on rivers in
20 Maine. Steven Smith stated that there were several conservancy agencies in support of
21 cleaning up the estuary area.
22

23 Steven Smith voiced frustration at a lack of cooperation from Acadia National Park. He read
24 a letter he had written to the Board and Public in attendance. This letter is a part of the
25 Board's packet.
26

27 Mr. Smith asked for comment from Acadia National Park Superintendent Kevin Schneider.
28

29 Chairman Macauley acknowledged that there were things out of the Park Superintendent's
30 control. There are things that the Town is happy to support. But the Town can only support
31 things that are appropriate and legal. The Turn-around and landing can be improved.
32 Perhaps some vista clearing can be done. But the Town must operate within parameters so
33 they don't encroach on the Park's bailiwick. The two entities must work together.
34

35 Mr. Smith requested water connected to the fish house. Mr. Smith referred to a drawing and
36 alleged that the Park has encroached on the Village of Otter Creek's boundaries. This
37 encroachment has taken from the village quarrying opportunities, wood, and proper ingress
38 and egress. Mr. Smith stated the lack of stewardship in the woodland surrounding Otter
39 Creek has created a fire hazard. If the woods were maintained, there was no reason the
40 villagers couldn't use cut wood from the area wood for themselves.
41

42 Superintendent Kevin Schneider spoke. He assured the Board that working with
43 communities is of the utmost importance to the Park. The Park has built trails to the
44 waterfront, completed ethnographic assessments to document the cultural history, and
45 worked with the Town to provide a boat launch. Superintendent Schneider was not aware of
46 the need for a turn-around. Acadia National Park is happy to work with any interested group.
47 Some of these issues could be solved by cooperating. A clear list of needs and prioritization
48 needs to be created.

1
2 Dennis Smith discussed the Otter Creek Causeway. He stated he had pictures from the 1930s
3 showing many fish that can no longer be found in the waters. Chairman Macauley noted the
4 causeway was a famous structure, and not a major river with dams that can be removed.
5 Some realistic expectations need to be agreed upon. He did not feel it was realistic to remove
6 the causeway. Mr. Smith felt it should be removed, and alleged that the estuary was built due
7 to illegal decisions and votes. The estuary is just as important as the major rivers. Mr. Smith
8 stated the path that was built was at the expense of the road. Mr. Smith is not allowed to use
9 the road to access his property. Mr. Smith felt the Park will not cooperate, therefore he
10 insisted the Town write a letter to the Secretary of the Interior.
11

12 Public Works Director Smith and Chairman Macauley both agreed that a comprehensive list
13 of concerns and a committee to prioritize them should be the first step.
14

15 Town Manager Lunt stated he needed more information before a letter could be written. He
16 suggested getting a comprehensive list of concerns together, work to complete what can be
17 done, and write to the Secretary of Interior with the list of concerns that Superintendent
18 Schneider can't help with. The list is the first step.
19

20 Selectman Mooers noted that the letter will have to reflect that a diligent effort has been
21 made to resolve the issues.
22

23 Mr. Smith agreed to pull a full list together.
24

25 *E. Authorization to open Electronic Payments Bank Account*
26

27 MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, authorization
28 to open Electronic Payments Bank Account, as presented (1. Authorization to establish Non-
29 Profit Business Checking Account #8330077028 with Bar Harbor Bank and Trust Company for
30 Credit Card Payment transactions as stated in the attached Corporate Authorization Resolution,
31 and 2. Authorization for the Treasurer Kathryn Mahar and Deputy Treasurer Durlin Lunt Jr. to
32 be signatories on the account.). Motion approved 5-0.
33

34 **X. Other Business**

35 Treasurer Mahar pointed out that based on her analysis, another \$100,000.00 could be taken
36 from the Town's surplus for offsetting taxes. \$400,000.00 has already been taken for this
37 year. It would bring the rate down to 14%, and remove the requirement to vote on the LD I.
38

39 MOTION: Selectman Dudman moved, with Selectman Mooers seconding, to authorize
40 using an additional \$100,000.00 to offset taxes, as presented by Treasurer Mahar. Motion
41 approved 5-0.
42

43 **XI. Treasurer's Warrants**

44 *A. Approve & Sign Treasurer's Warrant AP1856 in the amount of \$428,514.89*
45

46 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, approval and
47 Signature of Treasurer's Warrant AP1856 in the amount of \$428,514.89, as presented.
48 Motion approved 5-0.

APPOINTMENTS

RECOGNITIONS

RESIGNATIONS



Town of Mount Desert

John Lemoine, Harbormaster
40 Harbor Drive, P.O. Box 237
Northeast Harbor, ME 04662-0248
Telephone 207-276-5737 Fax 207-276-5741
E-mail Address harbormaster@mtdesert.org
Web Address www.mtidesert.org

MEMO

To: Board of Selectmen and Town Manager
From: John LeMoine Harbormaster
Re: Appointment of Catherine Forthofer as Part time marina office manager
Date: March 26, 2018

I would like to hire Catherine Forthofer to fill the Seasonal Office Manager Position. Catherine has worked at the marina for the last three seasons. She has acquired the knowledge and experience in the operations of the Marina and will be a great fit for the job.

Catherine would start part time in April as needed and transition to 40 hours a week in May.
Catherine Forthofer \$16.00 per hour

Will you please place this appointment on the next available select board meeting?

Thank you
John LeMoine
Harbormaster



Mount Desert Fire Department

Michael Bender, Fire Chief
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5111 Fax 207-276-5732

Web Address www.mtdesert.org

firechief@mtdesert.org

March 19, 2018

Michael Bender
Fire Chief
Mount Desert Fire Department
PO Box 248
Northeast Harbor, Maine 04662

Dear Chief:

Please accept this letter as notification that I am resigning from my position as an On-Call Firefighter with the Mount Desert Fire Department, effective March 6, 2018. This is so I can accept a position as an Acting Full-Time Firefighter with the department. I understand that I can request to be re-activated as an On-Call Firefighter when my position as an Acting Full-Time Firefighter ends, as long as I am in good standing with the department.

Sincerely,


Benjamin Gilley

CONSENT AGENDA

Town Clerk

From: Tony Smith
Sent: Thursday, March 29, 2018 5:09 PM
To: Durlin Lunt
Cc: Town Clerk
Subject: Construction schedules

Please include this in the BOS consent agenda for April 2nd. Thank you.

Subject to approval at town meeting, we have potentially three infrastructure projects that will be constructed this year, improvements to Route 198; the Sylvan Neighborhood drainage project and the Main Street improvements project. Following is a list of the schedules for each project as of today:

1. Route 198: RF Jordan plans to start work in mid-April 2018 and finish the first week in June 2018, including all paving. Work hours will likely be Monday to Friday and maybe some Saturdays; no Sundays; from 7:00 AM to 6:00 PM. This means no equipment, trucks etc. in operation before 7:00 and after 6:00.
2. Sylvan Drainage: MacQuinn would begin work in early June 2018 and finish in early September 2018, including clean-up. Work hours likely the same as those for Route 198 shown above.
3. NEH Main Street improvements: The work is scheduled to be completed over two winter construction seasons, 2018-2019 and 2019-2020, to avoid impacting businesses and residents thru the summer months. Work is to begin no earlier than October 15th and finish for the season and be done and cleaned up for the season before Memorial Day weekend. Work hours are Monday thru Saturday, 7:00 AM to 6:00 PM; work is allowed all day Saturday to account for the start and stop dates in October and May; no work on Sundays without permission; This means no equipment, trucks etc. in operation before 7:00 and after 6:00.

As is typical, the schedules and daily work hours are subject to weather, unforeseen physical conditions, unplanned circumstances, etc.

Thank you.


Tony Smith, Public Works Director
Chairman, Acadia Disposal District
Town of Mount Desert
P.O. Box 248
Northeast Harbor, Maine 04662
Tel. 207-276-5743
Fax. 207-276-5742
director@mtdesert.org
God Bless America

■ 395 State Street
■ Ellsworth, ME 04605
■ www.mrcmaine.org



866-254-3507
207-664-1700 ■ Voice
207-664-2099 ■ Fax
glounder@mrcmaine.org ■ E-Mail

MEMORANDUM

TO: All Joining Members
FROM: Greg Louder, Executive Director 
RE: Interim MSW Delivery to Crossroads and JRL as of April 1, 2018
DATE: 28 March 2018

I am writing to provide final information regarding arrangements for all Joining Members to manage MSW as of April 1, 2018. The Fiberright/Coastal Facility in Hampden ("Coastal") will not be available to accept MSW on April 1 or for an interim period of up to 6 months.

As shown in the attachment, the MRC has identified approximately 39 Joining Members that are capable of having their MSW delivered directly to the Crossroads Landfill and has helped another 10 Joining Members to arrange for MSW delivery through the use of nearby transfer stations. These Joining Members are instructed to proceed with the arrangements to have MSW delivered to the Crossroads Landfill as of April 1, 2018, until further notice, and to comply with all applicable delivery requirements of the Crossroads Landfill. Coastal and WMI are working together to ensure that the Joining Members are invoiced appropriately and receive clear instructions for payment of the \$70 per ton tipping fee during the interim period.

For the remaining Joining Members, as shown in the attachment, the MRC has developed an arrangement for interim MSW delivery involving use of the Juniper Ridge Landfill (JRL). This arrangement was reached with the consent of (WMI), our primary contracted back-up disposal facility during the bypass period. Coastal, and JRL are working together to ensure that the Joining Members are invoiced appropriately and receive clear instructions for payment of the \$70 per ton tipping fee during the interim period

We appreciate your patience and support while we reached an interim MSW delivery resolution. We also appreciate your readiness to respond on short notice on this directive from the MRC regarding this arrangement being made available for your community and we thank you for your continuing cooperation during this time of transition. Please contact us at 664-1700 with questions.

**Interim Waste Delivery Locations
Version 3.0 - March 27, 2018
Effective April 1, 2018**

Town	Delivery Point
Abbot	Crossroads
Albion	Crossroads
Alton	JRL
Arrostock County	Millinocket*
Atkinson	Crossroads
Bangor	JRL
Bar Harbor	Crossroads
Belfast	Crossroads
Blue Hill/Surry	JRL
Boothbay Regional	Crossroads
Bowerbank	Crossroads
Bucksport	JRL
Bradley	JRL
Brewer	JRL
Brooks	Crossroads
Brownville	Crossroads
Burlington	JRL
Carmel	JRL
Central Penobscot	JRL
Cherryfield	JRL
Chester	Millinocket*
China	Crossroads
Clifton	JRL
Corinna	Crossroads
Cranberry Isles	EMR to Crossroads
Dedham	JRL
Dexter	Crossroads

Town	Delivery Point
Dixmont	JRL
Dover - Foxcroft	Crossroads
Eddington	JRL
Exeter	Crossroads
Freedom	Crossroads
Franklin	JRL
Frenchboro	EMR to Crossroads
Garland	Mid Maine SWA
Guilford	Mid Maine SWA
Hampden	JRL
Holden	JRL
Hudson	JRL
Knox	Crossroads
Lee	Millinocket*
Levant	Mid Maine SWA
Lowell	JRL
Lucerne	JRL
Mariaville	JRL
Mattawamkeag	Millinocket*
Millinocket	Crossroads
Milo	Crossroads
Monson	Crossroads
Montville	Crossroads
Mt Desert	EMR to Crossroads
Northern Katahdin	Crossroads
Oakland	Crossroads
Orono	JRL

Town	Delivery Point
Otis	JRL
Palmyra	Crossroads
Parkman	Crossroads
Piscataquis County	JRL
Pleasant River SWD	JRL
Sangerville	Crossroads
Searsmont	JRL
Sebec	Crossroads
Sherman	Northern Katahdin
Sorrento	JRL
Southwest Harbor	EMR to Crossroads
Springfield	Millinocket*
St. Albans	Crossroads
Steuben	JRL
Sullivan	JRL
Swans Island	JRL
Thordike	Crossroads
Tremont	EMR to Crossroads
Trenton	EMR to Crossroads
Troy	Crossroads
Unity	Crossroads
Waldoboro Group	Crossroads
Union River SWD	JRL
Vassalboro	Crossroads
Verona Island	JRL
Wiscasset	Crossroads

OLD BUSINESS

Town of Mount Desert

Annual Town Meeting Warrant Fiscal Year 2018 – 2019

**As presented at the
Annual Town Meeting
May 7 & 8, 2018**

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Warrant Committee Report

The 2018 Warrant Committee for Town of Mount Desert, presently consists of 22 registered voters of the Town, appointed for 3-year terms by the Board of Selectmen. Only the Warrant committee has it recommendations for each Warrant article printed on the Warrant each year. We are asked to consider each article proposed by the Board of Selectmen, Planning Board, School Board, and on occasion by a citizen initiated petition. We represent true citizen in-put in the development of the budget and warrant articles; and Town Government functions best when all the parts participate fully.

Membership is a responsibility and it is also educational and rewarding. Some of our members have served for years and offer a historical perspective to our discussions; new members offer fresh insight that helps us to make the best decisions, when we vote of our recommendations on the Warrant Articles.

Our Town Charter requires that the Warrant Committee include at least 20 registered voters. The Warrant Committee encourages any registered voters to consider applying to the Board of Selectman to join the Warrant Committee. The Warrant Committee is not a year round commitment, most of meetings start in early January and end by middle March with our votes on each Warrant Article, unless there is a Special Town Meeting scheduled during the year. This year the Warrant Committee made a formal request to the Board of Selectman to have our vote counts be printed with each article in the Warrant, which was unanimously passed by the Board of Selectman. Please note the vote count in this year's Warrant.

The Warrant Committee was very active this year attending most Board of Selectman meetings during the budget process and offering our insight on many issues, including the proposed Marijuana Moratorium. The Committee heard presentations from all the Department Heads, explaining their individual budgets and answering specific questions by the Warrant Committee, MDES Principal Gloria Delsandro budget presentation for the elementary school, along with MDES School Board, School Superintendent Dr. Marc Gousse, and Nancy Thurlow the Business Manager who can explain the funding formulas required by the State of Maine.

We want to thank the all Department Head's, the entire staff of the Town Office, Town Manager Durlin Lunt, Principal Gloria Delsandro, Superintendent's office, School Board, Planning Board, and all the residents and non-residences who appeared before us this year. The staff of the Neighborhood House for allowing us to host our Annual dinner which followed voting on the Warrant, and Chef Emily Damon for catering the event with her amazing pizzas. Finally, all the members of this year's Warrant Committee, for devoting their time and commitment this process.

Co-Chairs
Phil Lichtenstein
Jerry Miller

Warrant Committee 2017-2018

Phil Lichtenstein, Co-Chair
Jerry Miller, Co-Chair

Donna Beals
Gordon Beck
Ellen Brawley
Samuel Burr
Katrina Carter
Owen Craighead
Rodney Eason
William Fern
Jesse Hartson
Brian Henkel
Ellen Kappes
Marina McGarr
Samuel McGee
Kathleen Miller
Tim Murphy
Frank Norris
SeAnn Norris
Norris Reddish
Thomas Savage
Seth Singleton

Greeting

State of Maine

Hancock County, ss

year

To: **James K. Willis, Jr., a Constable in the Town of Mount Desert**

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Mount Desert, qualified by law to vote in Town affairs, to assemble in the **Somesville Fire House, 1157 Main Street, Mount Desert, Maine, on Monday, the seventh day of May AD 2018 at seven-fifty o'clock** in the forenoon, then and there to act on Article 1; and immediately thereafter to act on Article 2 until **eight o'clock** in the evening.

AND to notify and warn said voters to reconvene in the **Kelley Auditorium, Mount Desert Elementary School, 8 Joy Road, Northeast Harbor, Maine** in said Town, on **Tuesday, the eighth day of May AD 2018 at six o'clock** in the evening; then and there to act on Articles x through xx; all of said Articles being set out below to wit:

Pursuant to Title 21-A, §759(7), absentee ballots will be processed at the polls on May 7, 2018 every half hour beginning at 9:00 AM.

Election of Moderator

Article 1. To elect a Moderator by written ballot.

Election of Municipal Officers

Article 2. To elect one member to the Board of Selectmen for a term of three years, two members to the Mount Desert Elementary School Board for terms of three years, one trustee to the Mount Desert Island Regional School District for a term of one year, and one trustee to the Mount Desert Island Regional School District for a term of three years.

Non-Voter Recognition

Article 3. To see if non-voters shall be allowed, when recognized, to speak during the 2018 Annual Town Meeting.

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Animal Welfare

Article 4. To see if the Inhabitants of the Town of Mount Desert will vote to approve an expenditure of \$500.00 from the Animal Welfare Reserve Account #4040700-24204 to Acadia Veterinary Hospital as a donation for the benefit of the Town of Mount Desert Feral Cat Program.

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Ordinances

For Articles x through xx, an underline indicates an addition and a ~~strikethrough~~ indicates a deletion.

Article 5. Shall an ordinance dated May 8, 2018 and entitled "Town of Mount Desert Alewife Ordinance" be enacted? The ordinance reads, in its entirety, "Regulations for the taking of alewives and blue back herring shall be as follows: For the year July 1, 2018 through June 30, 2019 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert."

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 6. Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Solid Waste Ordinance of the Town of Mount Desert" be enacted? *See Appendix A (pg. 39)*

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 7. Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Public Road Acceptance Ordinance regarding street design and construction standards" be enacted as follows?

Explanatory Note: This amendment will correct the reference to where the required road standards can be found.

Public Road Acceptance Ordinance
As adopted May 5, 2009 Annual Town Meeting
Amended May 8, 2018 Annual Town Meeting

The Citizens of the Town of Mount Desert do ordain a Public Road Acceptance Ordinance be adopted as follows:

WHEREAS, the Town has identified several private roads where maintenance including: plowing, sanding, grading and bituminous repairs have been requested of the Town by the private owners, and

WHEREAS, the Board of Selectmen have requested that private/public roads be identified and listed along with an assessment of their condition, size, use, benefit to the public and future need, and

WHEREAS, it is the intention of this ordinance to identify those private roads which by the nature of their condition, use and location would be more appropriate with a "Public" designation.

NOW, THEREFORE BE IT RESOLVED, that to become "public", a road or road section must meet the following conditions:

1. The road must meet the "Street/Road Design and Construction Standards" of the Mount Desert Land Use Zoning Ordinance ("LUZO") Subdivision Ordinance, which standards are currently listed in ~~LUZO s. 6B.18~~ Section 5.14.
2. The current private owner(s) are willing to sign over all title, rights and responsibilities without reservations to the 50' wide, right of way. Legal costs of the deed to the own shall be borne by the private owner(s).
1. The current private owner(s) shall ask the Public Works Director to certify in writing to the Board of Selectmen that the above-stated conditions have been met.
2. The current private owner(s) shall provide to the Town Manager evidence of good and marketable title in and to the proposed road in the form of an attorney's title opinion letter or a commitment for title insurance.
3. The Town Manager shall request from an attorney a letter certifying that said attorney's title opinion letter or said title insurance commitment sufficiently protects the Town's interests.
4. Upon receipt of the afore-mentioned two letters, the Selectmen will recommend the request for "Public" Designation as an article in the next succeeding regular Town Warrant. Following Town Meeting approval, the Town of Mount Desert will accept title and all future rights and responsibilities, including maintenance, repair and replacement as necessary and the road shall be deemed "Public". The Selectmen may, at their option, agree to placing potential acceptance of a road on the warrant, contingent on its reconditioning by the private owner(s) after approval by Town Meeting and before becoming "Public".
5. When a road is accepted by the Town Meeting as a "public" road, and after the deed for the land beneath said road has been duly recorded at the Hancock County Registry of Deeds, the road shall be placed on any "Road Inventory" regularly kept by the Town.

NOW THEREFORE BE IT FURTHER RESOLVED should the current owner(s) fail, or be unwilling, to meet the above-stated conditions, then:

1. The road shall remain private;
2. All repairs and maintenance of the road and its appurtenances shall be the responsibility of the owner(s) at the sole cost of the owner(s);

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

The effective date of this Ordinance is: May 5, 2009.

This Ordinance shall expire and be of no force or effect on May 7, 2024.

Planning Board recommends passage

Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 8. Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance regarding amendments to Conditional Use Permits" be enacted as follows?

Explanatory Note: This amendment allows the CEO to approve minor amendments to Conditional Use Permits and clarifies that the requirements for an application and approval for other amendments are the same as they are for the original application.

2.4 Conditional Uses. Conditional uses may be permitted only after review and approval by the Planning Board – except where the Code Enforcement Officer is authorized under the Standards of Section 5.6 to authorize minor changes in the placement and size of improvements for an approved conditional use permit – and only if specific provisions for such conditional uses are made in this Ordinance. The Standards of Section 6A and the applicable standards of Section 6B and 6C of this Ordinance shall apply at all times.

3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

P Use allowed without a permit (but the use must comply with all applicable land use standards)

C Use allowed with conditional use approval from the Planning Board, except where the code enforcement officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit

X Use is prohibited

CEO Use allowed with a permit from the code enforcement officer

SECTION 5 CONDITIONAL USE APPROVAL

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5.6 Amendment

An amendment to a Conditional Use Approval may be issued by the Planning Board only:

- ~~1. in conformity with the procedural and substantive requirements set forth in Section 6A and the applicable standards of Section 6B and 6C.~~
- ~~2. on finding that there have been significant changes of conditions or circumstances; and~~
- ~~3. when justified by a statement of findings of fact and reasons.~~

No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Ordinance, and the conditional use permit and approved site plan are amended accordingly.

Minor changes. The Code Enforcement Officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit if the Code Enforcement Officer determines that the changes are consistent with the findings made by the Planning Board in connection with the approval of the conditional use permit and the standards of Section 6 of the Land Use Ordinance. The Code Enforcement Officer must also make a separate determine whether the minor changes are consistent with the standards of Section 6 of the Land Use Ordinance.

Other Changes. Changes to an approved conditional use permit, other than minor changes in the placement and size of improvements, shall require amendment to the conditional use permit by the Planning Board. The requirements for application and approval of a conditional use permit amendment shall be the same as the requirements for original application and approval.

Planning Board recommends passage

Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 9. Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance to allow the CEO to approve 1 and 2 family dwellings and accessory structures in the Village Commercial and Shoreland Commercial" be enacted as follows?

Explanatory Note: This amendment will allow the CEO to approve 1 and 2 family residential dwellings and accessory structures in the Village Commercial and Shoreland Commercial Zones.

3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a

particular site shall be determined from the Official Land Use Zoning map.

- P** Use allowed without a permit (but the use must comply with all applicable land use standards)
- C** Use allowed with conditional use approval from the Planning Board
- X** Use is prohibited
- CEO** Use allowed with a permit from the code enforcement officer

- VR1 VILLAGE RESIDENTIAL ONE
- VR2 VILLAGE RESIDENTIAL TWO
- R1 RESIDENTIAL ONE
- R2 RESIDENTIAL TWO
- SR1 SHORELAND RESIDENTIAL ONE
- SR2 SHORELAND RESIDENTIAL TWO
- SR3 SHORELAND RESIDENTIAL THREE
- SR5 SHORELAND RESIDENTIAL FIVE
- RW2 RURAL OR WOODLAND TWO
- RW3 RURAL OR WOODLAND THREE
- VC VILLAGE COMMERCIAL
- SC SHORELAND COMMERCIAL
- RP RESOURCE PROTECTION
- C CONSERVATION
- SP STREAM PROTECTION

See table of uses on following pages

Section 3.4 Permitted, Conditional, and Excluded Uses by District

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
RESIDENTIAL									
Dwelling 1 & 2 family	CEO	CEO	CEO _(d)	CEO	<u>GCEO</u>	<u>GCEO</u> _(d)	C	C ⁸	C ⁴
Dwelling, Multiple	C	C	C	C	C	X	C	X	X
Accessory Residential Dwelling Unit	CEO	CEO	CEO	CEO	CEO	C	C	C ⁸	C ⁴
Accessory structures including structural additions	CEO	CEO	CEO	CEO	<u>GCEO</u>	<u>GCEO</u>	C	C ⁸	C ⁴

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
and guest houses ^(c)									
Cluster and Workforce Subdivisions	C	C	X	C	C	X	X	X	X
Mobile Home Park	C	X	X	X	X	X	X	X	X
^(c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be deemed a dwelling unit.									
^(d) See Section 6B.10.3 (Lots)									

Planning Board recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 10. Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Land Use Zoning Ordinance to Correct Errors in Consistency with State Mandated Shoreland Zoning" be enacted as follows? *See Appendix B (pg. 75)*

Explanatory Note: *This Article amends the Land Use Zoning Ordinance in specific matters to be consistent with mandatory State Shoreland Zoning Rules as required by the Maine Department of Environmental Protection as to those matters.*

Planning Board recommends passage
Warrant Committee recommends passage (9 Ayes; 2 Nays)

Article 11. Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance and Town of Mount Desert Subdivision Ordinance regarding Minimum Area Per Dwelling Unit in Village Commercial District" be enacted as follows?

Explanatory Note: *This amendment will create a minimum area per dwelling unit in the Village Commercial District. For example, a legally established lot of 3500 square feet with public sewer could have up to 3 dwellings units.*

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	RW2	RW3	VC see Note (g)	SC see Note (e), (f) and (g)	C see Note (f) for those properties that are within the shoreland zone
DIMENSIONS (b) (h')					
MINIMUM LOT AREA:					
A. with public sewer	2 acres	3 acres	5,000 sq ft.**	1 acre	3 acres
B. without public sewer	2 acres	3 acres	1 acre	1 acre	3 acres
C. Cluster Subdivision w/sewer*	1 acre	1.5 acres	see note (g)	N/A	N/A
D. Cluster Subdivision w/o sewer*	1 acre	1.5 acres	see note (g)	N/A	N/A
E. Workforce Subdivision*	State Minimum	State Minimum	see note (g)	N/A	N/A
* See Note (k)			** See Note (p)		
MINIMUM WIDTH OF LOTS: Shore Frontage	NA	NA	N/A	100 ft.	250 ft.
SETBACKS FROM:					
normal high water line of a water body (stream), tributary stream or upland edge of a wetland	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.
Great Ponds (n)	N/A	N/A	N/A	N/A	100 ft. (n)
public or private road*	60 ft.	60 ft.	10 ft. or -0- ft. from edge of public sidewalk	25 ft.	50 ft.
property lines**	25 ft.	25 ft.	5 ft.(o)	5 ft.	25 ft.
* see Note (c)					
** see Note (d)					
MAXIMUM LOT COVERAGE	15%	15%	75%	70%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft.	30 ft.	N/A	10 ft.	30 ft.

NOTES:

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- .

(p) For lots within the Village Commercial District that have public sewer, the minimum lot area required for each dwelling unit on a single lot is 1000 square feet.

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Town of Mount Desert Subdivision Ordinance

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	RW2	RW3	VC see Note (g)	SC see Note (e), (f) and (g)	C see Note (f) for those properties that are within the shoreland zone
DIMENSIONS (b) (h¹)					
MINIMUM LOT AREA: A. with public sewer B. without public sewer C. Cluster Subdivision w/sewer* D. Cluster Subdivision w/o sewer* E. Workforce Subdivision* * See Note (k)	2 acres 2 acres 1 acre 1 acre State Minimum	3 acres 3 acres 1.5 acres 1.5 acres State Minimum	5,000 sq ft.** 1 acre see note (g) see note (g) see note (g) ** See Note (p)	1 acre 1 acre N/A N/A N/A	3 acres 3 acres N/A N/A N/A
MINIMUM WIDTH OF LOTS: Shore Frontage	NA	NA	N/A	100 ft.	250 ft.
SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland Great Ponds (n) public or private road* property lines** * see Note (c) ** see Note (d)	75 ft. N/A 60 ft. 25 ft.	75 ft. N/A 60 ft. 25 ft.	75 ft. N/A 10 ft. or -0- ft. from edge of public sidewalk 5 ft.(o)	75 ft. N/A 25 ft. 5 ft.	75 ft. 100 ft. (n) 50 ft. 25 ft.
MAXIMUM LOT COVERAGE	15%	15%	75%	70%	15%
MINIMUM BETWEEN BUILDINGS DISTANCE PRINCIPAL	30 ft.	30 ft.	N/A	10 ft.	30 ft.

NOTES:

(p) For lots within the Village Commercial District that have public sewer, the minimum lot area required for each dwelling unit on a single lot is 1000 square feet.

Planning Board recommends passage
 Warrant Committee recommends passage (10 Ayes; 1 Nay)

Article 12. Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance regarding standards for residential uses in the Shoreland Commercial District" be enacted as follows?

Explanatory Note: This amendment will change the requirements of Footnote G so that the requirement that residential uses meet the adjacent residential district standards only applies in the Shoreland Commercial District.

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	RW2	RW3	VC see Note (g)	SC see Note (e), (f) and (g)	C see Note (f) for those properties that are within the shoreland zone
DIMENSIONS (b) (h¹)					
MINIMUM LOT AREA:					
A. with public sewer	2 acres	3 acres	5,000 sq ft.	1 acre	3 acres
B. without public sewer	2 acres	3 acres	1 acre	1 acre	3 acres
C. Cluster Subdivision w/sewer*	1 acre	1.5 acres	5000 sq. ft.-see note (g)	N/A	N/A
D. Cluster Subdivision w/o sewer*	1 acre	1.5 acres	State Minimum	N/A	N/A
E. Workforce Subdivision*	State Minimum	State Minimum	see note (g)	N/A	N/A
* See Note (k)			5000 sq. ft.-see note (g)		
MINIMUM WIDTH OF LOTS:					
Shore Frontage	NA	NA	N/A	100 ft.	250 ft.

SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.
Great Ponds (n)	N/A	N/A	N/A	N/A	100 ft. (n)
public or private road*	60 ft.	60 ft.	10 ft. or -0- ft. from edge of public sidewalk	25 ft.	50 ft.
property lines** * see Note (c) ** see Note (d)	25 ft.	25 ft.	5 ft. (o)	5 ft.	25 ft.
MAXIMUM LOT COVERAGE	15%	15%	75%	70%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft.	30 ft.	N/A	10 ft.	30 ft.

NOTES:

- (b) Refer to setback as defined in Section 8.
- (c) Measured from edge of road surface, or edge of legally established right of way if no road exists.
- (d) In all districts restrictions on setback of structures from property lines may be varied or nullified by written agreement with the abutting property owner. Said agreement or a copy of said agreement showing signatures shall be filed at the Municipal Office.
- (e) The minimum SC setback from shoreline is 75 feet except for functionally water-dependent structures.
- (f) Within the shoreland zone: No new lot shall be created except in conformity with all of the requirements of this Ordinance for the district in which it is located. In addition to shore frontage, refer to Section 6B.10.4.3 for the required minimum lot width. For the required measurements, refer to shore frontage and minimum lot width in Section 8.
- (g) Primary residential use in a Shoreland Commercial District must meet the dimensional requirements of the adjacent residential district. This requirement does not apply to projects that include covenants held by a qualified workforce housing entity.

Planning Board recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 13. Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance add lots in the Village Commercial District to Footnote O" be enacted as follows?

Explanatory Note: This amendment will add lots in the Village Commercial to Footnote O which will permit them to have a 0-foot side setback.

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

NOTES:

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(o) Setback from property lines in Village Commercial:

New or newly renovated structures on the following lots and any future subdivision of said lots may have a -0- foot side-setback if constructed in accordance with the current editions of the NFPA 101 Life Safety Codes & NFPA 5000 Building Construction and Safety Code, Maine State adopted codes, except on the side where affected lots abut structures whose primary use is residential. Rear setbacks are unaffected.



Tax Map 024: Lots 063-002, 073 through 081, 081-001, 082 through 086, 088 through 090, 102, 104, 106 through 108, & 109-003/109-004 Tax Map 026: Lots 004-001, 004-002, 008-002, & 057 through 063. (Added May 3, 2011)

Tax Map 024: Lots 64 through 072 (added May 8, 2018)

Planning Board recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 14. Shall an ordinance dated May 8, 2018 and entitled "Amendments to the Town of Mount Desert Land Use Ordinance regarding the normal high-waterline setback from Map 009, Lot 120-010-001" be enacted as follows?

Explanatory Note: Map 9, Lot 120-10-1 is a newly created lot. The lot was created from Map 9, Lot 120-10 which has a 100-foot setback from a great pond. This amendment adds this standard to the new lot.

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

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NOTES:

(n) The setback from the normal high-water line of a great pond is 100 feet, except for these lots where the setback is 75 feet, indicated below.

Map-Lot IDs for 75 ft. setback

Map-Lot IDs for 100 ft. setback

Long Pond & Echo Lake:
All Lots

Little Round Pond:
012-018
012-019
012-019-001

Little Round Pond:
012-015-001
012-020

Round Pond:
011-120
011-122
011-123
011-124
012-013

Round Pond:
011-90
011-118
011-119

Little Echo Lake:
009-098
009-099
009-100
009-101
009-102

Little Echo Lake:
009-107
009-120-010
009-120-010-001
009-120-011
009-097
009-107-003

Planning Board recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 15. "Amendments to the Town of Mount Desert Land Use Ordinance regarding Animal Husbandry and Animal Husbandry 2" be enacted as follows?

Explanatory Note: This amendment would make the animal husbandry standards below applicable to all districts.

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES.

6B.18. Animal Husbandry & Animal Husbandry 2 in the ~~Village Commercial and Shoreland Commercial Districts~~

1. **Permit Required.** A building permit is required for the construction of a henhouse and chicken pen.
2. **Number and Type of Chickens Allowed.**
 1. The maximum number of chickens allowed is six (6) per lot regardless of how many dwelling units are on the lot. In the case of residential condominium complexes without individually owned back yards, the maximum number of chickens allowed is six (6) per complex.
 2. Only female chickens are allowed. There is no restriction on chicken species.
3. **Non-Commercial Use Only.** Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
4. **Enclosures.**
 1. Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard. Chickens shall be secured within the henhouse during non-daylight hours.
 2. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
5. **Odor.** Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
6. **Predators, Rodents, Insects, and Parasites.** The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Animal Control Officer.
7. **Waste Storage and Removal.** Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be

kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Planning Board recommends passage

Warrant Committee recommends passage (11 Ayes; 0 Nays)

Gifts

Article 16. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654), Unconditional Gifts (MRSA 30-A §5655), equipment, proceeds from sale of fire equipment or funds on behalf of the Municipal Fire Department. It is understood that any funds received will be placed in the Fire Equipment Reserve Fund.

Board of Selectmen recommends passage

Warrant Committee recommends passage (11 Ayes; 0 Nays)

Leases, Agreements, Easements, Deeds

Article 17. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the Ticket Booth operators for a term of one (1) year beginning July 1, 2018 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

Board of Selectmen recommends passage

Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 18. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen, to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the Mount Desert Chamber of Commerce for a term of one (1) year beginning July 1, 2018 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

Board of Selectmen recommends passage

Warrant Committee recommends passage (10 Ayes; 0 Nays; 1 Abstention)

Article 19. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen, to negotiate and enter into an agreement with the Neighborhood House Club, Inc. for management and maintenance of the municipal swimming pool, under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

Board of Selectmen recommends passage

Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 20. Shall the residents of the Town of Mount Desert (the Town) vote to accept Farnham's Way and Sydney's Way, both being private roads located in the Village of Somesville off the Beech Hill Road, approximately 1,040 feet in length and 320 feet in length, respectively, and presently owned by the Island Housing Trust, and as requested by same in their correspondence to the Town dated February 9, 2018, as Public Roads, in conformance with the Town's Public Road Acceptance Ordinance as amended at the May 5, 2009 annual Town meeting and further, to authorize the Municipal Officers to execute all things necessary or convenient to facilitate successful completion of the transfer of ownership of the roads from the Island Housing Trust to the Town.

Board of Selectmen recommends passage
Warrant Committee recommends passage (9 Ayes; 0 Nays; 2 Abstentions)

Article 21. Shall the residents of the Town of Mount Desert (the Town) vote to accept the existing private sanitary sewer mains located in Farnham's Way and Sydney's Way as public sanitary sewer mains, a total length of sewer mains being approximately 1,200 feet, and presently owned by the Island Housing Trust and as requested by same in their correspondence to the Town dated February 9, 2018, as public sewers, and not including any building sewers, with said acceptance based on written documentation dated January 7, 2009 provided to the Town from the professional engineer of record responsible for the design and construction monitoring of the installation of the sewer mains for conformance to Town standards, with said documentation stating that the sewer mains meet the requirements of the existing Sewer Ordinance as amended at the May 8, 2012 annual Town meeting and generally accepted engineering practice and further, to authorize the Municipal Officers to execute all things necessary or convenient to facilitate successful completion of the transfer of ownership of the sewer mains from the Island Housing Trust to the Town.

Board of Selectmen recommends passage
Warrant Committee recommends passage (9 Ayes; 0 Nays; 2 Abstentions)

Article 22. Shall the Town of Mount Desert be authorized to enter into an agreement with the Maine Department of Transportation (the Agreement), a copy of which is included herein in Appendix C.1 (the Agreement), in conformance with their Municipal Partnership Initiative program, for technical and construction services related to improvements of State Route 198 beginning approximately 0.10 miles (528-feet) northerly of its intersection with Sargeant Drive then proceeding in a northerly direction approximately 1.10 miles plus or minus on State Route 198 ending at or near a point in State Route 198 at or southerly of its intersection with State Route 233, said beginning and ending points shown on the attached project site map included herein in Appendix C.2 (Site Map); with said improvements to be completed in 2018 - 2019 and in accordance with the Agreement including, but not necessarily being limited to, reclaiming (grinding and leaving in place) the existing pavement, grading and compacting these materials, construction of new base and surface pavement layers on the reclaimed materials, construction of four-foot (4') wide extended shoulders on each side of the road, drainage improvements and other typical roadway improvements associated with projects of this kind, and further shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all

things necessary or convenient to enter into this agreement with the Maine Department of Transportation? **See Appendix C.1 The Agreement (warrant pg. 91) and Appendix C.2 Site Map (warrant pg. 95).**

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Fiscal Policy

Article 23. Shall the Town of Mount Desert be authorized to issue general obligation bonds or notes of the Town in a principal amount not to exceed \$500,000.00 (five hundred thousand dollars) to fund the Town's 50%-50% cost share for construction of roadway improvements to Route 198 in accordance with the agreement with the Maine Department of Transportation described in Article 22 above; and further shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to issue the bonds or notes of the Town, which may be callable, and to accomplish the project?

FINANCIAL STATEMENT - TOWN OF MOUNT DESERT

1. Total Town Indebtedness

A.	Bonds outstanding and unpaid:	\$15,533,751.63
B.	Bonds authorized and unissued:	\$ 0.00
C.	Bonds to be issued under this Town Meeting Article	<u>\$ 500,000.00</u>
	TOTAL	\$16,033,751.63

2. Costs

At an estimated interest rate of 4.69% for a term of 20 years, the estimated costs of this bond issue will be:

Principal	\$ 500,000.00
Interest	<u>\$ 231,480.78</u>
Total Debt Service	\$ 731,480.78

3. Validity

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



Treasurer, Town of Mount Desert, Maine

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 24. Shall the Town of Mount Desert be authorized to allocate any unspent funds originally appropriated in connection with the 2017-2018 State Route 198

Maine Department of Transportation's Municipal Partnership Initiative approved at the May 2017 Town Meeting to the work described in Article 22 and Article 23, above?

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 25. Shall the Town of Mount Desert be authorized to issue general obligation bonds or notes of the Town in a principal amount not to exceed \$3,963,485.00 to finance professional technical and construction services associated with improvements to Main Street located in the Village of Northeast Harbor (the Project) to improve the appearance, functionality and vitality of the Main Street area beginning at or near the intersection of Main Street with Summit Road then continuing in a southerly direction along Main Street ending at or near the intersection of Main Street with Neighborhood Road, with said improvements to be in general conformance with the report prepared by consultants to the town entitled "Northeast Harbor Village Center Plan - Final Report" dated December 19, 2016, further described in said report as Area 1A - Main Street and generally described and illustrated in the site plan located in Appendix D Site Plan and to include, but not necessarily be limited to improved sidewalks, grading, drainage, roadway, utilities, including burying the overhead utility wires, plantings, lighting and other amenities and appurtenances required to complete the improvements, and further shall the Board of Selectmen be authorized to execute all things necessary or convenient to issue the bonds or notes of the Town, which may be callable, and to accomplish the Project? *See Appendix D 1-4 (pg. 96)*

FINANCIAL STATEMENT - TOWN OF MOUNT DESERT

1. Total Town Indebtedness

A.	Bonds outstanding and unpaid:	\$15,533,751.63
B.	Bonds authorized and unissued:	\$ 0.00
C.	Bonds to be issued under this Town Meeting Article	<u>\$ 3,963,485.00</u>
	TOTAL	\$19,497,236.63

2. Costs

At an estimated interest rate of 4.69% for a term of 20 years, the estimated costs of this bond issue will be:

Principal	\$3,963,485.00
Interest	<u>\$1,791,748.44</u>
Total Debt Service	\$5,755,233.44

3. Validity

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



Treasurer, Town of Mount Desert, Maine

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 26. Shall the Town of Mount Desert be authorized to issue general obligation bonds or notes of the Town in a principal amount not to exceed \$645,000.00 to finance professional technical and construction services associated with improvements to Sylvan Road, Pine Road, Spruce Road and Tennis Club Road located in the Village of Northeast Harbor (the Project) and generally described and illustrated in the site plan located in Appendix E Site Plan to address surficial and subsurface drainage functionality in the general area to include, but not necessarily being limited to, improved grading, drainage, catch basins, storm drain pipes, roadway surfaces and appurtenances required to complete the improvements, and further shall the Board of Selectmen be authorized to execute all things necessary or convenient to issue the bonds or notes of the Town, which may be callable, and to accomplish the Project? *See Appendix E 1-2 (pg. 100)*

FINANCIAL STATEMENT - TOWN OF MOUNT DESERT

1. Total Town Indebtedness

A.	Bonds outstanding and unpaid:	\$15,533,751.63
B.	Bonds authorized and unissued:	\$ 0.00
C.	Bonds to be issued under this Town Meeting Article	\$ 645,000.00
	TOTAL	\$16,178,751.63

2. Costs

At an estimated interest rate of 4.69% for a term of 20 years, the estimated costs of this bond issue will be:

Principal	\$ 645,000.00
Interest	\$ 291,581.22
Total Debt Service	\$ 936,581.22

3. Validity

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

Kathryn A. Mahan

 Treasurer, Town of Mount Desert, Maine

Board of Selectmen recommends passage
 Warrant Committee recommends passage (11 Ayes; 0 Nays)

FINANCIAL STATEMENT - TOWN OF MOUNT DESERT

(If Articles 23, 25 and 26 are Approved in Total)

1. Total Town Indebtedness

A.	Bonds outstanding and unpaid:	\$15,533,751.63
B.	Bonds authorized and unissued:	\$ 0.00
C.	Bonds to be issued under Town Meeting Articles 23, 25, & 26	<u>\$ 5,108,485.00</u>
	TOTAL	\$20,642,236.63

2. Costs

At an estimated interest rate of 4.69% for a term of 20 years, the estimated costs of this bond issue will be:

Principal	\$5,108,485.00
Interest	<u>\$2,314,810.44</u>
Total Debt Service	\$7,423,295.44

3. Validity

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



Treasurer, Town of Mount Desert, Maine

Article 27. Shall the residents of the Town of Mount Desert vote to authorize the use of funds that remain from those borrowed from the Maine Municipal Bond Bank (MMBB) through the State of Maine Revolving Loan Fund (SRF) and administered by the Maine Department of Environmental Protection (MDEP) for the upgrade to the Northeast Harbor wastewater treatment plant in 2013-2014, with a remaining balance of approximately \$53,000 (fifty-three thousand dollars) and for the upgrade of the Bracy Cove wastewater pumping station in 2016- 2017, with a remaining balance of approximately \$400,000 (four hundred thousand dollars) for a total amount of remaining funds of approximately \$453,000 (four hundred and fifty-three thousand dollars) to finance professional technical and construction services associated with improvements to the Town's wastewater collection and conveyance system, with said improvements being subject to review and authorization by the Maine Department of Environmental Protection (MDEP), said improvements to include but not be limited to, and in no particular order of priority, and on a funds available basis, replacement of an existing wastewater pumping station metal wet well circa 1970's located off Manchester Road in the Village of Northeast Harbor with a new precast concrete wet well in the same general area as the existing one; replacement of the existing vitrified clay circa 1970's sanitary sewer pipe that conveys sewage from Sinclair Road to Manchester Road enroute to the wastewater treatment facility; and upgrading the electronics control system at

the Gilpatrick Cove wastewater pumping station and associated appurtenances and incidentals to complete the improvements and, based on recommendations to them by Public Works staff, to authorize the Municipal Officers to execute all things necessary or convenient to facilitate successful completion of the improvements.

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 28. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to accept and expend on behalf of the Town additional state, federal and other funds (including unconditional gifts of money) received during the fiscal year 2018-2019 for Town purposes, provided that such additional funds do not require expenditure of local funds not previously appropriated.

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Article 29. To see if the Inhabitants of the Town of Mount Desert will vote to approve July 1, each year, as the date on which all taxes shall be due and payable providing that all unpaid taxes on September 1, of each year, shall be charged interest at an annual rate of 8% (percent) per year. (*Tax Club members are exempt within the terms and conditions of the Town's Tax Club Agreement.*)

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Article 30. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax Collector to enter into a standard "tax club" agreement with taxpayers whereby: (1) the taxpayer agrees to pay specified monthly payments to the Town based on the taxpayer's estimated and actual tax obligation for current year property taxes (real estate and/or personal); (2) the Town agrees to waive interest on timely payments; (3) the Town authorizes the Tax Collector to accept payment of taxes prior to commitment of taxes; (4) the agreement automatically terminates if two consecutive payments are missed and the taxpayer thereupon becomes subject to the same due date and interest rate as other, nonparticipating taxpayers; (5) only taxpayers who are current on their property tax obligations may participate; and (6) interested taxpayers shall apply annually for participation by the date shown on the application, date and application format to be determined by the Tax Collector.

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Article 31. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax Collector to accept pre-payment of property taxes, with no interest to be paid on same.

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Article 32. To see if the Inhabitants of the Town of Mount Desert will vote to set the interest rate to be paid by the Town for abated taxes that have been paid, at the rate of 4% (percent) per year.

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Article 33. To see if the inhabitants of the Town of Mount Desert will vote to authorize expenditures to pay any tax abatements granted by the Assessor, Board of Assessment Review, or Board of Selectmen together with any interest due thereon from the Town, during the fiscal year beginning July 1, 2018, in an aggregate amount not to exceed the property tax commitment overlay.

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Article 34. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to dispose by public bid of Town-owned property, other than real property, with a value of ten thousand dollars (\$10,000.00) or less under such terms and conditions as it deems advisable.

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Article 35. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to sell at public auction or by advertised sealed bid, and to convey titles obtained under tax deeds and under deeds of conveyance to the Inhabitants of the Town any land and/or buildings, including trailers, in lieu of payment of taxes except that the Selectmen have the power to authorize redemption.

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Article 36. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to contract for services, in amounts not to exceed appropriation for same, under such terms and conditions as it deems advisable.

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Municipal Revenue

Article 37. To see if the Inhabitants of the Town of Mount Desert will vote to transfer Five hundred thousand dollars (\$500,000. 00) from the **Undesignated Fund Balance Account #100-38300** to reduce the 2018 – 2019 tax commitment.

Board of Selectmen recommends passage
Warrant Committee recommends passage (15 Ayes; 0 Nays)

Article 38. Shall the Town of Mount Desert (the Town) be authorized to appropriate an amount not to exceed \$100,000.00 (one hundred thousand dollars) from the **Capital Gains Reserve Account, #400-24202**, in order to retain professional services for planning, technical study/studies and design (the Project) related to roadway improvements, including but not limited to, bicycle access and safety improvements, to State Route 3 (Peabody Drive), between the intersection of State Routes 198 and 3 (Pedder's Corner) in the Village of Northeast Harbor and the intersection of the Stanley Brook Road and State Route 3 in the Village of Seal Harbor; subject to the Town's Bicycling Committee (the Committee) investigating alternative funding sources including but not limited to Private, State and Federal (Others) funding in an effort to reduce the Town's commitment of the aforementioned \$100,000.00 (one hundred thousand dollars) for the Project with the understanding that the Committee shall demonstrate good faith efforts to raise funds from Others and to have received written commitments from Others to provide funds by the date certain of December 31, 2018, with said written commitments being documented by the Public Works Director as the Committee's liaison to the Board of Selectmen and presented in writing by the Public Works Director to the Board of Selectmen, such that the Town's share of the cost of the Project shall be the aforementioned \$100,000.00 (one hundred thousand dollars) reduced by the amount of funding the Committee has raised and obtained written commitments for as described above but in no case shall it exceed the aforementioned \$100,000.00 (one hundred thousand dollars), and further, shall the Board of Selectmen of the Town be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to the accomplishment of the Project, including to accept any gifts, grants or contributions to the Town, including conditional gifts to the Town the sole condition of which is that the contributed funds be dedicated to the Project?

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 39. Shall the Town of Mount Desert be authorized to appropriate an amount not to exceed \$90,000 from the **Capital Gains Reserve Account, #400-24202**, to finance professional technical and construction services associated with improvements to up to seven (7) pedestrian crosswalks located in the Villages of Northeast Harbor, Pretty Marsh and Somesville and as shown on the site plan located in Appendix F Site Map to include, bringing the crosswalks into general compliance with the appropriate regulatory agencies and requirements of same, including but not necessarily being limited to, the Maine Department of Transportation's publication "Maine DOT Guidelines on Crosswalks" and the Americans with Disabilities Act requirements for crosswalks with said improvements to address, but not necessarily being limited to, improved access, safety, effectiveness and appurtenances required to complete the improvements, and further, shall the Board of Selectmen be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project? *See Appendix F 1-2 (pg. 102)*

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 40. Shall the Town of Mount Desert be authorized to appropriate an amount not to exceed \$38,000.00 from the **Capital Gains Reserve Account, #400-24202**, to finance the professional evaluation of the Town's remaining crosswalks not described in Article 39 above, those being approximately 40 (forty) in number, located throughout the Town, to assess them relative to factors including, but not necessarily limited to, accessibility, safety, location and effectiveness, and to make recommendations for improvements to the crosswalks, and further to prepare designs of the recommended improvements to the crosswalks, to prepare construction documents and to solicit competitive bids for the improvements to address and to include bringing the crosswalks into general compliance with the appropriate regulatory agencies and requirements of same, including but not necessarily being limited to the Maine Department of Transportation's publication "Maine DOT Guidelines on Crosswalks" and the Americans with Disabilities Act requirements for crosswalks and further, shall the Board of Selectmen be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project?

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 41. Shall the Town of Mount Desert be authorized to appropriate an amount not to exceed \$40,000.00 from the **Capital Gains Reserve Account, #400-24202**, to finance the evaluation and design of improvements to the Town's infrastructure within the bounds of a portion of Summit Road located in the Village of Northeast Harbor beginning at or near its intersection with Main Street then proceeding westerly along Summit Road ending at or near its intersection with Church Road with said improvements including, but not necessarily limited to, the traveled way, sanitary sewer lines, storm water management and sidewalks, and further shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to accomplish the project?

Board of Selectmen recommends passage
Warrant Committee recommends passage (11 Ayes; 0 Nays)

Article 42. Shall the Town of Mount Desert be authorized to appropriate an amount not to exceed \$50,000.00 from the **Capital Gains Reserve Account, #400-24202** to fund the design and construction, including all materials, equipment and labor, of a subsurface irrigation system, for the so-called Village Green and the lawn area adjacent to the Yachtsman Facility, both being located in the Village of Northeast Harbor; and further, shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to accomplish the project?

Board of Selectmen recommends passage
 Warrant Committee recommends passage (11 Ayes; 0 Nays)

APPROPRIATION FROM CAPITAL GAINS RESERVE ACCOUNTSUMMARY
 (If Article 38 through Article 42 are Approved in Total)

Article 38 Bicycle Access & Safety	\$100,000.00
Article 39 Crosswalk Construction	\$ 90,000.00
Article 40 Crosswalk Evaluation	\$ 38,000.00
Article 41 Summit Rd Evaluation & Design	\$ 40,000.00
<u>Article 42 Village Green Irrigation</u>	<u>\$ 50,000.00</u>
Total Appropriation Requested	\$318,000.00

Article 43. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and/or appropriate as Revenue through Excise Taxes, Service Fees and miscellaneous sources for the 2018 – 2019 Town Budget.

Board of Selectmen recommends \$1,129,462.00
 Warrant Committee recommends \$1,129,462.00 (15 Ayes; 0 Nays)

Municipal Appropriations

Article 44. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 200 through 221 General Government – Governing Body (Board of Selectmen), Town Management, Town Clerk, Registrar, Elections, Planning Board, Finance, Treasurer, Tax Collector, Assessment, Code Enforcement, Unallocated Funds, Human Resources, and Technology for the 2018 – 2019 Town Budget.

Gov. Body (Bd of Selectmen): \$34,550.00	Town Management: \$337,782.00
Town Clerk: \$115,132.00	Registrar: \$1,188.00
Elections: \$4,441.00	Planning Board: \$49,760.00
Finance: \$89,937.00	Treasurer: \$120,198.00
Tax Collector: \$16,463.00	Assessment: \$131,131.00
Code Enforcement: \$156,682.00	Unallocated: \$118,650.00
Human Resources: \$5,000.00	Technology: \$231,596.00

Board of Selectmen recommends \$1,412,510.00
 Warrant Committee recommends \$1,412,510.00 (15 Ayes; 0 Nays)

Article 45. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 300 General Assistance Support for the 2018 – 2019 Town Budget.

Board of Selectmen recommends \$5,000.00
Warrant Committee recommends \$5,000.00 (15 Ayes; 0 Nays)

Article 46. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 350 Rural Wastewater Support for the 2018 – 2019 Town Budget.

Board of Selectmen recommends \$187,900.00
Warrant Committee recommends \$187,900.00 (15 Ayes; 0 Nays)

Article 47. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 406 Street Lights for the 2018 – 2019 Town Budget.

Board of Selectmen recommends \$30,850.00
Warrant Committee recommends \$30,850.00 (15 Ayes; 0 Nays)

Article 48. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 401 and 408 Public Safety – Police and Communications (Dispatch), 405 Shellfish and 407 Animal Control for the 2018 – 2019 Town Budget.

Police: \$825,747.00
Shellfish: \$3,806.00

Communications: \$367,885.00
Animal Control: \$2,513.00

Board of Selectmen recommends \$1,199,951.00
Warrant Committee recommends \$1,199,951.00 (15 Ayes; 0 Nays)

Article 49. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 403, 404 and 409 Public Safety – Fire Department, Hydrants, and Emergency Management for the 2018 – 2019 Town Budget.

Fire: \$595,896.00 **Hydrants:** \$273,500.00 **Emergency Management:** \$1,000.00

Board of Selectmen recommends \$870,396.00
Warrant Committee recommends \$870,396.00 (15 Ayes; 0 Nays)

Article 55. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 851 Libraries, Village Improvement Societies, Recreation, and Public/Social Service Agencies for the 2018 – 2019 Town Budget.

Libraries: \$33,500.00

Recreation: \$89,750.00

Village Improvement Societies: \$54,000.00

Public/Social Service Agencies: \$156,711.00

Board of Selectmen recommends \$333,961.00

Warrant Committee recommends \$333,961.00 (15 Ayes; 0 Nays)

Article 56. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 991 Capital Improvement Plan transfers for the 2018 – 2019 Town Budget.

Board of Selectmen recommends \$560,621.00

Warrant Committee recommends \$560,621.00 (15 Ayes; 0 Nays)

Written Ballot required for Article 57

Article 57. To see if the Inhabitants of the Town of Mount Desert will vote to increase the property tax levy limit by \$0.00. (*Estimated Tax Rate and LD I Worksheet pgs. 104-106*).

Explanation: The State Legislature passed a "tax reform" law known as LD#1. This bill created a maximum municipal tax levy based upon this year's tax, plus an allowance for inflation and the Town's tax base growth due to new construction. However, LD#1 allows Mount Desert voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. The only requirement is that a secret vote must be taken by written ballot.

Board of Selectmen recommends passage

Warrant Committee recommends passage (15 Ayes; 0 Nays)

Marina Proprietary Fund

Article 58. To see if the Inhabitants of the Town of Mount Desert will vote to ratify the Board of Selectmen's approval of the Marina Proprietary Fund budget.

Revenue: \$674,643.00

Expense: \$674,643.00

Board of Selectmen recommends passage

Warrant Committee makes no recommendation (15 Ayes; 0 Nays)

Elementary School Appropriations

Note: Articles 59 through 69 authorize expenditures in cost center

Article 59. To see what sum the School Board will be authorized to expend for Regular Instruction for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$1,611,607.00

School Board recommends	\$1,608,542.00
Warrant Committee recommends	\$1,608,542.00 (15 Ayes; 0 Nays)

Article 60. To see what sum the School Board will be authorized to expend for Special Education for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$732,392

School Board recommends	\$867,896.00
Warrant Committee recommends	\$867,896.00 (15 Ayes; 0 Nays)

Article 61. To see what sum the School Board will be authorized to expend for Career and Technical Education for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$0.00

School Board recommends	\$0.00
Warrant Committee recommends	\$0.00 (15 Ayes; 0 Nays)

Article 62. To see what sum the School Board will be authorized to expend for Other Instruction for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$61,764.00

School Board recommends	\$63,267.00
Warrant Committee recommends	\$63,267.00 (15 Ayes; 0 Nays)

Article 63. To see what sum the School Board will be authorized to expend for Student & Staff Support for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$401,849.00

School Board recommends	\$413,855.00
Warrant Committee recommends	\$413,855.00 (15 Ayes; 0 Nays)

Article 64. To see what sum the School Board will be authorized to expend for System Administration for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$77,071.00

School Board recommends \$87,393.00
Warrant Committee recommends \$87,393.00 (15 Ayes; 0 Nays)

Article 65. To see what sum the School Board will be authorized to expend for School Administration for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$241,553

School Board recommends \$236,783.00
Warrant Committee recommends \$236,783.00 (15 Ayes; 0 Nays)

Article 66. To see what sum the School Board will be authorized to expend for Transportation & Buses for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$177,356.00

School Board recommends \$181,224.00
Warrant Committee recommends \$181,224.00 (15 Ayes; 0 Nays)

Article 67. To see what sum the School Board will be authorized to expend for Facilities Maintenance for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$523,289

School Board recommends \$513,574.00
Warrant Committee recommends \$513,574.00 (15 Ayes; 0 Nays)

Article 68. To see what sum the School Board will be authorized to expend for Debt Service and Other Commitments for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$363,950.00

School Board recommends \$348,430.00
Warrant Committee recommends \$348,430.00 (15 Ayes; 0 Nays)

Article 69. To see what sum the School Board will be authorized to expend for All Other Expenditures for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Note: 2017-18 Amount was \$63,000.00

School Board recommends \$68,000.00
Warrant Committee recommends \$68,000.00 (15 Ayes; 0 Nays)

**Notes: Articles 59 – 69 authorize a total budget of \$4,388,964.00
2017-18 Amount was \$4,253,831.00**

Note: Articles 70 – 72 raise funds for the Proposed School Budget

Hand Count

Article 70. To see what sum the voters of the Town of Mount Desert will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$1,999,403.00) and to see what sum the voters of the Town of Mount Desert will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2018 and ending June 30, 2019.

School Board recommends \$1,758,558.00
Warrant Committee recommends \$1,758,558.00 (15 Ayes; 0 Nays)

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

Hand Count

Article 71. To see what sum the voters of the Town of Mount Desert will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 12 for the period July 1, 2018 and ending June 30, 2019.

School Board recommends \$348,430.00
Warrant Committee recommends \$348,430.00 (15 Ayes; 0 Nays)

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town of Mount Desert's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was approved by the voters on November 6, 2001.

Written Ballot Vote Required for Article 72

Article 72. To see what sum the voters of the Town of Mount Desert will raise and appropriate in additional local funds for school purposes (Recommend: \$1,901,507.00) for the period July 1, 2018 and ending June 30, 2019, which exceeds the State's Essential Programs and Services allocation model by (Recommend: \$1,901,507.00) as required to fund the budget recommended by the school Board.

The School Board recommends **\$1,901,507.00** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,901,507.00**: The State funding model underestimates the actual costs to fully fund the 2018-2019 budget.

The Warrant Committee recommends (15 Ayes; 0 Nays) **\$1,901,507.00** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,901,507.00**: The State funding model underestimates the actual costs to fully fund the 2018 – 2019 budget.

Explanation: The additional local funds are those locally raised funds over and above the Town of Mount Desert's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town of Mount Desert's budget for educational programs.

Notes: Articles 70, 71, & 72 raise a total town appropriation of \$4,008,495.00

2017-18 Total Town Appropriation was \$3,790,149

Note: Article 73 summarizes the proposed school budget and does not authorize any additional expenditures

Hand Count

Article 73. To see what sum the voters of the Town of Mount Desert will authorize the School Board to expend for the fiscal year beginning July 1, 2018 and ending June 30, 2019 from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Note: 2017-18 Total Budget was \$4,253,831.00

School Board recommends	\$4,388,964.00
Warrant Committee recommends	\$4,388,964.00 (15 Ayes; 0 Nays)

Article 74. In addition to the amount in Articles 59 – 73, shall the School Board be authorized to expend such other sums as may be received from state or federal grants or programs or other sources during the fiscal year 2018-2019 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

Current Year Totals: \$115,872.00

School Board recommends passage
Warrant Committee recommends (15 Ayes; 0 Nays)

Moratorium

Article 75. Shall an ordinance dated May 8, 2018 and entitled “Town of Mount Desert Marijuana Moratorium” be enacted as follows?

TOWN OF MOUNT DESERT MORATORIUM ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS, RETAIL MARIJUANA STORES, AND RETAIL MARIJUANA SOCIAL CLUBS

WHEREAS, the “Marijuana Legalization Act” has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (the “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities, and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the current ordinances of the Town of Mount Desert (the “Town”) do not include any regulations related to retail marijuana stores, retail marijuana establishments, or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs within the Town of Mount Desert raises legitimate and substantial questions about the impact of such establishments, stores, and social clubs on the Town, including questions about the compatibility of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs with existing uses and development in residential, commercial, and industrial zoning districts; the potential adverse health and safety effects of retail marijuana

establishments, retail marijuana stores, and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale, and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the Town's police and fire departments; and the adequacy of the Town's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores, or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Town has potentially serious implications for the health, safety, and welfare of the Town and its residents; and

WHEREAS, the Town needs time to review the Act and to review its own ordinances and regulations to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances and regulations governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Town's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the Town, under its home rule authority, its police power generally, and under 30-A M.R.S.A., chapter 187, subchapter 3 ("land use regulation"), as provided by the Marijuana Legalization Act, or as otherwise provided by current law, has the authority to impose reasonable restrictions, conditions, and limitations on such retail marijuana establishments and retail marijuana stores and retail marijuana social clubs; and

WHEREAS, the Selectboard, the Town Staff, the Ordinance Review Committee, and the Planning Board, with the professional advice and assistance of the Chief of the Police Department, shall study the Town's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Town; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs;

NOW, THEREFORE, be it ordained by the Town Meeting of the Town of Mount Desert, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the Town Meeting does hereby declare a moratorium on the location, operation, or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, within the Town.

This Moratorium Ordinance shall take effect on the date of its enactment by the Town Meeting, and shall be applicable as of that date. The moratorium shall remain in effect for one hundred and eighty (180) days from the effective date of this Ordinance, unless extended, repealed, or modified, for the express purpose of drafting an amendment or amendments to the Town's current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs with existing and permitted uses in residential, commercial, and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale, and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Town.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40), and (41), that may be proposed to be located within the Town on or after the effective date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, Certificate of Occupancy, site plan, or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board, or other Town official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Town on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, or board of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no person or organization shall develop or operate a business that engages in retail or wholesale sales of products or merchandise for which a substantial portion of its business is to prepare, cultivate, distribute, or ingest marijuana or retail or wholesale sales of such products or merchandise of the kind that are commonly offered for sale or used at so-called head shops, retail marijuana social clubs, or retail marijuana establishments, including, without limitation, water pipes, hashish pipes, glass pipes, pipe screens, bongs, vaporizers, scales, rolling papers, hydroponic equipment, and grow lights and general tobacco products in so-called smoke shops; and

BE IT FURTHER ORDAINED, that those provisions of the Town's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Board of Selectmen recommends passage
Warrant Committee recommends (13 Ayes; 2 Nays)

(End of May 8, 2018 - Warrant Articles)

Appendices

An underline indicates an addition and a ~~strikethrough~~ indicates a deletion.

Appendix A (Article 6; Pg.4)

SOLID WASTE ORDINANCE of the TOWN OF MOUNT DESERT

ENACTED MAY 6, 2014
Revised and Enacted May 8, 2018

SECTION 1: AUTHORITY

This Ordinance is created under the authority granted to the Town of Mount Desert (hereinafter the "Town") by Title 38 M.R.S.A., §1301 et seq. (the Maine Hazardous Waste, Septage and Solid Waste Management Act) and the Town's home rule authority pursuant to the Maine Constitution and 30-A M.R.S. § 3001 et seq.

SECTION 2: PURPOSE

2.1. To protect the health, safety and general well-being of the citizens of the Town.

2.2. To enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing a comprehensive, rational and effective means of regulating the disposal of solid waste.

2.3 To recognize that the use of single use plastic bags typically provided by vendors is not an environmentally sound use of resources and residents of and visitors of and to the Town shall strive are striving to use alternate means such as reusable cloth bags and other reusable items to collect and transport their goods.

~~2.3. To control solid waste in the Town by establishing limitations, prohibiting certain acts causing solid waste problems and to enforce the provisions of this Ordinance.~~

2.4. To encourage and expand solid waste recycling and waste reduction.

2.5. To control solid waste in the Town by establishing limitations, prohibiting certain acts causing generating solid waste ~~problems~~ and to enforce the provisions of this Ordinance.

2.6. To control the costs of solid waste management to the taxpayers of the Town.

SECTION 3: DEFINITIONS

3.1. Terms used in this Ordinance that are defined in 38 M.R.S.A. §1303-C as may be amended from time to time, shall have the meaning prescribed in §1303-C and that meaning shall be controlling, notwithstanding any contrary definition in the Ordinance or in any dictionary. The §1303-C definitions are set forth in Appendix A to this Ordinance; Appendix A shall be updated regularly (at least annually). Any word not otherwise defined shall have its customary dictionary

meaning.

This Ordinance provides the following definitions:

Acceptable Waste - solid waste (as defined herein) that is capable of processing at the Town's designated processing facility and/or otherwise handled by the Town's solid waste collection service.

Authorized Individual - means any person, partnership, corporation or other entity that either owns, rents, leases (on a permanent or temporary basis) a dwelling or operates a commercial establishment in Town.

Agricultural Solid Wastes - wastes produced from the raising of plants and animals for food, including manure, plant stalks, hulls and leaves.

Ash - residue, including cinders and fly ash from the burning of solid fuels for cooking and heating, and from on-site incineration of refuse materials.

Bulky Objects - abandoned vehicles, stoves and refrigerators, large furniture, tree trunks, stumps and brush.

Commercial Solid Wastes - wastes that originate in wholesale, retail, or service establishments, such as office buildings, stores, markets, theaters, hotels and warehouses.

Construction and Demolition Debris (CDD) - solid waste resulting from construction, remodeling, repair, and demolition of structures, and as specifically defined in 38 MRS § 1303-C (see Appendix A attached).

EMR - Eastern Maine Recycling located in Southwest Harbor, Maine, is a licensed solid waste transfer station that also provides solid waste recycling services.

Fiberight dba Coastal Resources of Maine, LLC - Fiberight is a licensed facility located in Hampden, Maine, licensed by the Maine DEP for solid waste processing.

Garbage - every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including but not by way of limitation, used food containers and all putrescible or easily decomposable waste animal or vegetable matter that is likely to attract flies or rodents), except (in all cases) any matter included in the definition of bulky waste, construction and demolition debris, dead animals, hazardous waste, rubbish or stable matter.

Green Wood - land clearing debris that is reasonably free of soil material and rock and bark, shavings, slash, and plant and vegetable matter from gardens and landscapes.

Hazardous Waste/ Universal Waste - shall be as defined by 38 M.R.S. §1303-C (Appendix A attached).

Industrial Waste - wastes generally discarded from industrial operations or derived from manufacturing processes but not including a) hazardous waste or b) special waste which by reason of its composition, characteristics or other properties is not ordinarily acceptable for

disposal at sites licensed for disposal of municipal solid waste. Excluded special waste shall include, but not be limited to friable asbestos and oil-contaminated soil.

Municipal Wastes - the combined residential and commercial wastes generated within the Town.

Non-Resident - a person who does not reside in or pay property taxes to the Town.

~~PERC - Penobscot Energy Recovery Company is a licensed waste-to-energy facility located in Orrington, Maine that provides solid waste disposal services.~~

Refuse - a broad term and is synonymous with "solid waste" and shall be defined as any of a wide variety of solid materials as well as some liquids in containers, which are discarded or rejected as being spent, useless, worthless, or in excess.

Resident - a person who resides in or occupies a residential property and/or pays property taxes to the Town.

Residential Waste - waste generated in houses, apartments and other dwelling units, including paper, cardboard, beverage and food cans, plastics, food wastes, and glass containers.

Sewerage Treatment Wastes - screenings, grease, scum and grit from the Town of Mount Desert Publicly Owned Treatment Works.

Solid Waste—waste as defined in 38 MRS § 1303-C (see Appendix A attached).

Special Wastes- waste as defined in 38 MRSA 1303-C (see Appendix A attached)

Tipping Fee - the fee charged to the Town by a facility such as EMR, ~~PERC, etc.~~ or Fiberight, etc. for transport or disposal of solid waste.

Unacceptable Waste - solid waste of a type that municipalities are authorized to regulate under 38 MRS § 1305, as amended, and that are prohibited at EMR (for transport to the Town's designated acceptable waste processing facility) or at that designated waste processing facility.

Wood Waste - means brush, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust, and wood from production rejects that are not mixed with other solid or liquid waste. For the purpose of this definition, "lumber" is entirely made of wood and is free from metal, plastics, and coatings. Wood Waste does not include painted wood or pressure treated wood. These would be included with Construction and Demolition Debris, as defined. Wood Waste also does not include Green Wood, as defined.

SECTION 4: REGULATED ACTIVITY

4.1. The accumulation, collection, transportation and disposal of acceptable wastes and unacceptable wastes generated within the Town shall be regulated in the following manner:

4.1.1 All acceptable waste generated within the Town shall be deposited roadside at locations designated by the Town in appropriate containers and collected by the Town or appropriate licensed commercial hauler.

4.1.2 All unacceptable waste, including hazardous waste, special waste, hazardous universal waste, CDD waste, hot loads, and certain wood wastes, shall be subject to the Materials Disposal Restrictions set forth in Section 4.3 below and shall be handled by licensed firms and deposited at licensed facilities out of Town consistent with Section 4.2 below. Violations of this Section 4 shall be subject to enforcement under Section 8 and related provisions of this Ordinance.

4.2. General Requirements

4.2.1. All solid waste shall be handled and disposed in accordance with this Ordinance.

4.2.2. The Board of Selectmen shall have the authority to restrict or modify the disposal of all types and volumes of solid waste, if deemed in the best interests of the Town.

4.2.3. No person, partnership or corporation, shall dispose of any refuse on any public property or roads except as allowed by this ordinance.

4.3. Materials Disposal Restrictions

The following waste materials or containers of waste materials as described below shall not be handled or disposed within the boundaries of the Town:

4.3.1. Materials classified as hazardous waste in 38 MRS § 1303-C (see Appendix A attached) unless:

- Within a Town sanctioned public collection event or effort, if handled by a person or firm licensed to handle and transport hazardous waste and if disposed at a facility licensed for hazardous waste disposal outside the Town; or
- Handled and transported by a commercial entity licensed to handle and transport hazardous waste if taken to a licensed facility outside the Town.

4.3.2. Materials classified as universal waste by 38 MRS § 1303-C (see Appendix A attached) unless:

- Within a Town sanctioned public collection event or effort, if handled by a person or firm licensed to handle and transport universal waste and if disposed at a facility licensed for universal waste disposal outside the Town; or
- Handled and transported by a commercial entity licensed to handle and transport universal waste if taken to a licensed facility outside the Town.

4.3.3. Ash at a combustible temperature or other hot loads.

4.3.4. Trees, limbs of trees, or tree trunks more than 4 inches in diameter and/or 3 feet in length or stumps except by a commercial entity licensed to handle and transport woody waste and disposed at a licensed wood waste facility outside the Town

4.3.5. All Commercial Demolition Debris as defined herein, except by a commercial entity licensed to handle such CDD waste if disposed at a licensed facility outside the Town.

4.3.6. All Special Waste as defined herein, except by a commercial entity licensed to handle

Special Waste if disposed at a licensed facility for disposal of Special Waste outside the Town

4.3.7. All Green Wood and Wood Waste as defined herein, except by a commercial entity licensed to handle such Wood Waste if disposed at a licensed facility outside the Town.

SECTION 5: HANDLING AND DISPOSAL OF SOLID WASTE

Authorized Individuals (including Residents) shall handle and dispose of acceptable solid waste by only one of the following methods:

5.1. Town-provided collection service:

Materials disposed at curbside are limited to solid waste acceptable to the Town's contracted transfer station or solid waste processing facility. Materials must be placed in secured bags, secured containers and/or secured receptacles adequate to prevent loss of control of the solid waste. Those disposing of the solid waste are responsible for picking up and cleaning up of unsecured solid waste regardless of the cause.

Curbside solid waste collection occurs by summer and winter schedules promulgated by the Town. Solid waste must be at curbside by 7 AM on the scheduled day to ensure pick up.

5.2. Authorized Individuals at the Town of Mount Desert area designated at EMR.

5.3. Hire a Private Hauler.

Authorized Individuals may contract at their cost with a private hauler for disposal of acceptable solid waste. All waste collected by private haulers shall be delivered to EMR and credited to the Town's guaranteed annual tonnage. ~~Authorized Individuals shall be responsible for all costs associated with a private hauler, including disposal costs.~~

5.4 Town Sponsored Solid Waste Disposal at EMR

Authorized ~~individuals~~ Individuals have a Town sponsored solid waste disposal account at EMR allowing up to two thousand (2,000) pounds of solid waste annually per Town physical address delivered by the authorized individual or their private licensed hauler. Authorized Individuals shall be responsible for all costs associated with a private hauler. This allowance provides for the disposal of all solid waste; particularly green wood, bulky objects allowed by EMR and CDD (construction and demolition debris) except special, hazardous and universal waste. This allowance may expire ~~in 2018~~ at such time the inhabitants of the Town choose to eliminate the practice.

SECTION 6: FEES

Authority: The Town Meeting may establish fees for solid waste disposal to promote recycling and improve the efficiency of the management of solid waste and to support the cost of solid waste collection and disposal.

SECTION 7: LICENSES

7.1 No person, firm or corporation shall transport on a commercial basis any acceptable waste for disposal outside the Town without obtaining a license to transport such waste within the

Town from the Town Manager. The license shall be in effect for ~~42~~ 24 (twelve ~~twenty-four~~) months from date of issue and must be renewed on or before its expiration date.

7.2. Any person, firm or corporation required by this Ordinance to obtain an annual license shall make application to the Town Manager. A nonrefundable license application fee as determined by the Board of Selectmen shall accompany each application. The fee structure shall be reviewed every two (2) years by the Town Manager or designee with a recommendation being made by the Town Manager or designee to the Board of Selectmen as to its appropriateness or if it should be changed. The existing fee or any changes to it shall go into effect July 1 of each new fiscal year. A copy of the application form is available from the Town Office.

7.3. The application shall contain all information required by it, including, but not limited to, a description of the activity/activities engaged in, e.g., collection and transport of acceptable, recyclable/storable and/or unacceptable waste; types and estimated amount(s) of waste handled in each service area and; a description of the facility/facilities operated and used. The applicant's signature on the application verifies the applicant's intended compliance with this Ordinance. Incomplete applications will not be processed.

7.4. Licenses shall not be transferable.

7.5. All licenses shall expire ~~one~~ two (2) years (~~1~~) year from the date of issue unless revoked or suspended sooner in accordance with the provisions of this Ordinance.

7.6. In the event that the Town Manager denies a license application, the applicant shall be notified of the reasons for the denial of the license. The applicant may appeal the Town Manager's decisions to the Board of Selectmen.

7.7. Suspension and Revocation

Any license issued may be suspended or revoked by the Town Manager for cause, including the following reasons:

- a. Violation of this Ordinance;
- b. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this Ordinance;
- c. Violation of any license condition(s); and
- d. Falsehoods, misrepresentations or omissions in the license application.

Suspension or revocation of a license may be appealed to the Board of Selectmen.

SECTION 8: VIOLATIONS & PENALTIES

8.1. Disposal generally prohibited; disposal of rubbish, garbage, solid waste and debris on public or private property:

No person shall throw or place or cause to be thrown or placed upon any premises located within the limits of the Town any rubbish, garbage, solid waste or debris of any kind, except in full conformance with this Ordinance, nor shall any owner or occupant of any such premises suffer any such rubbish, garbage, solid waste or debris to remain on said premises after receiving notice from the Chief of Police or, Code Enforcement Officer ~~Public Works Director~~ or their designees. Any person or persons so failing to remove any such rubbish, garbage, solid

waste or debris for a period of seven days after receipt of said notice shall be subject to enforcement.

8.2 Limited Exemption:

Disposal of rubbish, garbage, solid waste and debris during the Spring Clean-up Week shall not constitute a violation of this Ordinance and shall not be subject to enforcement.

8.3. Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions of this ordinance shall be subject to enforcement and liable to the remedies, fines, and civil penalties as stated below in Sections 8.4, 8.5 and 8.6.

8.4. Monetary penalties may be assessed on a per-day basis and are civil penalties. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500.

8.5. Municipal Costs of Enforcement: In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable to reimburse the Town for costs of enforcement including reasonable attorney fees and court costs. ~~This~~ The Town is also authorized to seek and obtain equitable relief.

8.6. Violations of this ordinance shall also be enforced under the provisions of the Maine anti-littering statute at 17 M.R.S. §§ 2264-A, 2264-B, and 2264-C, as may be amended from time to time. A copy of those laws is attached as Appendix B and shall be updated as those laws are amended.

SECTION 9: SPECIAL COLLECTION EFFORTS

9.1. The Board of Selectmen or designee may authorize seasonal or other solid waste collection efforts in addition to those described in this ordinance. Such events shall be advertised by the Town so as to inform as many residents as practical.

SECTION 10: SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

SECTION 11: EFFECTIVE DATE; SUNSET

This Ordinance shall become effective ~~on May 6, 2014, and shall continue in effect for a period of four (4) years unless extended or reauthorized by Town Meeting prior to the expiration of the period of four (4) years from the effective date.~~ upon the date of enactment for a period not to exceed 15 years, unless amended or repealed prior to the expiration of this 15 year period.

SECTION 12: AMENDMENT

This Ordinance may be amended in the same manner as any other Ordinance of the Town.

ADOPTED by Annual Town Meeting this 6th 8th day of May 2018. ~~2014.~~

~~Joelle D. Nolan~~ Claire Woolfolk, Town Clerk

Appendix A

38 M.R.S.A. § 1303-C

§ 1303-C. Definitions

Effective: July 1, 2012

As used in this chapter or in chapter 24, 1 unless the context otherwise indicates, the following terms have the following meanings.

1. Repealed. Laws 1995, c. 656, § A-19.

1-A. Biomedical waste. "Biomedical waste" means waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

1-B. Repealed. L. 2005, c. 612, § A-21, eff. Jan. 1, 2007.

1-C. Bypass. "Bypass" means any solid waste that is destined for disposal, processing or beneficial use at a solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility's malfunction, insufficient capacity, inability to process or burn, downtime or any other comparable reason.

2. Repealed. Laws 1989, c. 890, § B-225.

2-A. Class I liquid. "Class I liquid" means any liquid having a flash point below 100° Fahrenheit.

2-B. Class II liquid. "Class II liquid" means any liquid having a flash point at or above 100° Fahrenheit and below 140° Fahrenheit.

3. Closing reserve fund. "Closing reserve fund" means a fund created for the purpose of financing the closing and maintenance after closing of a waste facility.

4. Commercial hazardous waste facility. "Commercial hazardous waste facility" means:

- A. A waste facility that handles hazardous wastes generated off the site of the facility; or
- B. A facility that, in the handling of a waste generated off the site, generates hazardous waste.

5. Commercial landfill facility. "Commercial landfill facility" means a commercial solid waste facility that is used for the burial of solid waste.

6. Commercial solid waste disposal facility. "Commercial solid waste disposal facility" means a solid waste disposal facility except as follows:

A. Deleted. Laws 2007, c. 338, § 2.

A-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

A-2. A solid waste facility that is owned by a public waste disposal corporation under section 1304-B, subsection 5:

(1) As long as the public waste disposal corporation controls the decisions regarding the type

and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste that is generated within the State unless the commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A;

B. Deleted. Laws 2007, c. 338, § 2.

B-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

B-2. A solid waste facility that is owned by a municipality under section 1305:

(1) As long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste that is generated within the State unless:

(a) The commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A; and

(b) Acceptance of waste that is not generated within the State is approved by a majority of the voters of the municipality by referendum election;

C. Deleted. Laws 2007, c. 338, § 2.

C-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

C-2. A solid waste facility that is owned by a refuse disposal district under chapter 17:

(1) As long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste that is generated within the State unless the commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A;

D. Beginning January 1, 2007, a solid waste facility owned and controlled by the Department of Administrative and Financial Services, Bureau of General Services under chapter 24;

D-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

E. A solid waste facility owned and controlled by a single entity that:

(1) Generates at least 85% of the solid waste disposed of at a facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis; or

(2) Is an owner of a manufacturing facility that has, since January 1, 2006, generated at least

85% of the solid waste disposed of at the solid waste facility, except that one or more integrated industrial processes of the manufacturing facility are no longer in common ownership, and those integrated industrial processes will continue to generate waste that will continue to be disposed of at the solid waste facility. This exemption only applies if the source and type of waste disposed of at the solid waste facility remains the same as that previously disposed of by the single entity.

For the purposes of this paragraph, "single entity" means an individual, partnership, corporation or limited liability corporation that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph.

For purposes of this paragraph, "integrated industrial processes" means manufacturing processes, equipment or components, including, but not limited to, energy generating facilities, that when used in combination produce one or more manufactured products for sale; or

F. A private corporation that accepts material-separated, refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

For purposes of this subsection, "waste that is generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State or waste whether generated within the State or outside of the State if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.

7. Repealed. Laws 1999, c. 525, § 2, eff. June 17, 1999.

A. to F. Repealed. Laws 1999, c. 525, § 2, eff. June 17, 1999.

8. Construction and demolition debris. "Construction and demolition debris" means debris resulting from construction, remodeling, repair, and demolition of structures. It excludes asbestos and other special wastes.

9. Contingency reserve fund. "Contingency reserve fund" means a fund maintained for the purpose of meeting unexpected contingencies in the operation of a waste facility.

10. Conveyance. "Conveyance" means any aircraft, watercraft, vehicle or other machine used for transportation on land, water or in the air.

11. Repealed. Laws 1989, c. 890, § B-225.

12. Disposal. "Disposal" means the discharge, deposit, dumping, spilling, leaking or placing of hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage into or on land, air or water and the incineration of solid waste, refuse-derived fuel, sludge or septage so that the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage or a constituent of the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage may enter the environment or be emitted into the air, or discharged into waters, including ground waters.

13. Generation. "Generation" means the act or process of producing hazardous, biomedical or solid waste, waste oil, sludge or septage.

13-A. Repealed. Laws 1991, c. 520, § 4.

14. Handle. "Handle" means to store, transfer, collect, separate, salvage, process, recycle, reduce, recover, incinerate, dispose of or treat.

15. Hazardous waste. "Hazardous waste" means a waste substance or material, in any physical state, designated as hazardous by the board under section 1319-O. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

15-A. Hazardous waste incinerator. "Hazardous waste incinerator" means an enclosed device using controlled flame combustion to thermally break down hazardous waste.

15-B. Host community. "Host community" means any town, township or city that is the geographic site of a solid waste disposal facility or any immediately contiguous town, township or city if such town, township or city can demonstrate to the department that it incurs a direct financial impact related to any necessary development or maintenance of infrastructure or to any necessary provision of services as a result of the location or operation of that solid waste disposal facility.

16. Incineration facility. "Incineration facility" means a facility where municipal solid waste or refuse-derived fuel is disposed of through combustion, including combustion for the generation of heat, steam or electricity.

17. Inert fill. "Inert fill" means clean soil material, rocks, bricks, and cured concrete, which are not mixed with other waste, and which are not derived from an ore mining activity.

18. Land clearing debris. "Land clearing debris" means solid wastes resulting from the clearing of land and consisting solely of brush, stumps, soil material and rocks.

19. Manifest. "Manifest" means the form used for identifying the quantity, composition and the origin, routing and destination of hazardous waste during its transport.

19-A. Material-separated, refuse-derived fuel. "Material-separated, refuse-derived fuel" means a binder-enhanced, pelletized, solid fuel product made from the combustible fraction of a municipal solid waste stream that has been processed to remove the recyclable material before combustion. The product may not contain more than 6% by weight of plastic, metal, glass or food waste. In addition, the production of material-separated, refuse-derived fuel may not exceed 40% by weight of the total municipal solid waste stream from which it was derived.

19-B. Primary sand and gravel recharge area. "Primary sand and gravel recharge area" has the same meaning as in section 562-A, subsection 16-B.

19-C. Repealed. Laws 2011, c. 655, § GG-8, eff. July 1, 2012.

20. Recyclable. "Recyclable" means possessing physical and economic characteristics that allow a material to be recycled.

21. Recycle. "Recycle" means to recover, separate, collect and reprocess waste materials for sale or reuse other than use as a fuel for the generation of heat, steam or electricity.

22. Recycling. "Recycling" means the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

23. Refuse-derived fuel. "Refuse-derived fuel" means municipal solid waste which has been processed prior to combustion to increase the heat input value of the waste.

24. Regional association. "Regional association" means 2 or more municipalities that have formed a relationship to manage the solid waste generated within the participating municipalities and for which those municipalities are responsible. The relationship must be formed by one or more of the following methods:

A. Creation of a refuse disposal district under chapter 17;2

B. Creation of a nonprofit corporation that consists exclusively of municipalities and is organized under Title 13, chapter 813 or Title 13-B, for the purpose, among other permissible purposes, of owning, constructing or operating a solid waste disposal facility, including a public waste disposal corporation under section 1304-B, or whose members contract for the disposal of solid waste with a solid waste disposal facility, including, but not limited to, a qualifying facility as defined in Title 35-A, section 3303;

C. Creation of a joint exercise of powers agreement under Title 30-A, chapter 115;4 or

D. Contractual commitment.

For the purposes of this chapter, a regional association and the entities described in paragraphs B and C may include counties and quasi-municipal corporations as members provided the counties or quasi-municipal corporations, when acting by themselves within their own jurisdictions, are capable of exercising all of the powers of the regional association.

25. Residue. "Residue" means waste remaining after the handling, processing, incineration or recycling of solid waste including, without limitation, front end waste and ash from incineration facilities.

25-A. Responsible party. For the purposes of subchapter II-A5 only, "responsible party" means any or all of the following persons:

A. The owner or operator of an uncontrolled tire stockpile; and

B. Any person who owned or operated an uncontrolled tire stockpile from the time any tire arrived at that stockpile.

26. Resource recovery. For the purposes of section 1304-B only, "resource recovery" means the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

27. Septage. "Septage" means waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools or any other similar facilities.

27-A. Significant ground water aquifer. "Significant ground water aquifer" has the same meaning as in section 562-A, subsection 19-A.

28. Site. "Site" means the same or geographically contiguous property which may be divided by a public or private right-of-way, provided that the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered site property.

28-A. Sludge. "Sludge" means nonhazardous solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or wet process air pollution control facility or any other waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under the federal Clean Water Act, 33 United States Code, Section 1342 (1999).

29. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include hazardous waste, biomedical waste, septage or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

30. Solid waste disposal facility. "Solid waste disposal facility" means a solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

31. Solid waste facility. "Solid waste facility" means a waste facility used for the handling of solid waste, except that the following facilities are not included:

- A.** A waste facility that employs controlled combustion to dispose of waste generated exclusively by an institutional, commercial or industrial establishment that owns the facility;
- B.** Lime kilns; wood chip, bark and hogged fuel boilers; kraft recovery boilers and sulfite process recovery boilers, which combust solid waste generated exclusively at the facility; and
- C.** An industrial boiler that combusts mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity if:

(1) The mixed paper, corrugated cardboard or office paper would otherwise be placed in a landfill;

(2) The market value of the mixed paper, corrugated cardboard or office paper as a raw material for the manufacture of a product with recycled content is less than its value to the facility owner as a fuel supplement;

(3) The mixed paper, corrugated cardboard or office paper is combusted as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels combusted in the

industrial boiler; and

(4) The boiler combusts no other forms of solid waste except as provided in this subsection.

32. Solid waste landfill. "Solid waste landfill" means a waste disposal facility for the disposal of solid waste on or in land. This term does not include landspreading sites used in programs approved by the department.

32-A. Solid waste processing facility. "Solid waste processing facility" means a land area, structure, equipment, machine, device, system or combination thereof, other than an incineration facility, that is operated to reduce the volume or change the chemical or physical characteristics of solid waste. "Solid waste processing facility" includes but is not limited to a facility that employs shredding, baling, mechanical and magnetic separation or composting or other stabilization technique to reduce or otherwise change the nature of solid waste.

33. Source separation. "Source separation" means the preparation of materials for recycling by separation from wastes at the point of generation.

34. Special waste. "Special waste" means any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

- A. Oil, coal, wood and multifuel boiler and incinerator ash;
- B. Industrial and industrial process waste;
- C. Waste water treatment plant sludge, paper mill sludge and other sludge waste;
- D. Debris and residuals from nonhazardous chemical spills and cleanup of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and nonliquid paint waste;
- H. Deleted. Laws 1989, c. 869, § A-5.
- I. High and low pH waste;
- J. Spent filter media and residue; and
- K. Other waste designated by the board, by rule.

35. State waste management and recycling plan. "State waste management and recycling plan" means the plan adopted by the former Maine Waste Management Agency pursuant to chapter 24, subchapter 2, subsequent plans developed by the former State Planning Office pursuant to Title 5, former section 3305, subsection 1, paragraph N and the department

pursuant to section 2122 and may also be referred to as "state plan."

36. Storage. "Storage" means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous wastes.

37. Substantially expand. "Substantially expand" means the expansion of an existing licensed hazardous waste facility by more than 25%, as measured by volume of waste or affected land area, from the date of its initial licensed operation.

38. Transport. "Transport" means the movement of hazardous or solid waste, waste oil, sludge or septage from the point of generation to any intermediate points and finally to the point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not "transport." Movement of waste oil on the site where it is generated or on the site of a licensed waste oil dealer's facility is not "transport."

39. Treatment. "Treatment" means any process, including but not limited to incineration, designed to change the character or composition of any hazardous waste, waste oil or biomedical waste so as to render the waste less hazardous or infectious.

39-A. Uncontrolled tire stockpile. "Uncontrolled tire stockpile" means an area or location, whether or not licensed, where used motor vehicle tires are or were handled, stored or disposed of in such a manner as to present a significant fire hazard or a threat to public health or to the quality of a classified body of surface water or a significant sand and gravel aquifer or fractured bedrock aquifer as defined in section 1310-N, subsection 2-A.

39-B. Used oil. "Used oil" means waste oil, as defined in subsection 42.

39-C. Used oil collection center. "Used oil collection center" means a site or facility where used oil is accepted from the public and collected or stored in an aboveground tank for recycling.

40. Waste facility. "Waste facility" means any land area, structure, location, equipment or combination of them, including dumps, used for handling hazardous, biomedical or solid waste, waste oil, sludge or septage. A land area or structure does not become a waste facility solely because:

A. It is used by its owner for disposing of septage from the owner's residence;

B. It is used to store for 90 days or less hazardous wastes generated on the same premises;

C. It is used by individual homeowners or lessees to open burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted under section 599, subsection 3; or

D. It is used by its residential owner to burn highly combustible domestic, household trash such as paper, cardboard cartons or wood boxes, when such burning is permitted under section 599, subsection 3.

41. Waste management. "Waste management" means purposeful, systematic and unified

control of the handling and transportation of hazardous, biomedical or solid waste, waste oil, sludge or septage.

42. Waste oil. "Waste oil" means a petroleum-based or synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties. Waste oil that exhibits hazardous wastes characteristics, or has been contaminated with hazardous wastes in excess of quantities normally occurring in waste oil, is subject to the provisions of this chapter dealing with hazardous wastes.

43. Waste oil dealer. "Waste oil dealer" means any person in the business of transporting or handling more than 1,000 gallons of waste oil for the purpose of resale in a calendar month. A person who collects or stores waste oil on the site of generation, whether or not for the purpose of resale, is not a waste oil dealer.

44. Waste reduction. "Waste reduction" means an action that reduces waste at the point of generation and may also be referred to as "source reduction."

45. Waste resulting from agricultural activities. "Waste resulting from agricultural activities" means wastes which result from agricultural activities defined in section 361-A, subsection 1-B, which are returned to the soils as fertilizers and includes waste pesticides when generated by a farmer in his own use, provided that he triple rinses each emptied pesticide container in accordance with departmental rules and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label.

46. Wood wastes. "Wood wastes" means brush, stumps, lumber, bark, woodchips, shavings, slabs, edgings, slash and sawdust, which are not mixed with other waste.

47. Yard wastes. "Yard wastes" means grass clippings, leaves and other vegetal matter other than wood wastes and land clearing debris.

Credits

1989, c. 585, § E, 4; 1989, c. 794, § 2; 1989, c. 869, §§ A-3 to A-5; 1989, c. 878, § H-7, eff. April 20, 1990; 1989, c. 890, § B-225; 1989, c. 929, § 5; 1991, c. 72, §§ 1, 2, eff. May 6, 1991; 1991, c. 220, §§ 6-10, eff. May 31, 1991; 1991, c. 321; 1991, c. 492, §§ 1, 2; 1991, c. 517, § A-1, eff. June 28, 1991; 1991, c. 520, § 4; 1993, c. 355, §§ 46, 47, eff. June 16, 1993; 1993, c. 378, § 4, eff. June 16, 1993; 1993, c. 383, §§ 33, 34; 1993, c. 424, §§ 1, 2; R.R.1993, c. 1, § 131; 1993, c. 732, §§ A-7, A-8, eff. April 20, 1994; 1995, c. 462, §§ A-76, A-90, eff. July 3, 1995; 1995, c. 465, § A-12, eff. July 3, 1995; 1995, c. 573, §§ 1, 2; 1995, c. 625, § C-5, eff. April 8, 1996; 1995, c. 656, §§ A-19 to A-21; R.R.1995, c. 2, § 111; 1997, c. 393, § B-9, eff. June 5, 1997; 1997, c. 602, § 1, eff. March 17, 1998; 1999, c. 334, § 10; 1999, c. 393, § 1; 1999, c. 525, §§ 1, 2, eff. June 17, 1999; 2001, c. 247, § 1; 2005, c. 612, §§ 1, 2; 2007, c. 338, §§ 1, 2; 2007, c. 406, § 1; 2007, c. 414, § 1; 2007, c. 583, § 1; 2011, c. 206, § 20, eff. June 3, 2011; 2011, c. 655, §§ GG-7 to GG-9, eff. July 1, 2012.

Notes of Decisions (4)

Footnotes

- 1 38 M.R.S.A. § 2101 et seq.
- 2 38 M.R.S.A. § 1701 et seq.
- 3 13 M.R.S.A. § 901 et seq.
- 4 30-A M.R.S.A. § 2201 et seq.
- 5 38 M.R.S.A. § 1316 et seq.
- 6 38 M.R.S.A. § 2121 et seq.

38 M. R. S. A. § 1303-C, ME ST T. 38 § 1303-C
Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of
the 126th Legislature

Appendix B

17 M.R.S.A. Ch. 80, Refs & Annos
Chapter 80, Litter Control, was enacted by Laws 1971, c. 405, § 1.

17 M.R.S.A. § 2261

§ 2261. Title

Currentness

This chapter shall be known and may be cited as the "Maine Litter Control Act."

Credits

1971, c. 405, § 1.

Notes of Decisions (2)

17 M. R. S. A. § 2261, ME ST T. 17 § 2261

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2262

§ 2262. Purposes

Currentness

It is declared and recognized that the proliferation and accumulation of litter discarded throughout this State endangers the free utilization and enjoyment of a clean and healthful environment by the people and constitutes a public health hazard; and recognizing that there has been a collective failure on the part of government, business and the public to accept, plan for and accomplish effective litter control, there is enacted the "Maine Litter Control Act."

Credits

1971, c. 405, § 1.

17 M. R. S. A. § 2262, ME ST T. 17 § 2262

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2263

§ 2263. Definitions

Currentness

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

1. "Disposable package" or "container" means any and all packages or containers used for the purpose of containing a product sold or held out for sale for human or animal consumption.

1-A. Repealed. Laws 1989, c. 878, § B-12, eff. April 20, 1990.

1-B. Department. "Department" means the Department of Agriculture, Conservation and Forestry.

1-C. Commercial purpose. "Commercial purpose" means for the purpose of economic gain.

1-D. Abandoned ice-fishing shack. "Abandoned ice-fishing shack" means a temporary structure used for ice fishing and left on property not owned by the person owning the structure without permission of the landowner for more than 15 days after the inland waters on which the shack or structure was located are closed to ice fishing.

2. Litter. "Litter" means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

3. "Litter receptacle" means a container of suitable size which is clearly identified with a sign, symbol or other device as a place where the public may dispose of litter.

4. Vehicle. "Vehicle" means every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons, except motorcycles, farm implements and snowmobiles.

4-A. Commercial vehicle. "Commercial vehicle" means a vehicle owned or used by a business, corporation, association, partnership, or the sole proprietorship of any entity conducting business for a commercial purpose.

5. "Person" means any person, firm, partnership, association, corporation or organization of any kind whatsoever.

6. "Public place" means any area that is used or held out for use by the public whether or not owned or operated by public or private interests.

7. "Trailer" means any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

8. "Watercraft" means any type of vessel, boat or craft used or capable of being used as a means of transportation on water.

Credits

1971, c. 405, § 1; 1973, c. 194; 1973, c. 235, § 1; 1975, c. 739, §§ 3 to 6; 1989, c. 820, §§ 2, 3, eff. April 10, 1990; 1989, c. 878, § B-12, eff. April 20, 1990; 1993, c. 144, §§ 3, 4; 1995, c. 667, § A-37, eff. April 11, 1996; 2001, c. 667, § A-33, eff. April 11, 2002.

Notes of Decisions (1)

17 M. R. S. A. § 2263, ME ST T. 17 § 2263

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2263-A

§ 2263-A. Littering

Currentness

1. Prohibited acts. A person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

A. In or on public highway, road, street, alley, public right-of-way or other public lands, except in a container or receptacle or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions;

B. In freshwater lake, river, stream, tidal or coastal water or on ice over the water. When any litter is thrown or discarded from a watercraft, a person is in violation of this section if that person is:

(1) The operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire; or

(2) The person actually disposing of the litter.

This paragraph does not prohibit persons who fish, lobster or otherwise harvest from the water from returning to the water harvested products, bait and similar materials that naturally originate in the water;

C. In or on any private property, unless:

(1) Prior consent of the owner has been given; and

(2) The litter is not a public nuisance or in violation of any state law or local rule;

D. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This paragraph applies to vehicles or trailers carrying trash, rubbish or other materials that may be construed as "litter"; or

E. From a vehicle. When any litter is thrown or discarded from a vehicle, a person is in violation of this section if that person is:

(1) The operator of the vehicle, unless it is a vehicle being used for the carriage of passengers for hire; or

(2) The person actually disposing of the litter.

In addition to any penalty under section 2264-A, violation of this subsection is a traffic infraction under Title 29-A, chapter 23, subchapter VI.¹

A record of a violation of this subsection must be forwarded to the Secretary of State who, in accordance with Title 29-A, section 2607, shall add the violation to the department's point system. The violation is counted in determining an individual's total points under the point system of the Department of the Secretary of State, Bureau of Motor Vehicles.

2. Commercial purpose presumed. For the purposes of this chapter, if a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for a commercial purpose.

Credits

2003, c. 452, § I-32, eff. July 1, 2004.

Footnotes

¹

29-A M.R.S.A. § 2601, et seq.

17 M. R. S. A. § 2263-A, ME ST T. 17 § 2263-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2264

§ 2264. Repealed. Laws 2003, c. 452, § I-33, eff. July 1, 2004

Currentness

17 M. R. S. A. § 2264, ME ST T. 17 § 2264

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2264-A

§ 2264-A. Penalties
Effective: September 28, 2011
Currentness

Unless otherwise indicated, a person who disposes of litter in violation of this chapter commits a civil violation for which the following fines apply.

1. Disposal of 15 pounds or less or 27 cubic feet or less of litter. A person who disposes of 15 pounds or less or 27 cubic feet or less of litter commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

1-A. Disposal of 15 pounds or less or 27 cubic feet or less of litter; subsequent offenses. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

2. Disposal of more than 15 pounds or more than 27 cubic feet of litter. A person who disposes of more than 15 pounds or more than 27 cubic feet of litter commits a civil violation for which the court:

A. Shall impose a fine of not less than \$500;

B. Shall require the person to pay a party sustaining damages arising out of a violation of this subsection treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;

C. Shall require the person to perform not less than 100 hours of public service relating to the removal of litter or to the restoration of an area polluted by litter disposed of in violation of this section. The court shall consult with the Commissioner of Inland Fisheries and Wildlife to determine if there is an opportunity for public service that may improve landowner and sportsman relations;

D. When practical, shall require the person to remove the litter dumped in violation of this subsection;

E. May suspend the person's motor vehicle operator's license for a period of not less than 30 days or more than one year, except as provided in paragraph F. Notwithstanding paragraph F, the court shall suspend all licenses and permits issued under Title 12, Part 13, subpart 4 and recreational vehicle registrations and certificates issued to that person under

Title 12, Part 13, subpart 6 for a period of not less than 30 days or more than one year; and

F. May suspend any license, permit, registration or certification issued by a state agency or municipality to the person. A professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment may not be suspended unless the items dumped were related to the person's profession or occupation.

2-A. Disposal of more than 15 pounds or more than 27 cubic feet of litter; subsequent offenses. A person who violates subsection 2 after having previously violated subsection 2 commits a civil violation for which the penalty provisions under subsection 2 apply except for subsection 2, paragraph A, and a fine of not less than \$2,000 must be adjudged.

3. Disposal of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose. A person who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose is subject to the penalties under Title 38, section 349.

Credits

1989, c. 820, § 5, eff. April 10, 1990; 1993, c. 140, § 1; 2003, c. 452, §§ 1-34 to 1-37, eff. July 1, 2004; 2011, c. 208, § 4.

17 M. R. S. A. § 2264-A, ME ST T. 17 § 2264-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2264-B

§ 2264-B. Penalty options
Effective: September 28, 2011
Currentness

In addition to the fines imposed in section 2264-A, subsections 1 and 1-A, the court may order a person adjudicated to have violated section 2264-A, subsection 1 or subsection 1-A to:

1. **Removal of litter.** Remove the litter dumped in violation of section 2264-A;
2. **Cost of cleanup.** Pay the owner of the property treble the owner's cost of clean up or removal of the litter;
3. **Damages.** Pay the person sustaining damages arising out of a violation of this subsection treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;
4. **Public service.** Perform public service relating to the removal of litter, or to the restoration of an area polluted by litter, dumped in violation of section 2264-A; and
5. **License suspension.** Surrender the person's motor vehicle operator's license, a license or permit issued to that person under Title 12, Part 13, subpart 4 or a recreational vehicle registration or certificate issued to that person under Title 12, Part 13, subpart 6 for a period not exceeding 30 days. The court may suspend an operator's license for any violation of section 2264-A, subsection 1 or subsection 1-A that involves the use of a motor vehicle.

Credits

1989, c. 820, § 5, eff. April 10, 1990; 2003, c. 452, §§ 1-38, 1-39, eff. July 1, 2004; 2007, c. 651, § 21, eff. April 18, 2008; 2009, c. 424, § 1; 2011, c. 208, §§ 5, 6.

17 M. R. S. A. § 2264-B, ME ST T. 17 § 2264-B

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2264-C

§ 2264-C. Forfeiture

Currentness

All conveyances, including aircraft, watercraft, vehicles, vessels, containers or cranes that are used, or attempted to be used, to dump more than 1,000 pounds or more than 100 cubic feet of litter in violation of section 2264-A are subject to forfeiture as provided in Title 15, chapter 517.¹

Credits

1989, c. 820, § 5, eff. April 10, 1990; 2003, c. 452, § 1-40, eff. July 1, 2004.

Footnotes

1

15 M.R.S.A. § 5821 et seq.

17 M. R. S. A. § 2264-C, ME ST T. 17 § 2264-C

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2265

§ 2265. Repealed. Laws 1989, c. 820, § 6, eff. April 10, 1990

Currentness

17 M. R. S. A. § 2265, ME ST T. 17 § 2265

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2266

§ 2266. Repealed. Laws 1989, c. 820, § 7, eff. April 10, 1990

Currentness

17 M. R. S. A. § 2266, ME ST T. 17 § 2266

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2267

§ 2267. Repealed. Laws 1989, c. 820, § 8, eff. April 10, 1990

Currentness

17 M. R. S. A. § 2267, ME ST T. 17 § 2267

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2267-A

§ 2267-A. Submerged motor vehicles, snowmobile and watercraft in waters of the State
Effective: September 12, 2009
Currentness

The following provisions apply when a motor vehicle is submerged or partially submerged in waters of the State or when a snowmobile or watercraft is submerged in the inland waters of the State.

1. Definition. When used in this section the term “motor vehicle” means any self-propelled vehicle designed to carry persons or property or used to transport persons, except snowmobiles and watercraft. The term “watercraft,” when used in this section, means any type of craft placed on the inland waters of the State, whether used as a means of transportation or for other purposes.

2. Notice of submerged vehicle, snowmobile or watercraft to be given to department. The owner of any motor vehicle that becomes submerged or partially submerged in the waters of the State shall immediately, by the fastest means of communication, notify the Commissioner of Inland Fisheries and Wildlife of the event and the location of the vehicle. The owner of a snowmobile or watercraft that becomes submerged in the inland waters of the State for more than 24 hours shall notify the commissioner as provided in this subsection.

The commissioner shall, upon receiving notice of a submerged or partially submerged vehicle in the waters of the State or a submerged snowmobile or watercraft in the inland waters of the State, notify the Chief of the State Police, the Commissioner of Environmental Protection and any municipality or public utility that regulates the uses of the waters as a source of public water supply pursuant to Title 22, sections 2641 to 2648.

3. Owner legally liable to remove vehicle, snowmobile or watercraft. The owner of the vehicle is legally liable to remove any motor vehicle submerged or partially submerged in the waters of the State and pay any damages resulting from the submersion or removal. The vehicle must be removed within 30 days of the submersion or partial submersion or within 30 days of “ice out” in the body of water unless the commissioner determines that the vehicle creates a health or safety hazard. If the commissioner determines that the vehicle creates a health or safety hazard the commissioner shall order the owner to remove the vehicle immediately. If the owner fails to remove the vehicle upon order of the commissioner, the commissioner shall, in writing, request the court to direct the owner to remove the vehicle immediately. The owner of a snowmobile or watercraft that is submerged in the inland waters of this State for longer than 24 hours shall remove the snowmobile or watercraft in accordance with this subsection.

4. Financial responsibility. A conviction or adjudication of any person for a violation of this

section constitutes a violation of state law relative to motor vehicles to which Title 29-A, chapter 13¹ applies.

5. Penalties. A violation of this section is a civil violation for which a forfeiture of \$200 may be adjudged. In addition to a forfeiture, or instead of a forfeiture, the judge may direct the person convicted to remove the vehicle, snowmobile or watercraft.

6. Rules. The commissioner may, in accordance with the provisions of Title 5, chapter 375,² adopt any rules necessary to carry out the purposes of this chapter.

Credits

1981, c. 578; 1995, c. 65, § A-52, eff. May 11, 1995; 2001, c. 536, § 3, eff. March 18, 2002; 2009, c. 340, § 26.

Footnotes

1

29-A M.R.S.A. § 1551 et seq.

2

5 M.R.S.A. § 8001 et seq.

17 M. R. S. A. § 2267-A, ME ST T. 17 § 2267-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2268

§ 2268. Enforcement

Currentness

Every law enforcement officer in the State, including but not limited to State Police, county sheriffs and their deputies, municipal police, wardens of the Department of Inland Fisheries and Wildlife, wardens of the Department of Marine Resources, rangers of the Division of Forestry and liquor inspectors of the Department of Public Safety shall have authority to enforce this chapter.

Political subdivisions of the State may offer rewards for information which lead to the conviction of violators of this chapter.

Credits

1971, c. 405, § 1; 1973, c. 460, § 18; 1973, c. 513, § 22; 1973, c. 537, § 20; 1975, c. 739, § 13.

17 M. R. S. A. § 2268, ME ST T. 17 § 2268

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2269

§ 2269. Repealed. Laws 2003, c. 452, § I-41, eff. July 1, 2004

Currentness

17 M. R. S. A. § 2269, ME ST T. 17 § 2269

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2269-A

§ 2269-A. Litter receptacles; selection and placement

Currentness

1. Procure, place and maintain litter receptacles. A person who owns or operates an establishment or public place in which litter receptacles are required by this chapter shall procure, place and maintain receptacles at the person's own expense in accordance with this chapter.

2. Required placement. Litter receptacles as defined in section 2263 must be placed at all public places or establishments that serve the public, including, but not limited to: campgrounds, trailer parks, drive-in restaurants, gasoline service stations, parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, beaches and bathing areas, school grounds and business district sidewalks. The number of receptacles required is as follows:

A. For a campground or trailer park for transient habitation, one receptacle at each public rest room facility;

B. For a drive-in restaurant, parking lot, shopping center, grocery store parking lot or parking lot of a major industrial firm, one receptacle, plus one additional receptacle for each 200 parking spaces in excess of 50 spaces;

- C. For a gasoline service station, one receptacle per gasoline pump island;
- D. For a marina, boat launching area or boat moorage and fueling station, one receptacle at each location;
- E. For a beach or bathing area, one receptacle at each public rest room facility;
- F. For school grounds, one receptacle at each playground area and one at each school bus loading zone; and
- G. For business district sidewalks, one receptacle per 1,000 feet of sidewalk curbing.

3. Exception; remote forest campsites. Remote forest campsites operated by the Department of Agriculture, Conservation and Forestry pursuant to Title 12, chapter 220, subchapter 2, are not considered public places or establishments that serve the public if they are designated as "carry-in and carry-out" sites from which users are expected to remove litter and other material upon their departure.

4. Penalties. A person who operates a business of a type described in this section commits a civil violation for which a fine of \$10 for each violation may be adjudged if that person:

- A. Fails to place the litter receptacles on the premises in the numbers required; or
- B. Fails to comply within 10 days of being notified by registered letter by the Department of Agriculture, Conservation and Forestry that that person is in violation.

Each day a violation continues is a separate offense.

Credits

2003, c. 452, § 1-42, eff. July 1, 2004.

17 M. R. S. A. § 2269-A, ME ST T. 17 § 2269-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2270

§ 2270. Responsibility for maintenance of litter receptacles

Currentness

Responsibility for the removal of litter from litter receptacles placed at parks, beaches, campgrounds, trailer parks and other publicly owned public places shall remain upon those state and local agencies performing litter removal, and removal of litter from litter receptacles placed upon privately owned public places shall remain the responsibility of the owner of said premises.

Credits

1971, c. 405, § 1.

17 M. R. S. A. § 2270, ME ST T. 17 § 2270

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2271

§ 2271. Local regulations

Currentness

Municipalities of this State may adopt more stringent ordinances, laws or regulations dealing with subject matter of this chapter. Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on September 23, 1971.

Credits

1971, c. 405, § 1; 1971, c. 622, § 61, eff. March 15, 1972.

17 M. R. S. A. § 2271, ME ST T. 17 § 2271

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2272

§ 2272. Promiscuous dumping prohibited

Currentness

No person shall deposit household garbage, leaves, clippings, prunings or gardening refuse in any litter receptacle.

Persons violating the provisions of this section are liable for the same penalties as provided for violation of section 2264-A.

Credits

1975, c. 739, § 15; 2003, c. 452, § I-43, eff. July 1, 2004.

17 M. R. S. A. § 2272, ME ST T. 17 § 2272

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2273

§ 2273. Penalty warning signs

Currentness

Within the limits of its budget, the Department of Transportation may erect one sign within each 100 miles of state highway mileage in each county, warning motorists of the penalties for littering or asking for their cooperation in keeping the highways clean. One such sign shall be located within a reasonable distance of all state highway entry points into this State from other states or countries. If the state highway leads to or from an international border crossing point, the sign shall be bilingual.

Credits

1975, c. 739, § 15.

17 M. R. S. A. § 2273, ME ST T. 17 § 2273

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated

Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2274

§ 2274. Fines, distribution

Currentness

All fines levied and collected for violations of this chapter shall be distributed as follows:

If the fine resulted from a complaint by a law officer of a state agency which receives a major share of its financial support from dedicated revenue, the fine, less court costs, shall be reimbursed to that agency; or

If the fine resulted from a complaint of a law officer of a state agency supported primarily by a General Fund appropriation, the fine, less court costs, shall be reimbursed to the department to be used in an anti-litter educational program and shall be in addition to other General Fund money appropriated for that purpose.

Credits

1975, c. 739, § 15; 1989, c. 878, § B-13, eff. April 20, 1990.

17 M. R. S. A. § 2274, ME ST T. 17 § 2274

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2275

§ 2275. Driver license and registration procedures

Currentness

The Bureau of Motor Vehicles shall include a summary of this chapter with each reregistration and new vehicle operator license issued.

The Bureau of Motor Vehicles shall include a summary of this chapter in the next revision and printing of the driver license information materials.

Credits

1975, c. 739, § 15; 1989, c. 878, § B-14, eff. April 20, 1990; 1991, c. 837, § A-45, eff. April 8, 1992.

17 M. R. S. A. § 2275, ME ST T. 17 § 2275

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2276

§ 2276. Local regulations

Currentness

Municipalities of this State may adopt more stringent ordinances, laws or regulations dealing with the subject matter of this chapter. Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on its effective date.

Credits

1975, c. 739, § 15.

17 M. R. S. A. § 2276, ME ST T. 17 § 2276

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Appendix B (Article 10; pg. 9)

3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

- P** Use allowed without a permit (but the use must comply with all applicable land use standards)
- C** Use allowed with conditional use approval from the Planning Board
- X** Use is prohibited
- CEO** Use allowed with a permit from the code enforcement officer

- VR1 VILLAGE RESIDENTIAL ONE
- VR2 VILLAGE RESIDENTIAL TWO
- R1 RESIDENTIAL ONE
- R2 RESIDENTIAL TWO
- SR1 SHORELAND RESIDENTIAL ONE
- SR2 SHORELAND RESIDENTIAL TWO
- SR3 SHORELAND RESIDENTIAL THREE
- SR5 SHORELAND RESIDENTIAL FIVE
- RW2 RURAL OR WOODLAND TWO
- RW3 RURAL OR WOODLAND THREE
- VC VILLAGE COMMERCIAL
- SC SHORELAND COMMERCIAL
- RP RESOURCE PROTECTION
- C CONSERVATION
- SP STREAM PROTECTION

See table of uses on following pages

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
RESIDENTIAL									
Cluster and Workforce Subdivisions	C	C	X	C	C	X	X	X	X
Mobile Home Park	C	X	X	X	X	X	X	X	X
(c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be									

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
deemed a dwelling unit. (d) See Section 6B.4011.3 (Lots)									
COMMERCIAL									
Timber harvesting ¹⁰	CEO OF G ¹⁰ NA	CEO OF G ¹⁰ NA	CEO OF G ¹⁰ NA	CEO OF G ¹⁰ NA	CEO OF G ¹⁰ NA	CEO OF G ¹⁰ NA	CEO OF G ¹⁰ NA	XNA	XNA
MISCELLANEOUS									
Forest Management Activities except for timber harvesting & land-management roads	P	P	CEO	P	P	P	P	X	P
Land-management roads	P	P	CEO	P	P	P	P	G	G

Note: Some footnotes have been deleted. – namely 1,2,3 & 5. 4,6,7,8 & 9 retained.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals; otherwise the setback is 75 feet. Any Excavation or Filling must be limited to that necessary for the construction of approved structures.

⁶ See further restrictions in Section 6C.5.2

⁷ Only as provided in Section 6C.9.3

⁸ Single family residential structures may be allowed by special exception only according to the provisions of Section 7.5.3, Special Exceptions. Two-family residential structures are prohibited.

⁹ Permit not required but must file a written "notice of intent to construct" with CEO.

¹⁰ Timber Harvesting is regulated by the Bureau of Forestry in the Department of Agriculture, Conservation and Forestry.

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Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	SR1 see Note (f)	SR2 see Note (f)	SR3 see Note (f)	SR5 see Note (f)
DIMENSIONS see Notes (b) (h²)				
MINIMUM LOT AREA: with public sewer	1 acre	2 acres	3 acres	5 acres
without public sewer	N/A	2 acres	3 acres	5 acres
MINIMUM WIDTH OF LOTS: Shore Frontage	250 <u>200</u> ft.	250 <u>200</u> ft.	250 <u>200</u> ft.	250 <u>200</u> ft.
SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland	75 ft.	75 ft.	75 ft.	75 ft.
Great Ponds (n)	100 ft. (n)	100 ft. (n)	100 ft. (n)	100 ft. (n)
public or private road*	50 ft.	50 ft.	50 ft.	50 ft.
property lines (d)** * see Note (c) ** see Note (d)	25 ft.	25 ft.	25 ft.	25 ft.
MAXIMUM LOT COVERAGE	45% <u>20%</u>	45% <u>20%</u>	45% <u>20%</u>	45% <u>20%</u>
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft.	30 ft.	30 ft.	30 ft.

NOTES:

(f) Within the shoreland zone: No new lot shall be created except in conformity with all of the requirements of this Ordinance for the district in which it is located. In addition to shore frontage, refer to Section 6B.11.4.3 for the required minimum lot width. For the required measurements, refer to shore frontage and minimum lot width in Section 8. When a legally existing parcel does not contain any shore frontage, the lot may be divided such that the newly created lots do not contain any shore frontage as otherwise required in Sections 3.5 and 6B.11.4.3, provided that all other minimum lot dimensional

standards are met, including but not limited to lot area and minimum lot width.

6A GENERAL PERFORMANCE STANDARDS

6A.8 Vegetation

1. **Clearing.** Clearing of trees or conversion to other vegetation is allowed for permitted construction provided that:
 1. Appropriate measures are taken, if necessary, to prevent erosion when activity is undertaken.
 2. The activity is in conformity with Section 6C.3, clearing or removal of vegetation for activities other than timber harvesting.
2. **Tree removal near town or state roads.** Removal of more than 25% of the trees within 25 feet of any town or state road in any 12 month period (except for those required to complete permitted construction) shall require a Conditional Use Approval of the Planning Board. Other woody plants must be retained or replaced with native species.
3. **Slash.** No accumulation of slash shall be left within 50 feet of any town or state road or within 50 feet of the normal high-water line of any water body, and in shoreland zone shall comply with the standards of Section 6C.3. Slash shall be disposed of so that no part extends more than 4 feet above the ground.
4. ~~CEO Permit. A CEO Permit is required for cutting timber larger than 4 inches in diameter measured 4 ½ feet above ground when the total amount to be cut is greater than 10 cords but less than 50 cords in any one year period.~~
5. ~~Conditional Use Approval. Conditional Use Approval is required from the Planning Board for cutting timber larger than 4 inches in diameter measured 4 ½ feet above ground when the total amount to be cut is 50 cords or more in any one year period.~~

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

6B.9 Individual Private Campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be

permitted.

2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
4. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
5. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
6. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

6B.910 Home occupations and home offices

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6B.101 Lots

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6B.142 Manufactured Homes

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6B.123 Mineral Extraction and Exploration

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6B.134 Mobile Homes (temporary), Campers, Trailers and Recreational Vehicles

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6B.145 Sanitary Standards

6B.156 Sign Regulations

6B.167 Vehicles, Unregistered

6B.178 Wireless Communication Facilities

6B.189. Animal Husbandry & Animal Husbandry 2

SHORELAND ZONING STANDARDS

6C.3 Clearing or Removal of Vegetation For Activities Other Than Timber Harvesting

7. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

1. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

2. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is

required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

3. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 4. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 5. The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
1. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
 2. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

8. Exemptions to Clearing and Vegetation Removal Requirements. The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 1. A coastal wetland; or
 2. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
6. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 1. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 2. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 3. If applicable clearing and vegetation removal standards are exceeded due to

the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

7. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

9. **Revegetation Requirements.** When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

4. Revegetation activities must meet the following requirements for trees and saplings:

1. All trees and saplings removed must be replaced with native noninvasive species;

2. Replacement vegetation must at a minimum consist of saplings;

3. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

4. No one species shall make up 50% or more of the number of trees and saplings planted;

5. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 6. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 1. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 2. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 3. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 4. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 5. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
 6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
 1. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 2. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 3. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

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6C.7 Marine and Freshwater Structure Performance Standards

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5. **No new structures.** No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

6C.11 Timber Harvesting

~~1. Resource Protection and Stream Protection Districts. In the Resource Protection and Stream Protection Districts, timber harvesting is prohibited.~~

~~2. Areas other than Resource Protection or Stream Protection. Except in areas as described in Section 6C.11.1. above, timber harvesting shall conform with the following provisions:~~

~~1. 40% limit. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:~~

~~1. No clearcuts within shoreline setback. Within one hundred (100) feet, horizontal distance, of the normal high water line of a great pond, and within seventy five (75) feet, horizontal distance, of the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~

~~2. Cleared openings farther than shoreline setback. At distances greater than one hundred (100) feet, horizontal distance, of a great pond, and greater than seventy five (75) feet, horizontal distance, of the normal high water line of other water bodies, tributary streams or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.~~

~~2. Harvesting in excess of 40%. Timber harvesting operations exceeding the 40% limitation in Section 6C.11.2.1 above may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the~~

~~purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.~~

- ~~3. **Accumulation of slash.** No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high water line of a water body or tributary stream shall be removed.~~
- ~~4. **Stream channel travel prohibited.** Timber harvesting equipment shall not use stream channels as travel routes except when:
 - ~~1. Surface waters are frozen; and~~
 - ~~2. The activity will not result in any ground disturbance.~~~~
- ~~5. **Crossing of flowing water.** All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
- ~~6. **Skid trail runoff.** Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~
- ~~7. **Soil exposure setback.** Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high water line of a water body or upland edge of a wetland.~~

6C.4211 Water Quality

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SECTION 7 CODE ENFORCEMENT OFFICER

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7.5 Procedure for Administering Permits

3. **Special Exceptions.** In addition to the criteria specified in Section 5.9 above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

4. The total footprint ~~ground floor~~ area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1500 square feet. This limitation shall not be altered by variance.

SECTION 8 DEFINITIONS

BUREAU OF FORESTRY: State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

COASTAL WETLAND: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service Association. Coastal wetlands may include portions of coastal sand dunes. All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

EXPANSION OF A STRUCTURE: An increase in the footprint floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

EXPANSION OF A USE: The additional use of more ~~floor~~ footprint of a structure, land or water area devoted to a particular use; additional one or more weeks of the use's operating season; or additional business hours of operation.

FOREST MANAGEMENT ACTIVITIES: ~~Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.~~

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FUNCTIONALLY WATER-DEPENDENT USES: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities ~~(excluding recreational boat storage buildings)~~, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, ~~retaining walls~~, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water dependent use.

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HAZARD TREE: a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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LAND MANAGEMENT ROAD: ~~A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.~~

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NON-CONFORMING STRUCTURE: A structure which does not meet any one or more of the following dimensional requirements; setback, height, ~~or~~ lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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NON-NATIVE INVASIVE SPECIES OF VEGETATION: species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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OUTLET STREAM: any perennial or intermittent stream, as shown on the most recent highest

resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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PRINCIPAL STRUCTURE OR USE: A structure or use other than one which is wholly incidental or accessory to another structure or use on the same premises lot.

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SAPLING: a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

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SEEDLING: a young tree species that is less than four and one half (4.5) feet in height above ground level.

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SKID ROAD OR SKID TRAIL: ~~A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.~~

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STORM-DAMAGED TREE: a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

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STRUCTURE: Anything temporarily or permanently located, built, constructed or erected, for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected as a permanent fixture on, above, or below the surface of the land, or water. The term includes structures temporarily or permanently located, including a porches, decks or patios. Anything constructed or erected that would be considered a structure but for the fact that it is temporary and not permanent which is within the shoreland zone as defined will also be considered a structure. The term structure shall not include flagpoles, church steeples, fences, poles customarily used for the transmission of electricity, television antennas, mailboxes radio antennas, driveways, roads, and subsurface wastewater disposal systems and wells. Sign posts, as referenced in the "Ordinance Regulating the Building and Street Numbering in the Town of Mount Desert", shall not be included as structures.

A. Permanent: A building or structure that is intended to remain in place for a period of more than 180 days in any consecutive 12-month period.

B. Temporary: A building or structure not meeting the definition of permanent.

~~TREE: A woody perennial plant whose trunk is 4" in diameter or more, measured at 4½' above ground level. A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity, fixed exterior wall planes as measured from the exterior faces of these walls and roof. (Excluding foundations, but including basements as defined in this section.)~~

Appendix C.1 (Article 22; warrant pg. 18)

<i>Internal Use Only</i>	
	<i>TEDOCS #:</i>
<i>CT#:</i>	_____
<i>CSN#:</i>	_____

**STATE OF MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL PARTNERSHIP AGREEMENT**

WIN 21930.08

REGARDING

ROUTE 3, MOUNT DESERT

This Cooperative Agreement (AGREEMENT) is entered into by and between the MAINE DEPARTMENT OF TRANSPORTATION ("MaineDOT"), an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the **TOWN OF MOUNT DESERT** ("MUNICIPALITY"), a municipality in the State of Maine with offices located at 21 SEA STREET, MOUNT DESERT, ME.

WHEREAS,

MOUNT DESERT shall perform a **HIGHWAY REHABILITATION** project (the "Project"). The work will consist of full depth pavement reclamation with drainage improvements and HMA overlay on ROUTE 3 from RLM 118.21 to RLM 119.31 (the Work"). **MOUNT DESERT** estimates this project at \$1,000,000.00

MOUNT DESERT SHALL:

- A. Procure all contracts for and oversee the Project on **ROUTE 3** for the Work outlined above.

- B. Cause such Work to be performed in accordance with a design by an engineer licensed in the State of Maine. The Licensed Engineer shall provide a certification to the Municipality and to MaineDOT that, in his/her professional opinion, the Project as designed will provide a smooth ride, not reduce the safety, mobility or structural quality of the state [state aid] road. All design documents must be stamped and signed in accordance with this provision by the Professional Engineer.

- C. Agree to secure all necessary Federal, State and Local permits necessary to complete the work. **MOUNT DESERT** also agrees to secure any needed property rights in accordance with all applicable State and Federal Law.

- D. Agrees that any exceptions to State Design Standards shall be documented as part of this process. This documentation shall compare the new design to the existing conditions for each of the exceptions to current design standards. Any such exceptions shall be displayed on the cover sheet for the Project plans with the signature and PE stamp of the engineer responsible for the design of the Project.
- E. Be responsible, within the Project limits, for the following:
 - a. Ensuring that the safety of the corridor and the life of the resulting structural and design elements are equal to or better than existing conditions and design;
 - b. Ensuring that the structures, roadways and/or design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
 - c. Ensuring that the Project does not introduce any unanticipated safety hazards to the traveling public;
 - d. Ensuring that the Project retains the same level of mobility or improves mobility of travel within the corridor;
 - e. Ensuring that the Project does not in any manner decrease the life expectancy of this component of Maine's transportation system; and,
 - f. Ensuring that the Project meets the most recent standards of Americans with Disabilities Act of 1990 (ADA) design requirements.
- F. Provide certification through their Engineer to MaineDOT that the Project is complete and was constructed as designed.
- G. Ensure that construction shall commence within EIGHTEEN (18) months and shall be certified complete within THIRTY SIX (36) months of execution of this agreement. **MOUNT DESERT** may forfeit the unpaid balance of this grant if these deadlines are not met or they can not demonstrate earnest and good faith efforts to meet them.
- H. Be responsible for or cause its contractors to be responsible for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of **MOUNT DESERT** or its contractors, including damage to vehicles passing through the Project limits.
- I. Bear all risk of loss relating to the Project and the Work regardless of cause.

MAINEDOT SHALL:

- A. **Provide a maximum \$500,000.00 in State funds supporting the Work stated above.** Reimbursement will be made by the Department at a minimum of 1/3 project completion upon receipt of supporting cost documentation from the Municipality. Payments will be made per Appendix A attached. The Department's Region Engineer shall review the costs and certify their eligibility prior to reimbursement of Municipal

Partnership Initiative Funds. Payment by MaineDOT Municipal Partnership Initiative funds shall not exceed \$500,000.00 or 50% of the actual costs incurred and paid by the Municipality.

- B. **This project has been approved for Calendar Year 2019.** If the Municipality commences construction of the project as outlined above prior to January 1, 2019, the Municipality assumes the risk and responsibility for costs incurred, in the event that funding levels fall below MaineDOT projections. If this occurs, the Municipality will not receive reimbursement from MaineDOT.

The TOWN OF MOUNT DESERT and MaineDOT agree to function within all applicable laws, statutes, regulations, and AGREEMENT provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT in duplicate effective on the day and date last signed.

TOWN OF MOUNT DESERT

Dated: _____

By: _____
Durlin Lunt
Town Manager

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

Dated: _____

By: _____
David Bernhardt, PE
Commissioner

APPENDIX A

**PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION**

Municipal Partnership Initiative Project

MUNICIPALITY OF MOUNT DESERT

PROPOSED IMPROVEMENTS TO: ROUTE 3

STATE PROJECT IDENTIFICATION NUMBER (WIN) 21930.08

FUNDED CONSTRUCTION YEAR 2019

Project Scope: Highway Rehabilitation

Funding Outline: The Total Project Estimated Cost is \$1,000,000.00, and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		State Share		Total Cost
	%	\$	%	\$	\$
Project Costs	50	500,000.00	50	500,000.00	1,000,000.00
PROJECT SHARES					
Total Cost of Additional Work above agreement estimate	100%				
TOTAL ESTIMATED MUNICIPAL REIMBURSEMENT		\$500,000.00			

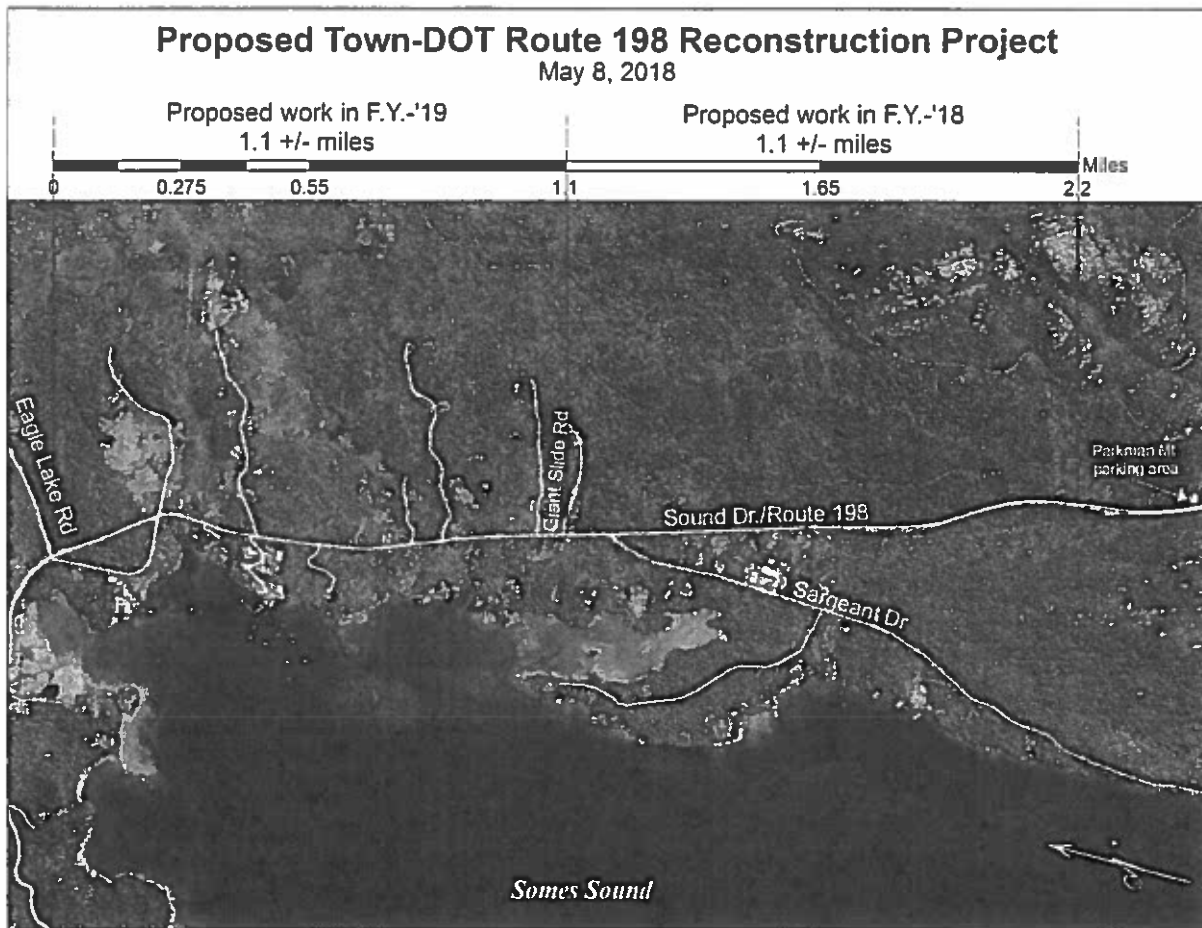
REIMBURSEMENT SCHEDULE:

Upon 1/3 project completion, the municipality may begin invoicing the Department. Preferred invoicing interval is 1/3, 2/3, final, the Department will accept monthly invoices after 1/3 project completion with a maximum invoice submittal not to exceed 5 invoices.

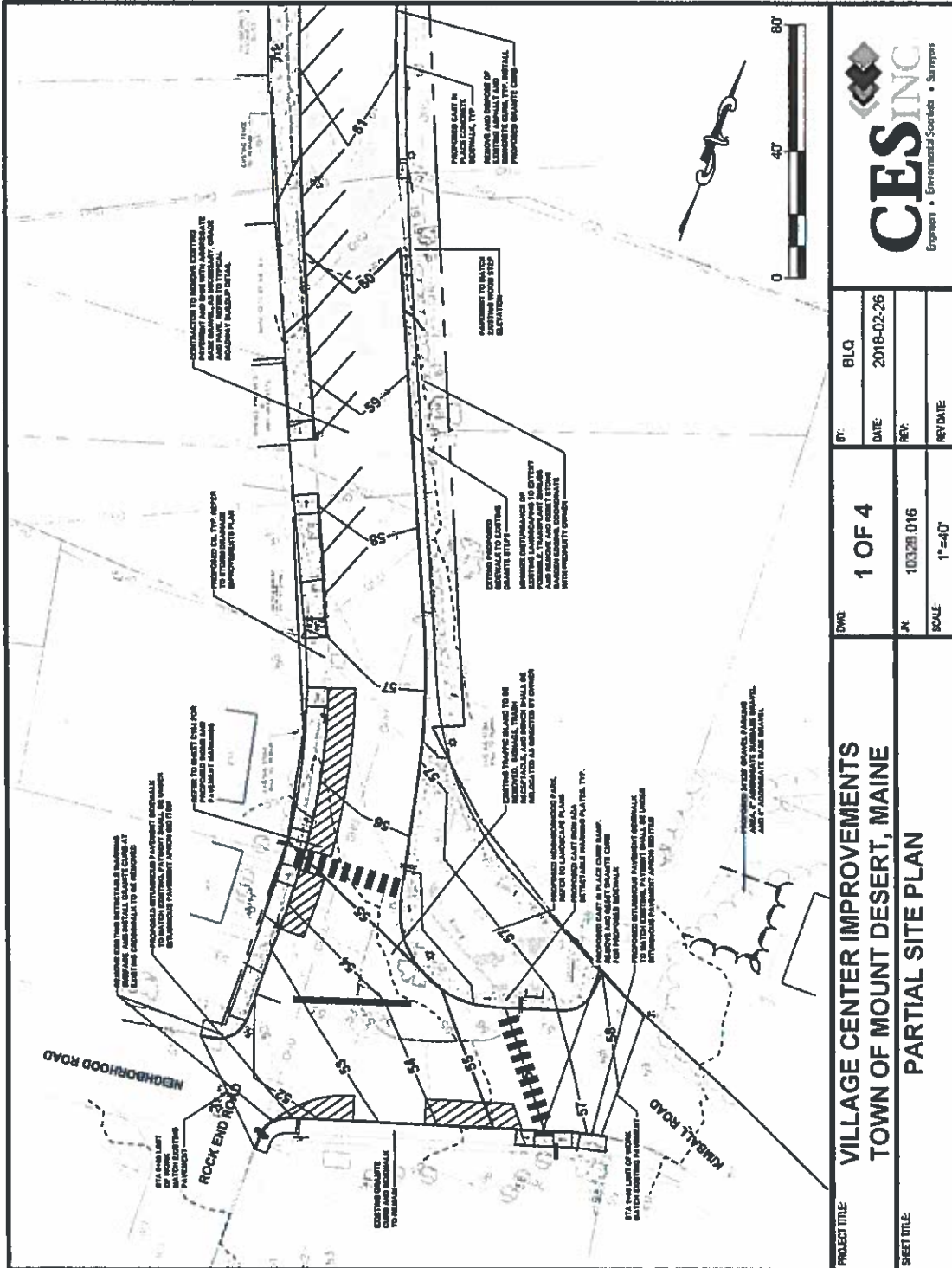
DESIGN EXCEPTIONS REQUIRED: __ YES X NO

Design exceptions were required for this project. Please see attached approval from MaineDOT Chief Engineer outlining design exceptions.

Appendix C.2 (Article 22; pg. 18)



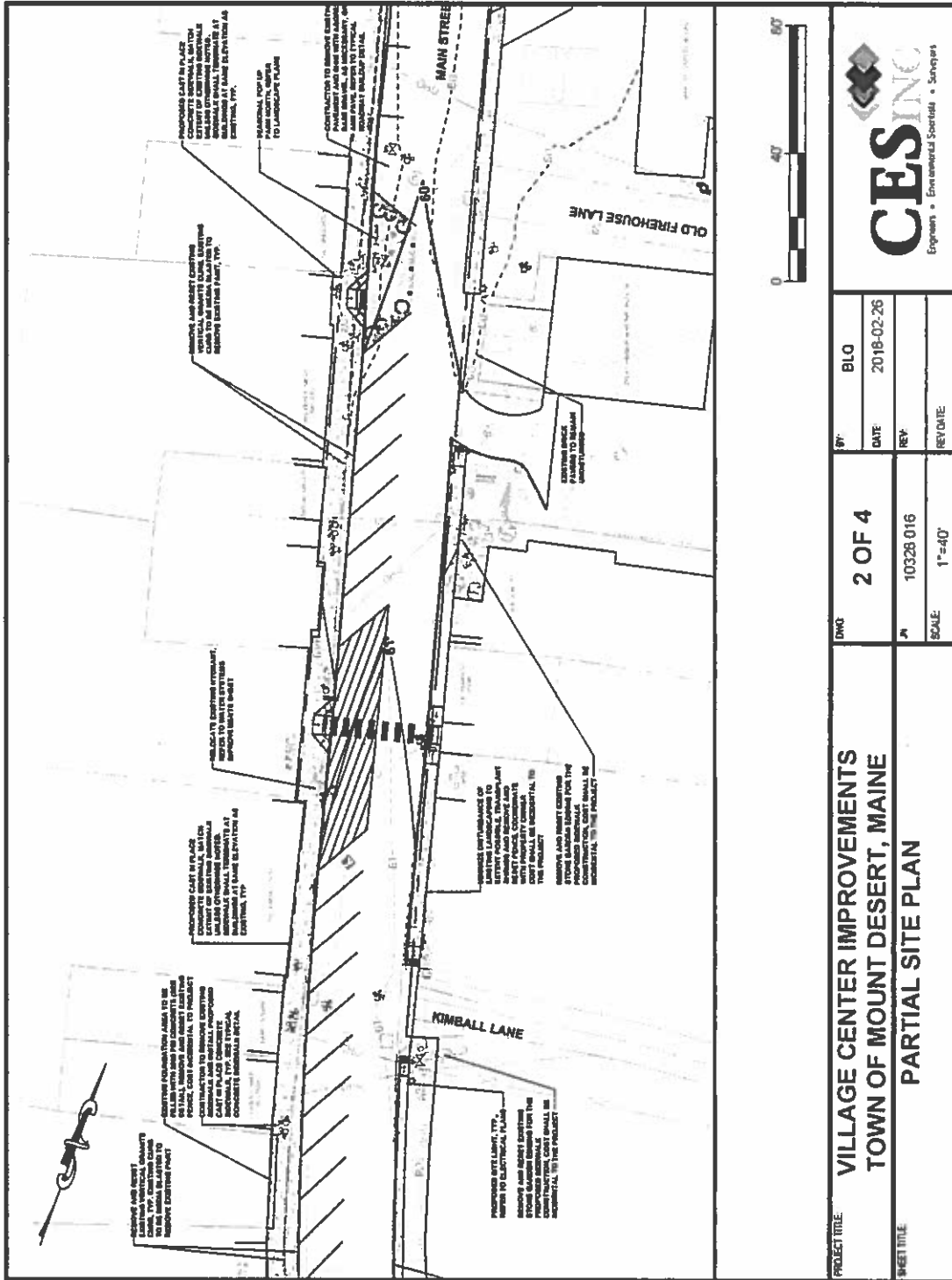
Appendix D.1 (Article 25; pg.20)
 NEH Streetscape Design



PROJECT TITLE: VILLAGE CENTER IMPROVEMENTS TOWN OF MOUNT DESERT, MAINE	DWG:	1 OF 4	BLQ:	
	SHEET TITLE: PARTIAL SITE PLAN	DATE:	2018-02-26	REV:
	JR:	100228.016	REV:	
	SCALE:	1"=40'	REV/DWG:	



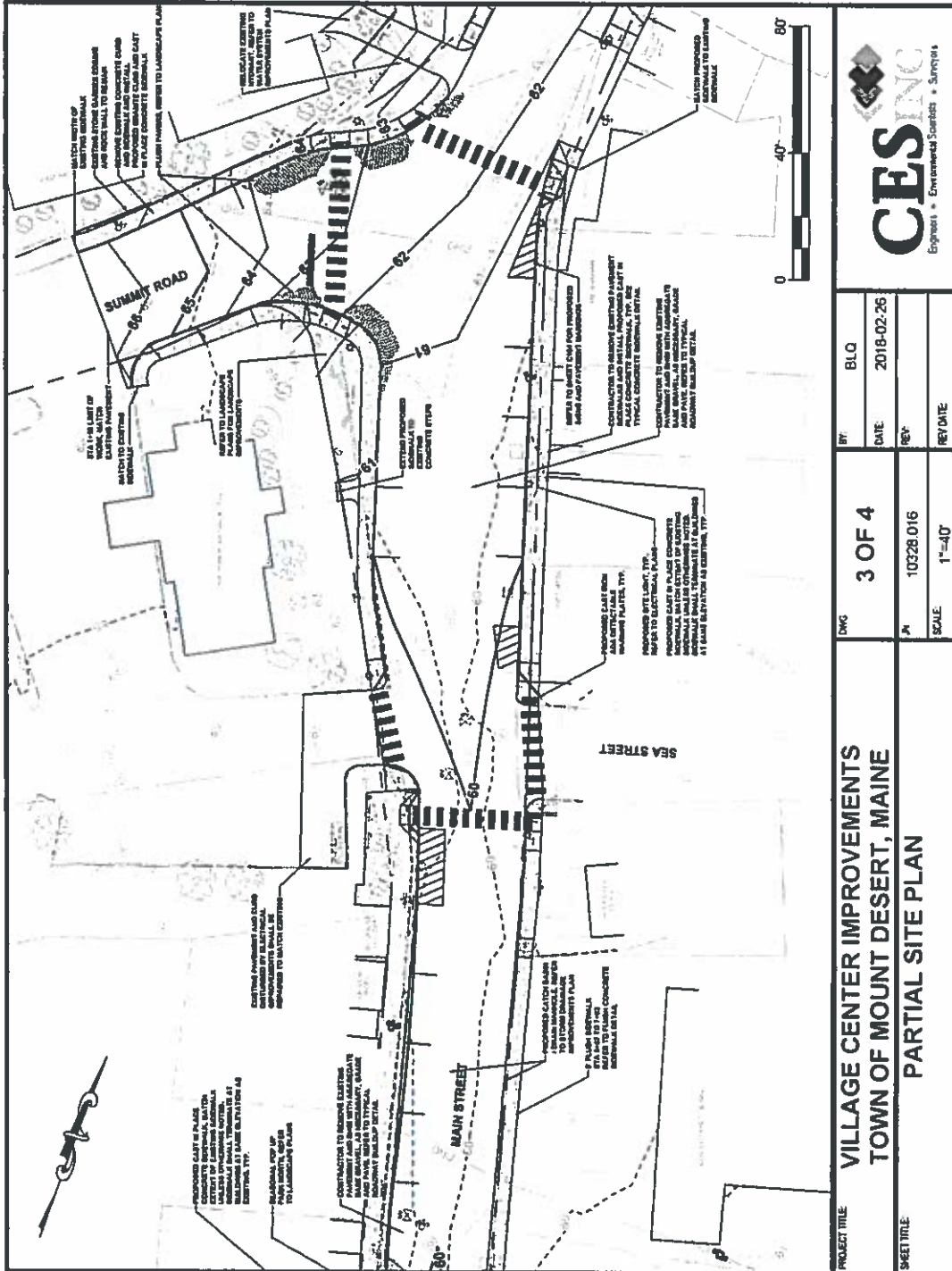
Appendix D.2 (Article 25; pg.20)
 NEH Streetscape Design



PROJECT TITLE: VILLAGE CENTER IMPROVEMENTS TOWN OF MOUNT DESERT, MAINE	BY:	BLO
	DATE:	2018-02-26
SHEET TITLE: PARTIAL SITE PLAN	NO:	2 OF 4
	SCALE:	1"=40'
	REV:	10328.016
	REV DATE:	



Appendix D.3 (Article 25; pg.20)
NEH Streetscape Design



CES INC
Engineers • Environmental Scientists • Surveyors

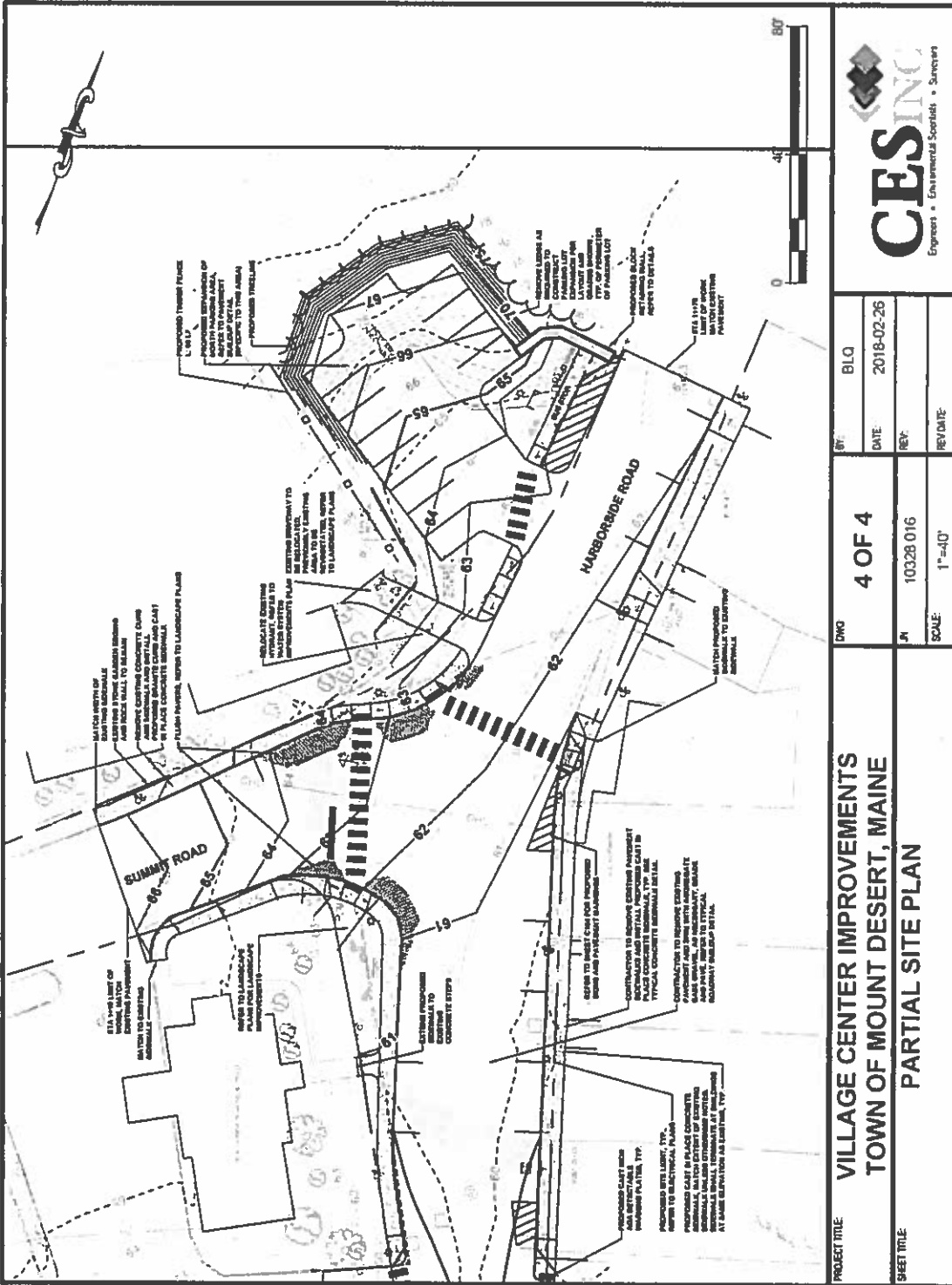
BY:	BLO
DATE:	2018-02-26
REV:	
REV DATE:	

DWG:	3 OF 4
PK:	10328.016
SCALE:	1"=40'

PROJECT TITLE: **VILLAGE CENTER IMPROVEMENTS
TOWN OF MOUNT DESERT, MAINE**

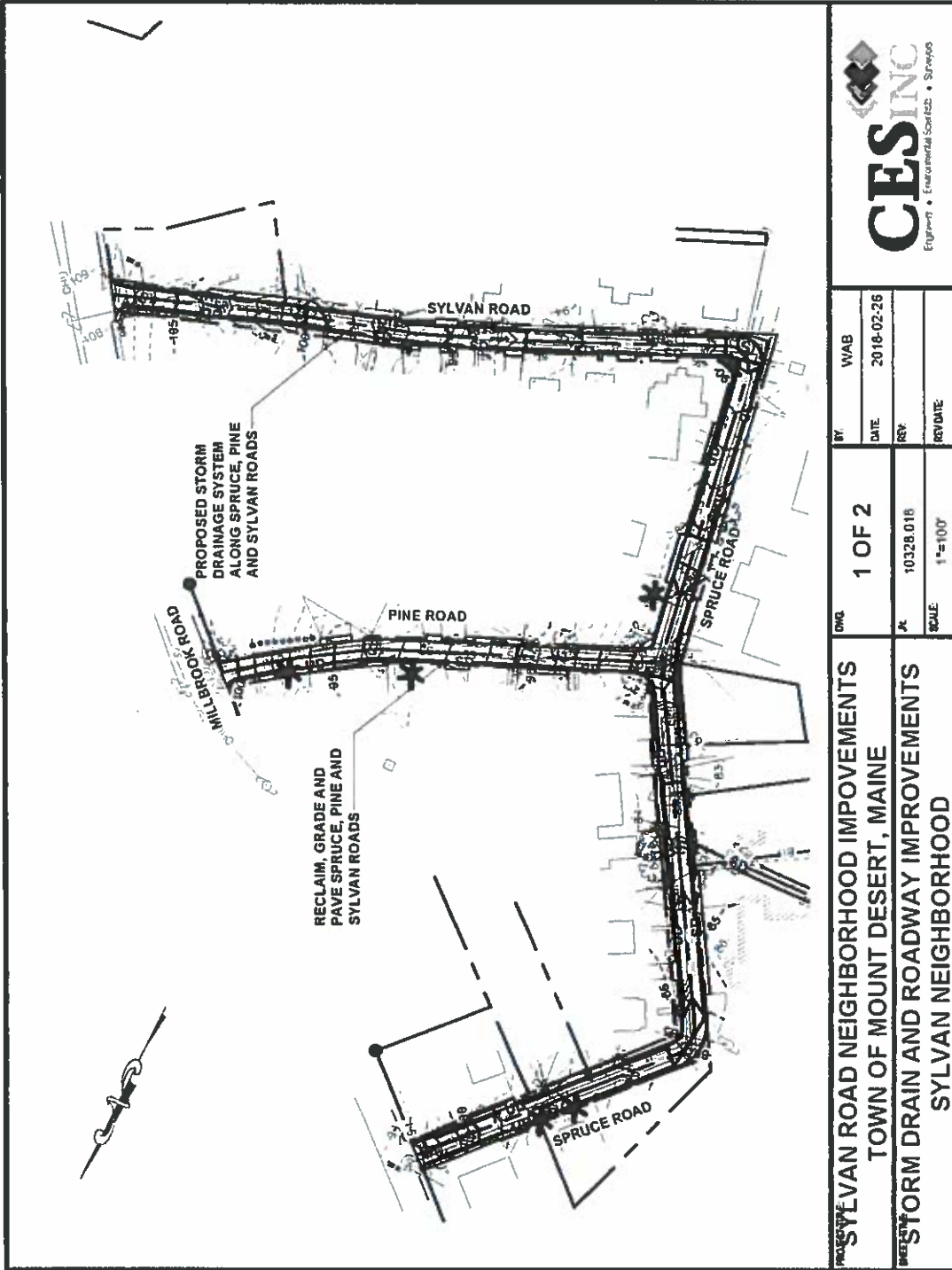
SHEET TITLE: **PARTIAL SITE PLAN**

Appendix D.4 (Article 25; pg.20)
NEH Streetscape Design



PROJECT TITLE VILLAGE CENTER IMPROVEMENTS TOWN OF MOUNT DESERT, MAINE	DWG	4 OF 4	BLQ	
	SHEET TITLE PARTIAL SITE PLAN	DATE 2018-02-26	REV 10328.016	
	SCALE 1"=40'	REV/DTE		

Appendix E.1 (Article 26; pg. 21)
Sylvan Road Drainage Project

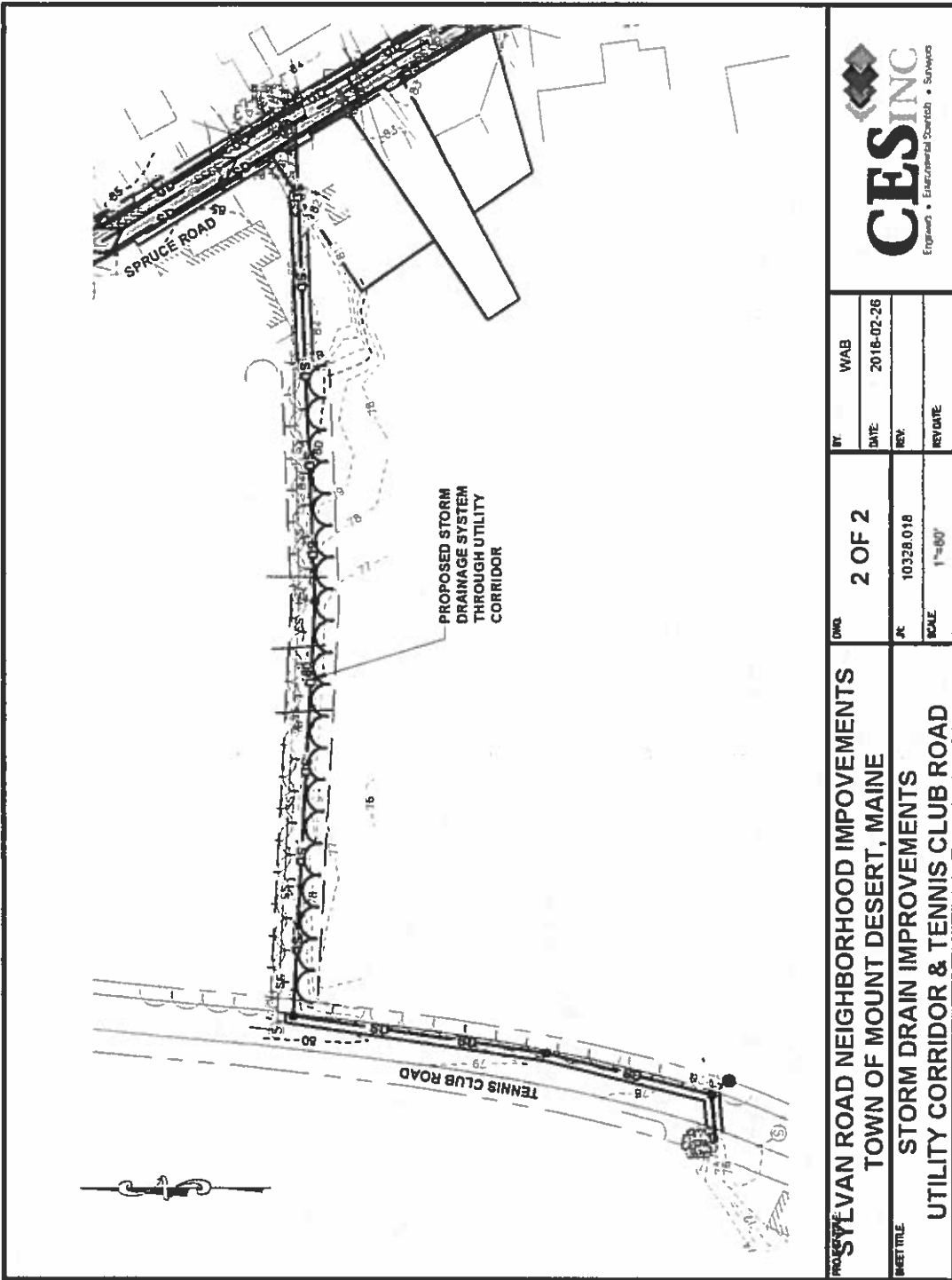


BY	WAB
DATE	2018-02-26
REP	
REVDATE	

DWG	1 OF 2
JK	10328.018
SCALE	1"=100'

SYLVAN ROAD NEIGHBORHOOD IMPROVEMENTS
TOWN OF MOUNT DESERT, MAINE
STORM DRAIN AND ROADWAY IMPROVEMENTS
SYLVAN NEIGHBORHOOD

Appendix E.2 (Article 26; pg. 21)
 Sylvan Road Drainage Project



PROJECT SYLVAN ROAD NEIGHBORHOOD IMPROVEMENTS TOWN OF MOUNT DESERT, MAINE SHEET TITLE STORM DRAIN IMPROVEMENTS UTILITY CORRIDOR & TENNIS CLUB ROAD	DATE 2016-07-26	BY WAB	 CES INC <small>Engineers • Environmental Scientists • Surveyors</small>
	REV.	REV. DATE	
	DATE 2016-07-26	DATE 2016-07-26	
	SCALE 1"=60'	SCALE 1"=60'	

Appendix F.1 (Article 39; pg. 26)
 Crosswalks

		WAB 2018-02-26
		1 OF 2 10328.019 NTS
CROSSWALK IMPROVEMENTS PHASE I TOWN OF MOUNT DESERT, MAINE		CROSSWALK #1, #2, #3 AND #4

Appendix F.2 (Article 39; pg. 26)
 Crosswalks

		WAB 2018-02-26
		2 OF 2
		CROSSWALK IMPROVEMENTS PHASE I TOWN OF MOUNT DESERT, MAINE
10328.019 NTS		CROSSWALK #5, #6 AND #7

**(Article 57; pg. 30)
Estimated Tax Rate**

Appendix G
Estimated Tax Rate

2018-2019 ESTIMATED TAX RATE				
	Proposed F.Y. 2018-2019	Budget Last Year F.Y. 2017-2018	Increase / (Decrease)	% Change
Municipal Budget (a)	\$9,639,795	\$9,234,966	\$404,829	4.20%
Less Projected Revenues (b)	\$1,629,462	\$1,560,777	\$68,685	4.22%
Net Municipal Budget	\$8,010,333	\$7,674,189	\$336,144	4.20%
Elementary School (c)	\$4,008,495	\$3,790,149	\$218,346	5.45%
High School (d)	\$2,906,851	\$2,896,907	\$9,944	0.34%
Hancock County Tax (e)	\$942,317	\$865,972	\$76,345	8.10%
Total	\$17,497,458	\$16,787,994	\$709,464	4.05%
Amount To Be Raised	\$15,867,996	\$15,227,217	\$640,779	4.04%
Estimated Taxable Valuation (f)	\$2,057,090,320	\$2,064,744,020	-\$14,603,000	-0.71%
Estimated 2018-2019 Tax Rate	\$7.78	\$7.42	\$0.36	4.63%

2018-2019 ESTIMATED TAX RATE / OVERLAY

Est. 2018-2019 Valuation times mill rate of	\$7.78	\$15,950,097	2017-2018 Tax Rate	\$7.42	per \$1,000
2018-2019 amount to be raised		\$15,867,996	2018-2019 Tax Rate	\$7.78	per \$1,000
Estimated Overlay		\$82,101	% Increase in Tax Rate	4.63%	

Each \$0.10 on the tax rate raises \$205,700

To Reduce Mill Rate by:	\$0.10	Requires either reducing	\$205,700
	\$0.20	spending or increasing	\$411,400
	\$0.30	revenues by some	\$617,100
	\$0.40	combination thereof.	\$822,800
	\$0.50		\$1,028,500
	\$0.60		\$1,234,300
	\$0.70		\$1,440,000
	\$0.80		\$1,645,700
	\$0.90		\$1,851,400
	\$1.00		\$2,057,100

- (a) = Current Version of Budget
- (b) = 2018-2019 Projected Revenue including transfer from undesignated fund balance
- (c) = Elementary School Budget
- (d) = High School Budget
- (e) = Hancock County Budget
- (f) = Estimate of taxable value includes 14.5 million loss in value to new exemptions

**(Article 57; pg. 30)
Tax Levy Worksheet**

2018 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET

Municipality: MOUNT DESERT, ME Contact Person*: KYLE AVILA Phone Number: (207)276-5531

* The Contact Person should be able to answer clarifying questions about the reported information.

The following two pages show how to calculate your municipality's property tax levy limit. Completing these pages is not mandatory, but doing so will help ensure that your municipality complies with Maine law on the rate of property tax increases. Information on new property, appropriations, and deductions should be collected from the assessor and the valuation book before completing these pages.

Calendar Year Municipalities - For communities with "calendar year" budgets, the use of the term 2017 refers to the budget year that ended at the end of 2017 or early 2018. The use of the term 2018 refers to the budget year that will end at the end of 2018 or in early 2019.

Fiscal Year Municipalities - For communities with "fiscal year" budgets, the use of the term 2017 refers to the July 1, 2016 to June 30, 2017 budget year. The use of the term 2018 refers to the July 1, 2017 to June 30, 2018 budget year.

LAST YEAR'S (2017) MUNICIPAL PROPERTY TAX LEVY LIMIT

This is the portion of 2017 property tax revenue used for municipal services.

- If last year the municipality committed LESS THAN or EQUAL TO the limit, enter last year's limit on Line 1 below
- If last year the municipality voted to EXCEED the limit ONCE (just last year), enter last year's limit on Line 1 below

1. LAST YEAR'S MUNICIPAL PROPERTY TAX LEVY LIMIT \$7,793,563

OR

- If last year the municipality voted to INCREASE the limit PERMANENTLY, complete Steps A-D below. The information needed for this calculation is on the *Municipal Tax Assessment Warrant*, filed in the Valuation Book

A. Last year's Municipal Appropriations (Line 2, 2017 Municipal Tax Assessment Warrant) _____

B. Last year's Total Deductions (Line 11, 2017 Municipal Tax Assessment Warrant) _____

C. If necessary, enter any revenue included in Total Deductions that paid for non-municipal appropriations, such as schools (if all deductions paid for municipal appropriations, enter "0") \$ _____

D. Add Lines A and C, and subtract Line B. Enter result on Line 1 above.

CALCULATE GROWTH LIMITATION FACTOR

- Each municipality's Growth Limitation Factor is based on local property growth and statewide income growth

2. Total New Taxable Value of lots (splits), buildings, building improvements, and personal property first taxed on April 1, 2017 (or most recent year available) \$11,369,385

3. Total Taxable Value of Municipality on April 1, 2017 (or most recent year available) \$2,063,479,220

4. Property Growth Factor 0.0055
(Line 2 divided by Line 3)

5. Income Growth Factor 0.0261
(provided by Office of Policy and Management)

6. Growth Limitation Factor 0.0316
(Line 4 plus Line 5)

7. Add 1 to the Growth Limitation Factor calculated in Line 6 1.0316
(For example, if Line 6 is 0.0362, then enter 1.0362 on Line 7.)

2018 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET

2018 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET

CALCULATE 2017-2018 CHANGE IN REVENUE SHARING (previously "NET NEW STATE FUNDS")

- Determine if revenue sharing increased or decreased. Years refer to municipal fiscal year

8. 2017 Municipal Revenue Sharing	<u>\$33,380</u>
9. 2018 Estimated Municipal Revenue Sharing	<u>\$34,490</u>
10. If Line 8 is greater than Line 9, then calculate Line 8 minus Line 9. Enter result at right; skip Line 11.	<u> </u>
11. If Line 9 is greater than Line 8, then complete 11A & 11B below	
A. Multiply Line 8 by Line 7.	<u>\$34,435</u>
B. Calculate Line 9 minus Line 11A. Enter result at right. (If result is negative, enter "0")	<u>\$55</u>

CALCULATE THIS YEAR'S (2018) MUNICIPAL PROPERTY TAX LEVY LIMIT

- This year's Property Tax Levy Limit is last year's limit increased by the Growth Factor and adjusted for revenue sharing.

12. Apply Growth Limitation Factor to last year's limit. (Line 1 multiplied by Line 7)	<u>\$8,039,916</u>
13 THIS YEAR'S MUNICIPAL PROPERTY TAX LEVY LIMIT	
If Line 9 is greater than Line 8 (revenue sharing increased), you MUST subtract Line 11B from Line 12. This is <u>required</u>	
OR If Line 9 is less than Line 8 (revenue sharing decreased), you MAY add Line 10 to Line 12. This is <u>optional</u>	
- Enter result at right	<u>\$8,039,861</u>

CALCULATE THIS YEAR'S (2018) MUNICIPAL PROPERTY TAX LEVY

- The information needed for this calculation is on the 2018 Municipal Tax Assessment Warrant, filed in the Valuation Book. Use estimates if necessary.

A. This year's Municipal Appropriations (Line 2, 2018 Municipal Tax Assessment Warrant)	<u>\$9,639,795</u>
B. This year's Total Deductions (Line 11, 2018 Municipal Tax Assessment Warrant)	<u>\$1,629,462</u>
C. If necessary, enter any revenue included in Total Deductions that paid for non-municipal appropriations, such as schools. (If all deductions paid for municipal appropriations, enter "0".)	<u>0</u>
14 THIS YEAR'S MUNICIPAL PROPERTY TAX LEVY (Add Lines A and C, and subtract Line B)	<u>\$8,010,333</u>

15. COMPARE this year's MUNICIPAL PROPERTY TAX LEVY to the LIMIT (Line 13 minus Line 14) \$29,528
(If the result is negative, then this year's municipal property tax levy is greater than the limit and a vote must be taken.)

16. Did the municipality vote to EXCEED the limit ONCE (just this year)? NO YES
(Voting to exceed the limit means the municipality will calculate next year's limit based on line 13.)

If "yes", please describe why:

17. Did the municipality vote to INCREASE the limit PERMANENTLY (for current and future years)? NO YES
(Voting to increase the limit means the municipality will calculate next year's limit based on line 14.)

If "yes", please describe why:

2018 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET

RETURN ON THE WARRANT

Hancock County, ss

State of Maine

TO: The Municipal Officers of the Town of Mount Desert

I certify that I have notified the voters of the Town of Mount Desert of the time and place of the Annual Town Meeting by posting an attested copy of the within warrant as follows:

<u>DATE</u>	<u>TIME</u>	<u>LOCATION OF POSTING</u>
_____	_____	<u>Town Office, Northeast Harbor</u>
_____	_____	<u>Post Office, Northeast Harbor</u>
_____	_____	<u>Post Office, Seal Harbor</u>
_____	_____	<u>Post Office, Mount Desert</u>

being public and conspicuous places in said Town and being at least ten (10) days prior to the date of the Annual Town Meeting.

Dated at Town of Mount Desert: _____

Attest:

James K. Willis, Jr. Constable
Town of Mount Desert

NEW BUSINESS



Town of Mount Desert

Claire Woolfolk, Town Clerk
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5531 Fax 207-276-3232
E-mail townclerk@mtdesert.org Web Address www.mtdesert.org

MEMO

DATE: March 23, 2018
TO: Board of Selectman
FROM: Claire Woolfolk, Town Clerk *Claire*
RE: Shellfish Conservation Closure

The Shellfish Committee requests approval from the Board of Selectmen to amend the existing seasonal closure 25 days earlier for transplanting activity on 4/5/18 (the usual date for closure is 5/1). The conservation closure will meet the harvest restriction period for the shellfish transplant permit awarded by the Maine Department of Marine Resources.

The closure area is defined as: The shellfish harvesting area 44 conditional area D.2. in Northeast harbor defined by Maine DMR as the area "north of a line across the mouth of the harbor beginning at the base of a private pier approximately 175 yards south of the Clifton Dock, running northeast approximately 330 yards to the base of a private pier on the opposite shore AND east of a line beginning at an unnamed point of land approximately 150 yards east of the harbor boat launch ramp, then running north to the base of the third private pier north of the marina."

Please see the attached maps for a visual identification of the closure and transplant area.



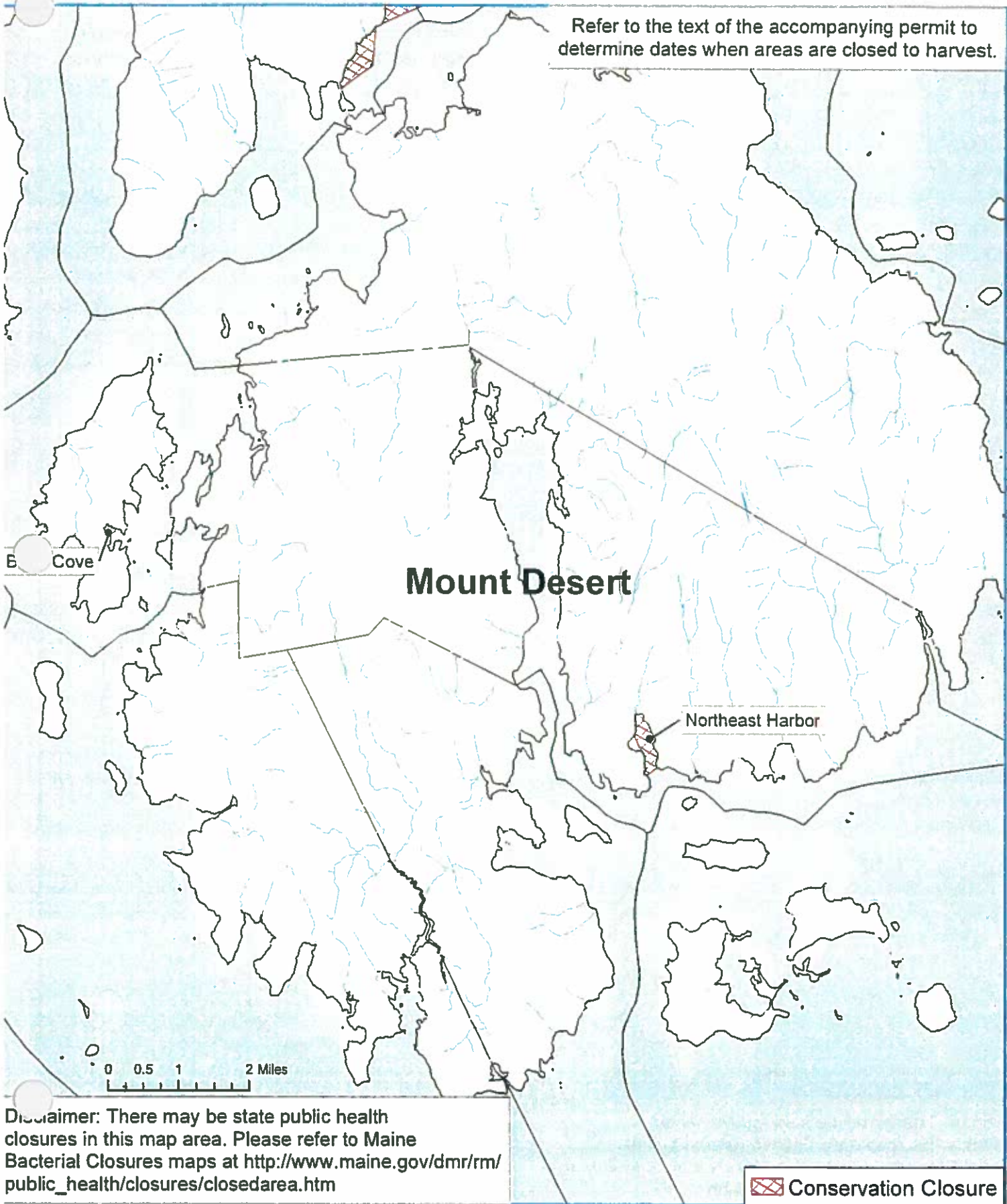
Maine Department of Marine Resources

Mount Desert

Municipal Conservation Closures



Refer to the text of the accompanying permit to determine dates when areas are closed to harvest.



Disclaimer: There may be state public health closures in this map area. Please refer to Maine Bacterial Closures maps at http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm

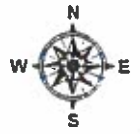
 Conservation Closure



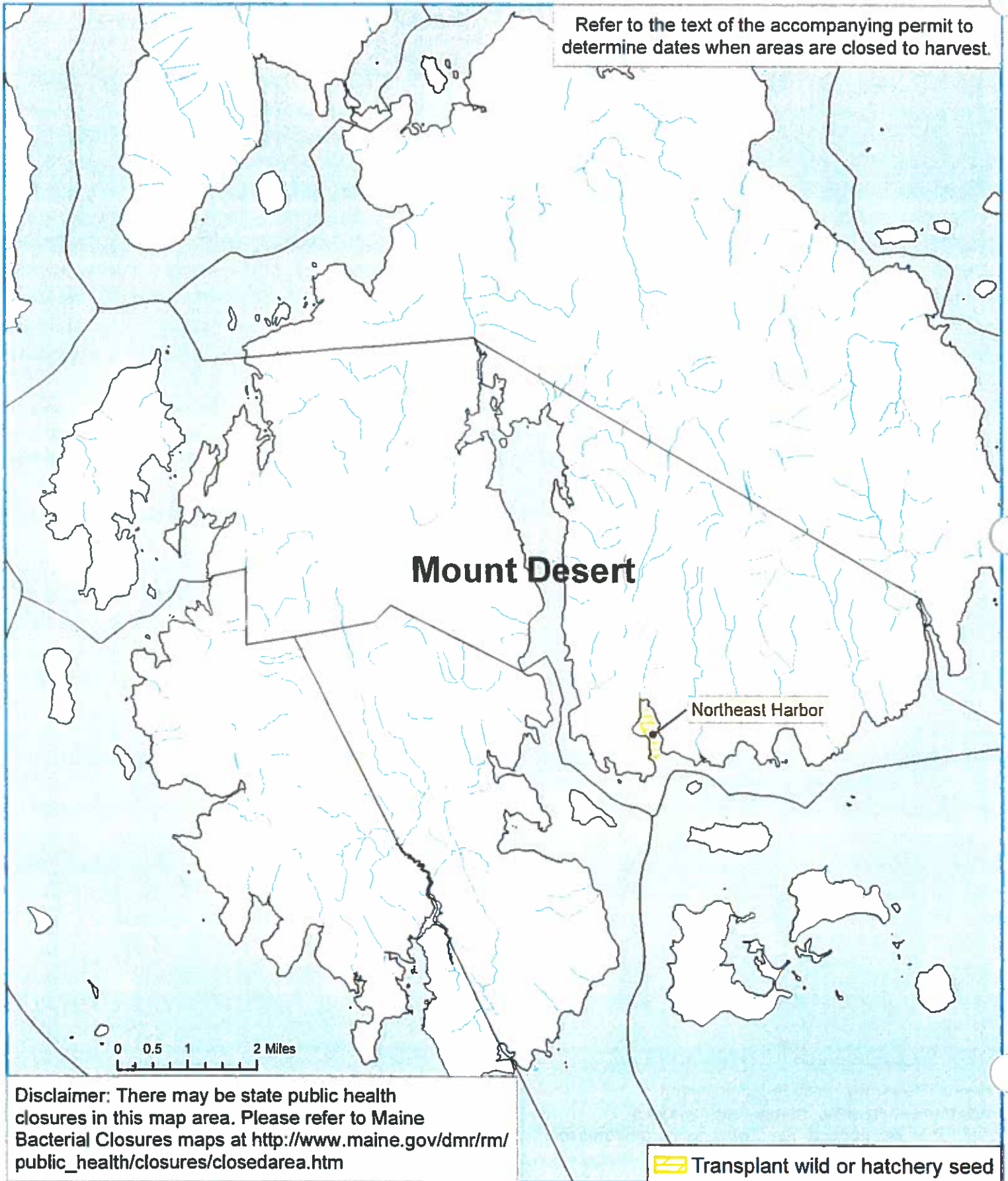
Maine Department of Marine Resources

Mount Desert

Municipal Clam Reseeding or Transplant Projects



Refer to the text of the accompanying permit to determine dates when areas are closed to harvest.



Disclaimer: There may be state public health closures in this map area. Please refer to Maine Bacterial Closures maps at http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm

 Transplant wild or hatchery seed

Dongchun Jiang

RECEIVED



MAR 23 2018

THE TOWN OF
MOUNT DESERT

48 E Maxwell Dr.
West Hartford, CT

06107

Cell: 207-288-9889

Daisy.jiang@jax.org

March 19, 2018

Tax Collector Office
21 Sea Street
P.O. Box 248
Northeast Harbor, ME 04662

Re: Request for waiving interest on the 2017 property tax for 28 Tamarack Ln owned by Dongchun Jiang, and request for address change

Dear Selectman and Assessor:

I, Dongchun Jiang, used to be a Mount Desert resident, who still owns the property at 28 Tamarack Ln. I moved to the state of Connecticut in early 2015. I truly apologize that I missed the payment on 2017 year assessed property tax.

During the past weekend, I worked on my individual tax return and couldn't find a record of paying the town taxes. And I just confirmed with your office this morning that I didn't update my address and haven't paid the bill. I would like to request to waive the interest portion on the bill, and request to update my address to 48 E Maxwell Dr., West Hartford, CT 06107.

Please accept my sincere apology. I have been a diligent payer in the past many years. It's totally my fault that I have missed the payment. I really appreciate your kind consideration in waiving the interest. Please see enclosed check in paying the principal.

Looking forward to hearing from you. Thank you so much in advance.

Warm regards,


Dongchun Jiang





TOWN OF MOUNT DESERT
P.O. Box 248
Northeast Harbor, ME 04662-0248
 For the fiscal year July 01, 2017 to June 30, 2018

OFFICE HOURS
 Monday through Friday 8:30 a.m. to 4:30 p.m.

2018 REAL ESTATE TAX BILL

CURRENT BILLING INFORMATION	
LAND VALUE	\$190,900.00
BUILDING VALUE	\$276,200.00
TOTAL: LAND & BLDG	\$467,100.00
Machinery & Equipment	\$0.00
Furniture & Fixtures	\$0.00
Computers	\$0.00
MISCELLANEOUS	\$0.00
TOTAL PER. PROP.	\$0.00
HOMESTEAD EXEMPTION	\$20,000.00
OTHER EXEMPTION	\$0.00
NET ASSESSMENT	\$447,100.00
TOTAL TAX	\$3,317.48
LESS PAID TO DATE	\$0.00
TOTAL DUE →	\$3,317.48

**THIS IS THE ONLY BILL
 YOU WILL RECEIVE**

JIANG, DONGCHUN
 28 TAMARACK LANE
 MOUNT DESERT ME 04660

MAP/LOT 012-023-004
 LOCATION 28 TAMARACK LANE
 ACREAGE 3.01
 ACCOUNT 001367 RE

MIL RATE: 7.42
 BOOK/PAGE: B6452P151 08/31/2015

TOTAL DUE \$3,317.48

TAXPAYER'S NOTICE

Notice is hereby given that your county, school, and municipal property tax is due 07/01/2017.
INTEREST WILL BE CHARGED AT THE RATE OF 7% PER ANNUM STARTING 09/01/2017.
 If you have sold your real estate since April 1, 2017, it is your obligation to forward this bill to the current property owner.
 If a bank or mortgage company pays your taxes, please review this bill and forward a copy to them.
PARTIAL PAYMENTS ARE WELCOME, SEE ATTACHED TAX CLUB NOTICE.

INFORMATION

Maine law requires us to inform you that your property tax already has been reduced by 2.38% due to funds the Town of Mount Desert anticipates it will receive during the fiscal year from State Revenue Sharing, Aid for Education and the Homestead Exemption.

As of June 30, 2017 the Town of Mount Desert has outstanding bonded indebtedness in the amount of \$17,254,639.63.
 Tax Assessor (207) 276-5531 Ext 116 - for information or questions regarding valuations, exemptions or changes.
 Tax Collector (207) 276-5531 Ext 119 - for information or questions regarding payments, interest or refunds.

CURRENT BILLING DISTRIBUTION

SCHOOL	\$1,456.37	43.900%
HANCOCK COUNTY	\$189.10	5.700%
MUNICIPAL	<u>\$1,672.01</u>	<u>50.400%</u>
TOTAL	\$3,317.48	100.000%

REMITTANCE INSTRUCTIONS

Taxes may be paid by mail. Please make checks or money orders payable to the
 Town of Mount Desert and mail to:

TAX COLLECTOR
TOWN OF MOUNT DESERT
P.O. BOX 248
NORTHEAST HARBOR, ME 04662-0248

If a receipt is desired, please submit a self-addressed, stamped envelope with your payment.

Please visit our website @ www.mtdesert.org for information on how to pay taxes online. Please e-mail assess@mtdesert.org if you would like your tax bill e-mailed to you for next years's taxes.

TOWN OF MOUNT DESERT, PO BOX 248, NORTHEAST HARBOR, ME 04662-0248



ACCOUNT: 001367 RE
 NAME: JIANG, DONGCHUN
 MAP/LOT: 012-023-004
 LOCATION: 28 TAMARACK LANE
 ACREAGE: 3.01

INTEREST BEGINS AFTER 08/31/2017

DATE	AMOUNT DUE	AMOUNT PAID
07/01/2017	\$3,317.48	

PLEASE REMIT THIS PORTION WITH YOUR PAYMENT

TOWN OF MOUNT DESERT
PUBLIC SPACE SPECIAL EVENT APPLICATION
Application Fee - \$10.00

NOTE - Applications are due 60 days prior for major events and
30 days prior to event for minor events.

REC'D
MAR 28 2018
THE TOWN OF
MOUNT DESERT

PERMIT #: 3-2018 DATE OF EVENT: MAY 28, 2018

DATE APPLICATION RECEIVED: 3.28.2018

PUBLIC SPACE REQUESTED: Please check: Northeast Harbor Marina Green
Seal Harbor Village Green Suminsby Park Otter Creek Playground
Hall Quarry Park Pond's End

TYPE OF EVENT - MAJOR OR MINOR (SEE POLICY FOR DEFINITIONS)
(circle one)

APPLICANT: THE NEIGHBORHOOD HOUSE Anne-Marie Hart
(Print) (Signature)

MAILING ADDRESS: PO BOX 332, NEH, ME 04602

PHONE: _____ 207.276.5039 _____
(Home) (Business) (cellular)

OTHER CONTACT INFO: annemarie@theneighborhoodhouse.com
(Email)

AGENT: ANNE-MARIE HART Anne-Marie Hart
(Print) (Signature)

AGENT MAILING ADDRESS: P.O. Box 910, NEH, ME 04602

PHONE: _____ 207.276.5039 _____
(Agent home) (Agent business) (Agent cellular)

OTHER CONTACT INFO: _____
(Agent email) (Agent fax)

What is the tax status of the applicant? Non-profit

Does the applicant propose that amplified sound be used for event? Yes _____ No
If yes, include description:

USE REQUESTED (Applicant, review the Public Space Use Policy, then explain what you want to do)

ANNUAL MEMORIAL DAY COMMUNITY BBQ
11AM - 1PM

Approved this _____ day of _____, 20____, by a majority of the Board of Selectmen:

RECEIVED

MAR 28 2018

THE TOWN OF MOUNT DESERT

TOWN OF MOUNT DESERT PUBLIC SPACE SPECIAL EVENT APPLICATION

Application Fee - \$10.00

NOTE - Applications are due 60 days prior for major events and 30 days prior to event for minor events.

PERMIT #: 4-2018 DATE OF EVENT: JULY 19, 2018

DATE APPLICATION RECEIVED: 3-28-2018

PUBLIC SPACE REQUESTED: Please check: Northeast Harbor Marina Green [X] Seal Harbor Village Green Suminsby Park Otter Creek Playground Hall Quarry Park Pond's End

TYPE OF EVENT - MAJOR OR MINOR (SEE POLICY FOR DEFINITIONS) (circle one)

APPLICANT: THE NEIGHBORHOOD HOUSE (Print) Ann-Marie Hart (Signature)

MAILING ADDRESS: PO BOX 332, NEH, ME 04862

PHONE: 207.276.5039 (Home) (Business) (cellular)

OTHER CONTACT INFO: annemarie@theneighborhoodhouse.com (Email)

AGENT: ANNE-MARIE HART (Print) Ann-Marie Hart (Signature)

AGENT MAILING ADDRESS: PO BOX 910, NEH, ME 04862

PHONE: 207.276.5039 (Agent home) (Agent business) (Agent cellular)

OTHER CONTACT INFO: (Agent email) (Agent fax)

What is the tax status of the applicant? (Non-profit)

Does the applicant propose that amplified sound be used for event? Yes No [X]

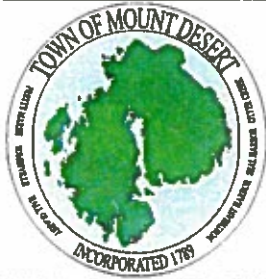
If yes, include description:

USE REQUESTED (Applicant, review the Public Space Use Policy, then explain what you want to do)

FREE COMMUNITY STEEL DRUM CONCERT 5PM - 10:30PM

Approved this ___ day of ___, 20___, by a majority of the Board of Selectmen:

Signature lines for Board of Selectmen



Town of Mount Desert

Michael Bender, Fire Chief
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5111

Fax 207-276-5732

Web Address www.mtdesert.org

firechief@mtdesert.org

Memo

To: Durlin Lunt, Town Manager

From: Mike Bender, Fire Chief

CC: Tony Smith, Public Works Director

Date: March 28, 2018

Re: Station #2 Window Replacement Project

I would like to inform the Board of Selectman that we will be soliciting bids to replace all the exterior windows (except for the dormer units on the south wall that were replaced last year) at fire station #2 (Seal Harbor). With assistance from the Public Works Director, a bid package has been prepared. We plan to run ads for two weeks, starting on April 12th. Bid openings will be on May 24th and a request to award the selected bid submittal will be on the June 6th Board of Selectman's agenda. Project completion date is set for November 4, 2018.

The current windows were installed when the station was built in 1989. They have begun to show signs of leaking seals between the outer and inner panes. One pane has already broken and there is evidence that others are bowing in the center of the glass. There are also indications of some water damage having occurred in and around a few the windows on the first floor. The bid specifications include repairing or replacing any materials that have sustained water damage before new window units are installed.

A new line for this project was created in the Fire Department's CIP and funds were requested and approved at last Town meeting. I have asked the Public Works Director to perform the bid opening and recommend a contractor to avoid any possible conflict of interest between the Fire Chief and potential bidders.

Thank you.



Town of Mount Desert
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248
Telephone 207-276-5743 Fax 207-276-5742
www.mtdesert.org director@mtdesert.org

MEMO

To: Durlin Lunt, Jr., Town Manager
From: Tony Smith, Public Works Director
Re: Youth in Politics Proposed Project
Date: March 29, 2018

I met with four members of the Youth in Politics group and one of their advisor's, Kyle Avila, on March 27, 2018. They were interested in learning about public works and had some great questions. They also described two civics projects they would like to undertake for the town, one at Suminsby Park and one on the Village Green.

At Suminsby Park, the Group would like to collect the broken glass along the Parks Somes Sounds shoreline and construct a sculpture out of it. Once completed, they propose erecting the sculpture somewhere on the Park grounds. My suggestion is that they come back to you and the Board of Selectmen with a written proposal for what the sculpture might look like, it's approximate size, what the base might look like, and how long they would recommend it remain in place.

The project being considered for the Village Green by the Group is the construction of an ice skating rink for next winter for general public use. Some thoughts discussed at our meeting were constructing it in the low, settled part of the Village Green, the possibility of the fire department providing the water to build the ice sheet and possibly flooding the rink area periodically through the winter. As with the proposed project for Suminsby Park, it might be prudent for the Group to put their proposal in writing to the Board and discuss it with them at a future Board meeting. The proposal could consider including a description of what the rink would look like, where the building materials would be obtained needed to build it, who will build the structure to contain the water and ice, who will be responsible for removing the snow from the ice, will hockey be allowed or just skating and other nuances associated with an outdoor skating rink.

I request that the Board acknowledge the Groups ideas at their April 2nd meeting and indicate if they would consider approving the projects at a future meeting and subject to the information contained in the written proposals I mentioned above. I will contact the Group and make them aware of the Board's decision.

Thank you.

Cc. Shepherd Brown, Youth in Politics President
Kyle Avila, Youth in Politics Advisor



Town of Mount Desert

Joelle D. Nolan, Town Clerk
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5531 Fax 207-276-3232
E-mail jnolan@mtdesert.org Web Address www.mtdesert.org

MEMO

DATE: March 30, 2018

TO: Board of Selectmen

FROM: Claire Woolfolk, Town Clerk *Claire*

RE: Municipal Officer's Certifications of Official Text for Proposed Ordinances

Pursuant to Maine Statute 30-A§3002(2) regarding the enactment of new ordinances or changes to existing ordinances: "The municipal officers shall certify one copy of the proposed ordinance to the municipal clerk at least 7 days before the day of meeting. The clerk shall keep that copy as a public record and shall make copies available for distribution to the voters from the time of certification. Copies shall be made available at the town meeting."

The following pages represent this certification process for the proposed ordinances/changes for the May 8, 2018 Annual Town Meeting.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled **Alewife Ordinance** of the Town of Mount Desert, which is to be presented to the voters for their consideration on May 8, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Given under our hands at Mount Desert the second day of April 2018, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Matthew J. Hart, Vice Chairman

Wendy H. Littlefield, Secretary

Martha T. Dudman

James F. Mooers

ALEWIFE ORDINANCE
TOWN OF MOUNT DESERT

Enacted December 3 & 8, 2007, Annual Town Meeting

Amended May 6, 2008 Annual Town Meeting

Amended May 5, 2009 Annual Town Meeting

Amended May 4, 2010 Annual Town Meeting

Amended May 3, 2011 Annual Town Meeting

Amended May 7, 2012 Annual Town Meeting

Amended May 6, 2013 Annual Town Meeting

Amended May 6, 2014 Annual Town Meeting

Amended May 5, 2015 Annual Town Meeting

Amended May 3, 2016 Annual Town Meeting

Amended May 2, 2017 Annual Town Meeting

Amended May 8, 2018 Annual Town Meeting

"Regulations for the taking of alewives and blue back herring shall be as follows: For the year July 1, 2018 through June 30, 2019 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert."

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled **Amendments to the Solid Waste Ordinance** of the Town of Mount Desert, which is to be presented to the voters for their consideration on May 8, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Given under our hands at Mount Desert the second day of April 2018, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Matthew J. Hart, Vice Chairman

Wendy H. Littlefield, Secretary

Martha T. Dudman

James F. Mooers

**SOLID WASTE ORDINANCE
of the
TOWN OF MOUNT DESERT**

**ENACTED MAY 6, 2014
Revised and Enacted May 8, 2018**

SECTION 1: AUTHORITY

This Ordinance is created under the authority granted to the Town of Mount Desert (hereinafter the “Town”) by Title 38 M.R.S.A., §1301 et seq. (the Maine Hazardous Waste, Septage and Solid Waste Management Act) and the Town’s home rule authority pursuant to the Maine Constitution and 30-A M.R.S. § 3001 et seq.

SECTION 2: PURPOSE

- 2.1. To protect the health, safety and general well-being of the citizens of the Town.
- 2.2. To enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing a comprehensive, rational and effective means of regulating the disposal of solid waste.
- 2.3 To recognize that the use of single use plastic bags typically provided by vendors is not an environmentally sound use of resources and residents of and visitors to the Town are striving to use alternate means such as reusable cloth bags and other reusable items to collect and transport their goods.
- 2.4. To encourage and expand solid waste recycling and waste reduction.
- 2.5. To control solid waste in the Town by establishing limitations, prohibiting certain acts generating solid waste and to enforce the provisions of this Ordinance.
- 2.6. To control the costs of solid waste management to the taxpayers of the Town.

SECTION 3: DEFINITIONS

3.1. Terms used in this Ordinance that are defined in 38 M.R.S.A. §1303-C as may be amended from time to time, shall have the meaning prescribed in §1303-C and that meaning shall be controlling, notwithstanding any contrary definition in the Ordinance or in any dictionary. The §1303-C definitions are set forth in Appendix A to this Ordinance; Appendix A shall be updated regularly (at least annually). Any word not otherwise defined shall have its customary dictionary meaning.

This Ordinance provides the following definitions:

Acceptable Waste - solid waste (as defined herein) that is capable of processing at the Town's designated processing facility and/or otherwise handled by the Town's solid waste collection service.

Authorized Individual - means any person, partnership, corporation or other entity that either owns, rents, leases (on a permanent or temporary basis) a dwelling or operates a commercial establishment in Town.

Agricultural Solid Wastes - wastes produced from the raising of plants and animals for food, including manure, plant stalks, hulls and leaves.

Ash - residue, including cinders and fly ash from the burning of solid fuels for cooking and heating, and from on-site incineration of refuse materials.

Bulky Objects - abandoned vehicles, stoves and refrigerators, large furniture, tree trunks, stumps and brush.

Commercial Solid Wastes - wastes that originate in wholesale, retail, or service establishments, such as office buildings, stores, markets, theaters, hotels and warehouses.

Construction and Demolition Debris (CDD) - solid waste resulting from construction, remodeling, repair, and demolition of structures, and as specifically defined in 38 MRS § 1303-C (see Appendix A attached).

EMR - Eastern Maine Recycling located in Southwest Harbor, Maine, is a licensed solid waste transfer station that also provides solid waste recycling services.

Fiberight dba Coastal Resources of Maine, LLC - Fiberight is a licensed facility located in Hampden, Maine, licensed by the Maine DEP for solid waste processing.

Garbage - every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including but not by way of limitation, used food containers and all putrescible or easily decomposable waste animal or vegetable matter that is likely to attract flies or rodents), except (in all cases) any matter included in the definition of bulky waste, construction and demolition debris, dead animals, hazardous waste, rubbish or stable matter.

Green Wood - land clearing debris that is reasonably free of soil material and rock and bark, shavings, slash, and plant and vegetable matter from gardens and landscapes.

Hazardous Waste/ Universal Waste – shall be as defined by 38 M.R.S. §1303-C (Appendix A attached).

Industrial Waste - wastes generally discarded from industrial operations or derived from manufacturing processes but not including a) hazardous waste or b) special waste which by reason of its composition, characteristics or other properties is not ordinarily acceptable for disposal at sites licensed for disposal of municipal solid waste. Excluded special waste shall include, but not be limited to friable asbestos and oil-contaminated soil.

Municipal Wastes - the combined residential and commercial wastes generated within the Town.

Non-Resident - a person who does not reside in or pay property taxes to the Town.

Refuse – a broad term and is synonymous with “solid waste” and shall be defined as any of a wide variety of solid materials as well as some liquids in containers, which are discarded or rejected as being spent, useless, worthless, or in excess.

Resident - a person who resides in or occupies a residential property and/or pays property taxes to the Town.

Residential Waste - waste generated in houses, apartments and other dwelling units, including paper, cardboard, beverage and food cans, plastics, food wastes, and glass containers.

Sewerage Treatment Wastes - screenings, grease, scum and grit from the Town of Mount Desert Publicly Owned Treatment Works.

Solid Waste—waste as defined in 38 MRS § 1303-C (see Appendix A attached).

Special Wastes- waste as defined in 38 MRSA 1303-C (see Appendix A attached)

Tipping Fee - the fee charged to the Town by a facility such as EMR or, Fiberight, etc. for transport or disposal of solid waste.

Unacceptable Waste - solid waste of a type that municipalities are authorized to regulate under 38 MRS § 1305, as amended, and that are prohibited at EMR (for transport to the Town’s designated acceptable waste processing facility) or at that designated waste processing facility.

Wood Waste - means brush, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust, and wood from production rejects that are not mixed with other solid or liquid waste. For the purpose of this definition, “lumber” is entirely made of wood and is free from metal, plastics, and coatings. Wood Waste does not include painted wood or pressure treated wood. These would be included with Construction and Demolition Debris, as defined. Wood Waste also does not include Green Wood, as defined.

SECTION 4: REGULATED ACTIVITY

4.1. The accumulation, collection, transportation and disposal of acceptable wastes and unacceptable wastes generated within the Town shall be regulated in the following manner:

4.1.1 All acceptable waste generated within the Town shall be deposited roadside at locations designated by the Town in appropriate containers and collected by the Town or appropriate licensed commercial hauler.

4.1.2 All unacceptable waste, including hazardous waste, special waste, universal waste, CDD waste, hot loads, and certain wood wastes, shall be subject to the

Materials Disposal Restrictions set forth in Section 4.3 below and shall be handled by licensed firms and deposited at licensed facilities out of Town consistent with Section 4.2 below. Violations of this Section 4 shall be subject to enforcement under Section 8 and related provisions of this Ordinance.

4.2. General Requirements

4.2.1. All solid waste shall be handled and disposed in accordance with this Ordinance.

4.2.2. The Board of Selectmen shall have the authority to restrict or modify the disposal of all types and volumes of solid waste, if deemed in the best interests of the Town.

4.2.3. No person, partnership or corporation, shall dispose of any refuse on any public property or roads except as allowed by this ordinance.

4.3. Materials Disposal Restrictions

The following waste materials or containers of waste materials as described below shall not be handled or disposed within the boundaries of the Town:

4.3.1. Materials classified as hazardous waste in 38 MRS § 1303-C (see Appendix A attached) unless:

- Within a Town sanctioned public collection event or effort, if handled by a person or firm licensed to handle and transport hazardous waste and if disposed at a facility licensed for hazardous waste disposal outside the Town; or
- Handled and transported by a commercial entity licensed to handle and transport hazardous waste if taken to a licensed facility outside the Town.

4.3.2. Materials classified as universal waste by 38 MRS § 1303-C (see Appendix A attached) unless:

- Within a Town sanctioned public collection event or effort, if handled by a person or firm licensed to handle and transport universal waste and if disposed at a facility licensed for universal waste disposal outside the Town; or

- Handled and transported by a commercial entity licensed to handle and transport universal waste if taken to a licensed facility outside the Town.

4.3.3. Ash at a combustible temperature or other hot loads.

4.3.4. Trees, limbs of trees, or tree trunks more than 4 inches in diameter and/or 3 feet in length or stumps except by a commercial entity licensed to handle and transport woody waste and disposed at a licensed wood waste facility outside the Town

4.3.5. All Commercial Demolition Debris as defined herein, except by a commercial entity licensed to handle such CDD waste if disposed at a licensed facility outside the Town.

4.3.6. All Special Waste as defined herein, except by a commercial entity licensed to handle Special Waste if disposed at a licensed facility for disposal of Special Waste outside the Town

4.3.7. All Green Wood and Wood Waste as defined herein, except by a commercial entity licensed to handle such Wood Waste if disposed at a licensed facility outside the Town.

SECTION 5: HANDLING AND DISPOSAL OF SOLID WASTE

Authorized Individuals (including Residents) shall handle and dispose of acceptable solid waste by only one of the following methods:

5.1. Town-provided collection service:

Materials disposed at curbside are limited to solid waste acceptable to the Town's contracted transfer station or solid waste processing facility. Materials must be placed in secured bags, secured containers and/or secured receptacles adequate to prevent loss of control of the solid waste. Those disposing of the solid waste are responsible for picking up and cleaning up of unsecured solid waste regardless of the cause.

Curbside solid waste collection occurs by summer and winter schedules promulgated by the Town. Solid waste must be at curbside by 7 AM on the scheduled day to ensure pick up.

5.2. Authorized Individuals at the Town of Mount Desert area designated at EMR.

5.3. Hire a Private Hauler.

Authorized Individuals may contract at their cost with a private hauler for disposal of acceptable solid waste. All waste collected by private haulers shall be delivered to EMR and credited to the Town's guaranteed annual tonnage.

5.4 Town Sponsored Solid Waste Disposal at EMR

Authorized Individuals have a Town sponsored solid waste disposal account at EMR allowing up to two thousand (2,000) pounds of solid waste annually per Town physical address delivered by the Authorized Individual or their private licensed hauler. Authorized Individuals shall be responsible for all costs associated with a private hauler. This allowance provides for the disposal of all solid waste; particularly green wood, bulky objects allowed by EMR and CDD (construction and demolition debris) except special, hazardous and universal waste. This allowance may expire at such time the inhabitants of the Town choose to eliminate the practice.

SECTION 6: FEES

Authority: The Town Meeting may establish fees for solid waste disposal to promote recycling and improve the efficiency of the management of solid waste and to support the cost of solid waste collection and disposal.

SECTION 7: LICENSES

7.1 No person, firm or corporation shall transport on a commercial basis any acceptable waste for disposal outside the Town without obtaining a license to transport such waste within the Town from the Town Manager. The license shall be in effect for 24 (twenty-four) months from date of issue and must be renewed on or before its expiration date.

7.2. Any person, firm or corporation required by this Ordinance to obtain an annual license shall make application to the Town Manager. A nonrefundable license application fee as determined by the Board of Selectmen shall accompany each application. The fee structure shall be reviewed every two (2) years by the Town

Manager or designee with a recommendation being made by the Town Manager or designee to the Board of Selectmen as to its appropriateness or if it should be changed. The existing fee or any changes to it shall go into effect July 1 of each new fiscal year. A copy of the application form is available from the Town Office.

7.3. The application shall contain all information required by it, including, but not limited to, a description of the activity/activities engaged in, e.g., collection and transport of acceptable, recyclable/storable and/or unacceptable waste; types and estimated amount(s) of waste handled in each service area and; a description of the facility/facilities operated and used. The applicant's signature on the application verifies the applicant's intended compliance with this Ordinance. Incomplete applications will not be processed.

7.4. Licenses shall not be transferable.

7.5. All licenses shall expire two (2) years from the date of issue unless revoked or suspended sooner in accordance with the provisions of this Ordinance.

7.6. In the event that the Town Manager denies a license application, the applicant shall be notified of the reasons for the denial of the license. The applicant may appeal the Town Manager's decisions to the Board of Selectmen.

7.7. Suspension and Revocation

Any license issued may be suspended or revoked by the Town Manager for cause, including the following reasons:

- a. Violation of this Ordinance;
- b. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this Ordinance;
- c. Violation of any license condition(s); and
- d. Falsehoods, misrepresentations or omissions in the license application.

Suspension or revocation of a license may be appealed to the Board of Selectmen.

SECTION 8: VIOLATIONS & PENALTIES

8.1. Disposal generally prohibited; disposal of rubbish, garbage, solid waste and debris on public or private property:

No person shall throw or place or cause to be thrown or placed upon any premises located within the limits of the Town any rubbish, garbage, solid waste or debris of any kind, except in full conformance with this Ordinance, nor shall any owner or occupant of any such premises suffer any such rubbish, garbage, solid waste or debris to remain on said premises after receiving notice from the Chief of Police or Code Enforcement Officer or their designees. Any person or persons so failing to remove any such rubbish, garbage, solid waste or debris for a period of seven days after receipt of said notice shall be subject to enforcement.

8.2 Limited Exemption:

Disposal of rubbish, garbage, solid waste and debris during the Spring Clean-up Week shall not constitute a violation of this Ordinance and shall not be subject to enforcement.

8.3. Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions of this ordinance shall be subject to enforcement and liable to the remedies, fines, and civil penalties as stated below in Sections 8.4, 8.5 and 8.6.

8.4. Monetary penalties may be assessed on a per-day basis and are civil penalties. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500.

8.5. Municipal Costs of Enforcement: In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable to reimburse the Town for costs of enforcement including reasonable attorney fees and court costs. The Town is also authorized to seek and obtain equitable relief.

8.6. Violations of this ordinance shall also be enforced under the provisions of the Maine anti-littering statute at 17 M.R.S. §§ 2264-A, 2264-B, and 2264-C, as may be amended from time to time. A copy of those laws is attached as Appendix B and shall be updated as those laws are amended.

SECTION 9: SPECIAL COLLECTION EFFORTS

9.1. The Board of Selectmen or designee may authorize seasonal or other solid waste collection efforts in addition to those described in this ordinance. Such

events shall be advertised by the Town so as to inform as many residents as practical.

SECTION 10: SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

SECTION 11: EFFECTIVE DATE; SUNSET

This Ordinance shall become effective upon the date of enactment for a period not to exceed 15 years, unless amended or repealed prior to the expiration of this 15 year period.

SECTION 12: AMENDMENT

This Ordinance may be amended in the same manner as any other Ordinance of the Town.

ADOPTED by Annual Town Meeting this 8th day of May 2018.

Claire Woolfolk, Town Clerk

Attest: A true copy

Appendix A

38 M.R.S.A. § 1303-C

§ 1303-C. Definitions

Effective: July 1, 2012

As used in this chapter or in chapter 24,¹ unless the context otherwise indicates, the following terms have the following meanings.

1. Repealed. Laws 1995, c. 656, § A-19.

1-A. Biomedical waste. “Biomedical waste” means waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

1-B. Repealed. L. 2005, c. 612, § A-21, eff. Jan. 1, 2007.

1-C. Bypass. “Bypass” means any solid waste that is destined for disposal, processing or beneficial use at a solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility’s malfunction, insufficient capacity, inability to process or burn, downtime or any other comparable reason.

2. Repealed. Laws 1989, c. 890, § B-225.

2-A. Class I liquid. “Class I liquid” means any liquid having a flash point below 100° Fahrenheit.

2-B. Class II liquid. “Class II liquid” means any liquid having a flash point at or above 100° Fahrenheit and below 140° Fahrenheit.

3. Closing reserve fund. “Closing reserve fund” means a fund created for the purpose of financing the closing and maintenance after closing of a waste facility.

4. Commercial hazardous waste facility. “Commercial hazardous waste facility” means:

A. A waste facility that handles hazardous wastes generated off the site of the facility; or

B. A facility that, in the handling of a waste generated off the site, generates hazardous waste.

5. Commercial landfill facility. “Commercial landfill facility” means a commercial solid waste facility that is used for the burial of solid waste.

6. Commercial solid waste disposal facility. “Commercial solid waste disposal facility” means a solid waste disposal facility except as follows:

A. Deleted. Laws 2007, c. 338, § 2.

A-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

A-2. A solid waste facility that is owned by a public waste disposal corporation under section 1304-B, subsection 5:

(1) As long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste that is generated within the State unless the commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A;

B. Deleted. Laws 2007, c. 338, § 2.

B-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

B-2. A solid waste facility that is owned by a municipality under section 1305:

(1) As long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste that is generated within the State unless:

(a) The commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A; and

(b) Acceptance of waste that is not generated within the State is approved by a majority of the voters of the municipality by referendum election;

C. Deleted. Laws 2007, c. 338, § 2.

C-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

C-2. A solid waste facility that is owned by a refuse disposal district under chapter 17:

(1) As long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste that is generated within the State unless the commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A;

D. Beginning January 1, 2007, a solid waste facility owned and controlled by the Department of Administrative and Financial Services, Bureau of General Services under chapter 24;

D-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

E. A solid waste facility owned and controlled by a single entity that:

(1) Generates at least 85% of the solid waste disposed of at a facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis; or

(2) Is an owner of a manufacturing facility that has, since January 1, 2006, generated at least 85% of the solid waste disposed of at the solid waste facility, except that one or more integrated industrial processes of the manufacturing facility are no longer in common ownership, and those integrated industrial

processes will continue to generate waste that will continue to be disposed of at the solid waste facility. This exemption only applies if the source and type of waste disposed of at the solid waste facility remains the same as that previously disposed of by the single entity.

For the purposes of this paragraph, “single entity” means an individual, partnership, corporation or limited liability corporation that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph.

For purposes of this paragraph, “integrated industrial processes” means manufacturing processes, equipment or components, including, but not limited to, energy generating facilities, that when used in combination produce one or more manufactured products for sale; or

F. A private corporation that accepts material-separated, refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

For purposes of this subsection, “waste that is generated within the State” includes residue and bypass generated by incineration, processing and recycling facilities within the State or waste whether generated within the State or outside of the State if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.

7. Repealed. Laws 1999, c. 525, § 2, eff. June 17, 1999.

A. to F. Repealed. Laws 1999, c. 525, § 2, eff. June 17, 1999.

8. Construction and demolition debris. “Construction and demolition debris” means debris resulting from construction, remodeling, repair, and demolition of structures. It excludes asbestos and other special wastes.

9. Contingency reserve fund. “Contingency reserve fund” means a fund maintained for the purpose of meeting unexpected contingencies in the operation of a waste facility.

10. Conveyance. “Conveyance” means any aircraft, watercraft, vehicle or other machine used for transportation on land, water or in the air.

11. Repealed. Laws 1989, c. 890, § B-225.

12. Disposal. “Disposal” means the discharge, deposit, dumping, spilling, leaking or placing of hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage into or on land, air or water and the incineration of solid waste, refuse-derived fuel, sludge or septage so that the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage or a constituent of the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage may enter the environment or be emitted into the air, or discharged into waters, including ground waters.

13. Generation. “Generation” means the act or process of producing hazardous, biomedical or solid waste, waste oil, sludge or septage.

13-A. Repealed. Laws 1991, c. 520, § 4.

14. Handle. “Handle” means to store, transfer, collect, separate, salvage, process, recycle, reduce, recover, incinerate, dispose of or treat.

15. Hazardous waste. “Hazardous waste” means a waste substance or material, in any physical state, designated as hazardous by the board under section 1319-O. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

15-A. Hazardous waste incinerator. “Hazardous waste incinerator” means an enclosed device using controlled flame combustion to thermally break down hazardous waste.

15-B. Host community. “Host community” means any town, township or city that is the geographic site of a solid waste disposal facility or any immediately contiguous town, township or city if such town, township or city can demonstrate to the department that it incurs a direct financial impact related to any necessary development or maintenance of infrastructure or to any necessary provision of services as a result of the location or operation of that solid waste disposal facility.

16. Incineration facility. “Incineration facility” means a facility where municipal solid waste or refuse-derived fuel is disposed of through combustion, including combustion for the generation of heat, steam or electricity.

17. Inert fill. “Inert fill” means clean soil material, rocks, bricks, and cured concrete, which are not mixed with other waste, and which are not derived from an ore mining activity.

18. Land clearing debris. “Land clearing debris” means solid wastes resulting from the clearing of land and consisting solely of brush, stumps, soil material and rocks.

19. Manifest. “Manifest” means the form used for identifying the quantity, composition and the origin, routing and destination of hazardous waste during its transport.

19-A. Material-separated, refuse-derived fuel. “Material-separated, refuse-derived fuel” means a binder-enhanced, pelletized, solid fuel product made from the combustible fraction of a municipal solid waste stream that has been processed to remove the recyclable material before combustion. The product may not contain more than 6% by weight of plastic, metal, glass or food waste. In addition, the production of material-separated, refuse-derived fuel may not exceed 40% by weight of the total municipal solid waste stream from which it was derived.

19-B. Primary sand and gravel recharge area. “Primary sand and gravel recharge area” has the same meaning as in section 562-A, subsection 16-B.

19-C. Repealed. Laws 2011, c. 655, § GG-8, eff. July 1, 2012.

20. Recyclable. “Recyclable” means possessing physical and economic characteristics that allow a material to be recycled.

21. Recycle. “Recycle” means to recover, separate, collect and reprocess waste materials for sale or reuse other than use as a fuel for the generation of heat, steam or electricity.

22. Recycling. “Recycling” means the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the

mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

23. Refuse-derived fuel. “Refuse-derived fuel” means municipal solid waste which has been processed prior to combustion to increase the heat input value of the waste.

24. Regional association. “Regional association” means 2 or more municipalities that have formed a relationship to manage the solid waste generated within the participating municipalities and for which those municipalities are responsible. The relationship must be formed by one or more of the following methods:

A. Creation of a refuse disposal district under chapter 17;²

B. Creation of a nonprofit corporation that consists exclusively of municipalities and is organized under Title 13, chapter 81³ or Title 13-B, for the purpose, among other permissible purposes, of owning, constructing or operating a solid waste disposal facility, including a public waste disposal corporation under section 1304-B, or whose members contract for the disposal of solid waste with a solid waste disposal facility, including, but not limited to, a qualifying facility as defined in Title 35-A, section 3303;

C. Creation of a joint exercise of powers agreement under Title 30-A, chapter 115;⁴ or

D. Contractual commitment.

For the purposes of this chapter, a regional association and the entities described in paragraphs B and C may include counties and quasi-municipal corporations as members provided the counties or quasi-municipal corporations, when acting by themselves within their own jurisdictions, are capable of exercising all of the powers of the regional association.

25. Residue. “Residue” means waste remaining after the handling, processing, incineration or recycling of solid waste including, without limitation, front end waste and ash from incineration facilities.

25-A. Responsible party. For the purposes of subchapter II-A⁵ only, “responsible party” means any or all of the following persons:

- A. The owner or operator of an uncontrolled tire stockpile; and
- B. Any person who owned or operated an uncontrolled tire stockpile from the time any tire arrived at that stockpile.

26. Resource recovery. For the purposes of section 1304-B only, “resource recovery” means the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

27. Septage. “Septage” means waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools or any other similar facilities.

27-A. Significant ground water aquifer. “Significant ground water aquifer” has the same meaning as in section 562-A, subsection 19-A.

28. Site. “Site” means the same or geographically contiguous property which may be divided by a public or private right-of-way, provided that the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered site property.

28-A. Sludge. “Sludge” means nonhazardous solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or wet process air pollution control facility or any other waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under the federal Clean Water Act, 33 United States Code, Section 1342 (1999).

29. Solid waste. “Solid waste” means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include hazardous waste, biomedical waste, septage or agricultural wastes. The fact that a solid waste or

constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

30. Solid waste disposal facility. “Solid waste disposal facility” means a solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

31. Solid waste facility. “Solid waste facility” means a waste facility used for the handling of solid waste, except that the following facilities are not included:

A. A waste facility that employs controlled combustion to dispose of waste generated exclusively by an institutional, commercial or industrial establishment that owns the facility;

B. Lime kilns; wood chip, bark and hogged fuel boilers; kraft recovery boilers and sulfite process recovery boilers, which combust solid waste generated exclusively at the facility; and

C. An industrial boiler that combusts mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity if:

(1) The mixed paper, corrugated cardboard or office paper would otherwise be placed in a landfill;

(2) The market value of the mixed paper, corrugated cardboard or office paper as a raw material for the manufacture of a product with recycled content is less than its value to the facility owner as a fuel supplement;

(3) The mixed paper, corrugated cardboard or office paper is combusted as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels combusted in the industrial boiler; and

(4) The boiler combusts no other forms of solid waste except as provided in this subsection.

32. Solid waste landfill. “Solid waste landfill” means a waste disposal facility for the disposal of solid waste on or in land. This term does not include land spreading sites used in programs approved by the department.

32-A. Solid waste processing facility. “Solid waste processing facility” means a land area, structure, equipment, machine, device, system or combination thereof, other than an incineration facility that is operated to reduce the volume or change the chemical or physical characteristics of solid waste. “Solid waste processing facility” includes but is not limited to a facility that employs shredding, baling, mechanical and magnetic separation or composting or other stabilization technique to reduce or otherwise change the nature of solid waste.

33. Source separation. “Source separation” means the preparation of materials for recycling by separation from wastes at the point of generation.

34. Special waste. “Special waste” means any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

- A. Oil, coal, wood and multifuel boiler and incinerator ash;
- B. Industrial and industrial process waste;
- C. Waste water treatment plant sludge, paper mill sludge and other sludge waste;
- D. Debris and residuals from nonhazardous chemical spills and cleanup of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and nonliquid paint waste;
- H. Deleted. Laws 1989, c. 869, § A-5.

I. High and low pH waste;

J. Spent filter media and residue; and

K. Other waste designated by the board, by rule.

35. State waste management and recycling plan. “State waste management and recycling plan” means the plan adopted by the former Maine Waste Management Agency pursuant to chapter 24, subchapter 2,⁶ subsequent plans developed by the former State Planning Office pursuant to Title 5, former section 3305, subsection 1, paragraph N and the department pursuant to section 2122 and may also be referred to as “state plan.”

36. Storage. “Storage” means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous wastes.

37. Substantially expand. “Substantially expand” means the expansion of an existing licensed hazardous waste facility by more than 25%, as measured by volume of waste or affected land area, from the date of its initial licensed operation.

38. Transport. “Transport” means the movement of hazardous or solid waste, waste oil, sludge or septage from the point of generation to any intermediate points and finally to the point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not “transport.” Movement of waste oil on the site where it is generated or on the site of a licensed waste oil dealer’s facility is not “transport.”

39. Treatment. “Treatment” means any process, including but not limited to incineration, designed to change the character or composition of any hazardous waste, waste oil or biomedical waste so as to render the waste less hazardous or infectious.

39-A. Uncontrolled tire stockpile. “Uncontrolled tire stockpile” means an area or location, whether or not licensed, where used motor vehicle tires are or were handled, stored or disposed of in such a manner as to present a significant fire hazard or a threat to public health or to the quality of a classified body of surface

water or a significant sand and gravel aquifer or fractured bedrock aquifer as defined in section 1310-N, subsection 2-A.

39-B. Used oil. “Used oil” means waste oil, as defined in subsection 42.

39-C. Used oil collection center. “Used oil collection center” means a site or facility where used oil is accepted from the public and collected or stored in an aboveground tank for recycling.

40. Waste facility. “Waste facility” means any land area, structure, location, equipment or combination of them, including dumps, used for handling hazardous, biomedical or solid waste, waste oil, sludge or septage. A land area or structure does not become a waste facility solely because:

A. It is used by its owner for disposing of septage from the owner’s residence;

B. It is used to store for 90 days or less hazardous wastes generated on the same premises;

C. It is used by individual homeowners or lessees to open burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted under section 599, subsection 3; or

D. It is used by its residential owner to burn highly combustible domestic, household trash such as paper, cardboard cartons or wood boxes, when such burning is permitted under section 599, subsection 3.

41. Waste management. “Waste management” means purposeful, systematic and unified control of the handling and transportation of hazardous, biomedical or solid waste, waste oil, sludge or septage.

42. Waste oil. “Waste oil” means a petroleum-based or synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties. Waste oil that exhibits hazardous wastes characteristics, or has been contaminated with hazardous wastes in excess of quantities normally occurring in waste oil, is subject to the provisions of this chapter dealing with hazardous wastes.

43. Waste oil dealer. “Waste oil dealer” means any person in the business of transporting or handling more than 1,000 gallons of waste oil for the purpose of resale in a calendar month. A person who collects or stores waste oil on the site of generation, whether or not for the purpose of resale, is not a waste oil dealer.

44. Waste reduction. “Waste reduction” means an action that reduces waste at the point of generation and may also be referred to as “source reduction.”

45. Waste resulting from agricultural activities. “Waste resulting from agricultural activities” means wastes which result from agricultural activities defined in section 361-A, subsection 1-B, which are returned to the soils as fertilizers and includes waste pesticides when generated by a farmer in his own use, provided that he triple rinses each emptied pesticide container in accordance with departmental rules and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label.

46. Wood wastes. “Wood wastes” means brush, stumps, lumber, bark, woodchips, shavings, slabs, edgings, slash and sawdust, which are not mixed with other waste.

47. Yard wastes. “Yard wastes” means grass clippings, leaves and other vegetal matter other than wood wastes and land clearing debris.

Credits

1989, c. 585, § E, 4; 1989, c. 794, § 2; 1989, c. 869, §§ A-3 to A-5; 1989, c. 878, § H-7, eff. April 20, 1990; 1989, c. 890, § B-225; 1989, c. 929, § 5; 1991, c. 72, §§ 1, 2, eff. May 6, 1991; 1991, c. 220, §§ 6-10, eff. May 31, 1991; 1991, c. 321; 1991, c. 492, §§ 1, 2; 1991, c. 517, § A-1, eff. June 28, 1991; 1991, c. 520, § 4; 1993, c. 355, §§ 46, 47, eff. June 16, 1993; 1993, c. 378, § 4, eff. June 16, 1993; 1993, c. 383, §§ 33, 34; 1993, c. 424, §§ 1, 2; R.R.1993, c. 1, § 131; 1993, c. 732, §§ A-7, A-8, eff. April 20, 1994; 1995, c. 462, §§ A-76, A-90, eff. July 3, 1995; 1995, c. 465, § A-12, eff. July 3, 1995; 1995, c. 573, §§ 1, 2; 1995, c. 625, § C-5, eff. April 8, 1996; 1995, c. 656, §§ A-19 to A-21; R.R.1995, c. 2, § 111; 1997, c. 393, § B-9, eff. June 5, 1997; 1997, c. 602, § 1, eff. March 17, 1998; 1999, c. 334, § 10; 1999, c. 393, § 1; 1999, c. 525, §§ 1, 2, eff. June 17, 1999; 2001, c. 247, § 1; 2005, c. 612, §§ 1, 2; 2007, c. 338, §§ 1, 2; 2007, c. 406, § 1; 2007, c. 414, § 1; 2007, c. 583, § 1; 2011, c. 206, § 20, eff. June 3, 2011; 2011, c. 655, §§ GG-7 to GG-9, eff. July 1, 2012.

Notes of Decisions (4)

Footnotes

¹ 38 M.R.S.A. § 2101 et seq.

² 38 M.R.S.A. § 1701 et seq.

³ 13 M.R.S.A. § 901 et seq.

⁴ 30-A M.R.S.A. § 2201 et seq.

⁵ 38 M.R.S.A. § 1316 et seq.

⁶ 38 M.R.S.A. § 2121 et seq.

38 M. R. S. A. § 1303-C, ME ST T. 38 § 1303-C
Current with emergency legislation through Chapter 453 of the 2013 Second
Regular Session of the 126th Legislature

Appendix B

17 M.R.S.A. Ch. 80, Refs & Annos

Chapter 80, Litter Control, was enacted by Laws 1971, c. 405, § 1.

17 M.R.S.A. § 2261

§ 2261. Title

Currentness

This chapter shall be known and may be cited as the “Maine Litter Control Act.”

Credits

1971, c. 405, § 1.

Notes of Decisions (2)

17 M. R. S. A. § 2261, ME ST T. 17 § 2261

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated

Title 17. Crimes (Refs & Annos)

Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2262

§ 2262. Purposes

Currentness

It is declared and recognized that the proliferation and accumulation of litter discarded throughout this State endangers the free utilization and enjoyment of a clean and healthful environment by the people and constitutes a public health hazard; and recognizing that there has been a collective failure on the part of government, business and the public to accept, plan for and accomplish effective litter control, there is enacted the “Maine Litter Control Act.”

Credits

1971, c. 405, § 1.

17 M. R. S. A. § 2262, ME ST T. 17 § 2262

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2263

§ 2263. Definitions

Currentness

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

1. “Disposable package” or “container” means any and all packages or containers used for the purpose of containing a product sold or held out for sale for human or animal consumption.

1-A. Repealed. Laws 1989, c. 878, § B-12, eff. April 20, 1990.

1-B. Department. “Department” means the Department of Agriculture, Conservation and Forestry.

1-C. Commercial purpose. “Commercial purpose” means for the purpose of economic gain.

1-D. Abandoned ice-fishing shack. “Abandoned ice-fishing shack” means a temporary structure used for ice fishing and left on property not owned by the person owning the structure without permission of the landowner for more than 15 days after the inland waters on which the shack or structure was located are closed to ice fishing.

2. Litter. “Litter” means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

3. “Litter receptacle” means a container of suitable size which is clearly identified with a sign, symbol or other device as a place where the public may dispose of litter.

4. Vehicle. “Vehicle” means every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons, except motorcycles, farm implements and snowmobiles.

4-A. Commercial vehicle. “Commercial vehicle” means a vehicle owned or used by a business, corporation, association, partnership, or the sole proprietorship of any entity conducting business for a commercial purpose.

5. “Person” means any person, firm, partnership, association, corporation or organization of any kind whatsoever.

6. “Public place” means any area that is used or held out for use by the public

whether or not owned or operated by public or private interests.

7. "Trailer" means any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

8. "Watercraft" means any type of vessel, boat or craft used or capable of being used as a means of transportation on water.

Credits

1971, c. 405, § 1; 1973, c. 194; 1973, c. 235, § 1; 1975, c. 739, §§ 3 to 6; 1989, c. 820, §§ 2, 3, eff. April 10, 1990; 1989, c. 878, § B-12, eff. April 20, 1990; 1993, c. 144, §§ 3, 4; 1995, c. 667, § A-37, eff. April 11, 1996; 2001, c. 667, § A-33, eff. April 11, 2002.

Notes of Decisions (1)

17 M. R. S. A. § 2263, ME ST T. 17 § 2263

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2263-A

§ 2263-A. Littering

Currentness

1. Prohibited acts. A person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

A. In or on public highway, road, street, alley, public right-of-way or other

public lands, except in a container or receptacle or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions;

B. In freshwater lake, river, stream, tidal or coastal water or on ice over the water. When any litter is thrown or discarded from a watercraft, a person is in violation of this section if that person is:

- (1) The operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire; or
- (2) The person actually disposing of the litter.

This paragraph does not prohibit persons who fish, lobster or otherwise harvest from the water from returning to the water harvested products, bait and similar materials that naturally originate in the water;

C. In or on any private property, unless:

- (1) Prior consent of the owner has been given; and
- (2) The litter is not a public nuisance or in violation of any state law or local rule;

D. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This paragraph applies to vehicles or trailers carrying trash, rubbish or other materials that may be construed as "litter"; or

E. From a vehicle. When any litter is thrown or discarded from a vehicle, a person is in violation of this section if that person is:

- (1) The operator of the vehicle, unless it is a vehicle being used for the

carriage of passengers for hire; or

(2) The person actually disposing of the litter.

In addition to any penalty under section 2264-A, violation of this subsection is a traffic infraction under Title 29-A, chapter 23, subchapter VI.¹

A record of a violation of this subsection must be forwarded to the Secretary of State who, in accordance with Title 29-A, section 2607, shall add the violation to the department's point system. The violation is counted in determining an individual's total points under the point system of the Department of the Secretary of State, Bureau of Motor Vehicles.

2. Commercial purpose presumed. For the purposes of this chapter, if a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for a commercial purpose.

Credits

2003, c. 452, § I-32, eff. July 1, 2004.

Footnotes

1

29-A M.R.S.A. § 2601, et seq.

17 M. R. S. A. § 2263-A, ME ST T. 17 § 2263-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2264

§ 2264. Repealed. Laws 2003, c. 452, § I-33, eff. July 1, 2004

Currentness

17 M. R. S. A. § 2264, ME ST T. 17 § 2264

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2264-A

§ 2264-A. Penalties

Effective: September 28, 2011

Currentness

Unless otherwise indicated, a person who disposes of litter in violation of this chapter commits a civil violation for which the following fines apply.

1. Disposal of 15 pounds or less or 27 cubic feet or less of litter. A person who disposes of 15 pounds or less or 27 cubic feet or less of litter commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

1-A. Disposal of 15 pounds or less or 27 cubic feet or less of litter; subsequent offenses. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

2. Disposal of more than 15 pounds or more than 27 cubic feet of litter. A person who disposes of more than 15 pounds or more than 27 cubic feet of litter commits a civil violation for which the court:

A. Shall impose a fine of not less than \$500;

B. Shall require the person to pay a party sustaining damages arising out of a violation of this subsection treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;

C. Shall require the person to perform not less than 100 hours of public service relating to the removal of litter or to the restoration of an area polluted by litter disposed of in violation of this section. The court shall consult with the Commissioner of Inland Fisheries and Wildlife to determine if there is an opportunity for public service that may improve landowner and sportsman relations;

D. When practical, shall require the person to remove the litter dumped in violation of this subsection;

E. May suspend the person's motor vehicle operator's license for a period of not less than 30 days or more than one year, except as provided in paragraph F. Notwithstanding paragraph F, the court shall suspend all licenses and permits issued under Title 12, Part 13, subpart 4 and recreational vehicle registrations and certificates issued to that person under Title 12, Part 13, subpart 6 for a period of not less than 30 days or more than one year; and

F. May suspend any license, permit, registration or certification issued by a state agency or municipality to the person. A professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment may not be suspended unless the items dumped were related to the person's profession or occupation.

2-A. Disposal of more than 15 pounds or more than 27 cubic feet of litter; subsequent offenses. A person who violates subsection 2 after having previously violated subsection 2 commits a civil violation for which the penalty provisions under subsection 2 apply except for subsection 2, paragraph A, and a fine of not less than \$2,000 must be adjudged.

3. Disposal of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose. A person who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose is subject to the penalties under Title 38, section 349.

Credits

1989, c. 820, § 5, eff. April 10, 1990; 1993, c. 140, § 1; 2003, c. 452, §§ I-34 to I-37, eff. July 1, 2004; 2011, c. 208, § 4.

17 M. R. S. A. § 2264-A, ME ST T. 17 § 2264-A
Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2264-B

§ 2264-B. Penalty options

Effective: September 28, 2011

Currentness

In addition to the fines imposed in section 2264-A, subsections 1 and 1-A, the court may order a person adjudicated to have violated section 2264-A, subsection 1 or subsection 1-A to:

- 1. Removal of litter.** Remove the litter dumped in violation of section 2264-A;
- 2. Cost of cleanup.** Pay the owner of the property treble the owner's cost of clean up or removal of the litter;

3. Damages. Pay the person sustaining damages arising out of a violation of this subsection treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;

4. Public service. Perform public service relating to the removal of litter, or to the restoration of an area polluted by litter, dumped in violation of section 2264-A; and

5. License suspension. Surrender the person's motor vehicle operator's license, a license or permit issued to that person under Title 12, Part 13, subpart 4 or a recreational vehicle registration or certificate issued to that person under Title 12, Part 13, subpart 6 for a period not exceeding 30 days. The court may suspend an operator's license for any violation of section 2264-A, subsection 1 or subsection 1-A that involves the use of a motor vehicle.

Credits

1989, c. 820, § 5, eff. April 10, 1990; 2003, c. 452, §§ 1-38, 1-39, eff. July 1, 2004; 2007, c. 651, § 21, eff. April 18, 2008; 2009, c. 424, § 1; 2011, c. 208, §§ 5, 6.

17 M. R. S. A. § 2264-B, ME ST T. 17 § 2264-B

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2264-C

§ 2264-C. Forfeiture

Currentness

All conveyances, including aircraft, watercraft, vehicles, vessels, containers or cranes that are used, or attempted to be used, to dump more than 1,000 pounds or more than 100 cubic feet of litter in violation of section 2264-A are subject to

forfeiture as provided in Title 15, chapter 517.¹

Credits

1989, c. 820, § 5, eff. April 10, 1990; 2003, c. 452, § I-40, eff. July 1, 2004.

Footnotes

1

15 M.R.S.A. § 5821 et seq.

17 M. R. S. A. § 2264-C, ME ST T. 17 § 2264-C

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2265

§ 2265. Repealed. Laws 1989, c. 820, § 6, eff. April 10, 1990

Currentness

17 M. R. S. A. § 2265, ME ST T. 17 § 2265

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2266

§ 2266. Repealed. Laws 1989, c. 820, § 7, eff. April 10, 1990

Currentness

17 M. R. S. A. § 2266, ME ST T. 17 § 2266

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2267

§ 2267. Repealed. Laws 1989, c. 820, § 8, eff. April 10, 1990

Currentness

17 M. R. S. A. § 2267, ME ST T. 17 § 2267

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2267-A

§ 2267-A. Submerged motor vehicles, snowmobile and watercraft in waters of the State

Effective: September 12, 2009

Currentness

The following provisions apply when a motor vehicle is submerged or partially submerged in waters of the State or when a snowmobile or watercraft is submerged in the inland waters of the State.

1. Definition. When used in this section the term “motor vehicle” means any self-propelled vehicle designed to carry persons or property or used to transport persons, except snowmobiles and watercraft. The term “watercraft,” when used in this section, means any type of craft placed on the inland waters of the State, whether used as a means of transportation or for other purposes.

2. Notice of submerged vehicle, snowmobile or watercraft to be given to department. The owner of any motor vehicle that becomes submerged or partially submerged in the waters of the State shall immediately, by the fastest means of communication, notify the Commissioner of Inland Fisheries and Wildlife of the event and the location of the vehicle. The owner of a snowmobile or watercraft that becomes submerged in the inland waters of the State for more than 24 hours shall notify the commissioner as provided in this subsection.

The commissioner shall, upon receiving notice of a submerged or partially submerged vehicle in the waters of the State or a submerged snowmobile or watercraft in the inland waters of the State, notify the Chief of the State Police, the Commissioner of Environmental Protection and any municipality or public utility that regulates the uses of the waters as a source of public water supply pursuant to Title 22, sections 2641 to 2648.

3. Owner legally liable to remove vehicle, snowmobile or watercraft. The owner of the vehicle is legally liable to remove any motor vehicle submerged or partially submerged in the waters of the State and pay any damages resulting from the submersion or removal. The vehicle must be removed within 30 days of the submersion or partial submersion or within 30 days of “ice out” in the body of water unless the commissioner determines that the vehicle creates a health or safety hazard. If the commissioner determines that the vehicle creates a health or safety hazard the commissioner shall order the owner to remove the vehicle immediately. If the owner fails to remove the vehicle upon order of the commissioner, the commissioner shall, in writing, request the court to direct the owner to remove the vehicle immediately. The owner of a snowmobile or watercraft that is submerged in the inland waters of this State for longer than 24 hours shall remove the snowmobile or watercraft in accordance with this subsection.

4. Financial responsibility. A conviction or adjudication of any person for a

violation of this section constitutes a violation of state law relative to motor vehicles to which Title 29-A, chapter 13¹ applies.

5. Penalties. A violation of this section is a civil violation for which a forfeiture of \$200 may be adjudged. In addition to a forfeiture, or instead of a forfeiture, the judge may direct the person convicted to remove the vehicle, snowmobile or watercraft.

6. Rules. The commissioner may, in accordance with the provisions of Title 5, chapter 375,² adopt any rules necessary to carry out the purposes of this chapter.

Credits

1981, c. 578; 1995, c. 65, § A-52, eff. May 11, 1995; 2001, c. 536, § 3, eff. March 18, 2002; 2009, c. 340, § 26.

Footnotes

1

29-A M.R.S.A. § 1551 et seq.

2

5 M.R.S.A. § 8001 et seq.

17 M. R. S. A. § 2267-A, ME ST T. 17 § 2267-A
Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2268

§ 2268. Enforcement

Currentness

Every law enforcement officer in the State, including but not limited to State Police, county sheriffs and their deputies, municipal police, wardens of the Department of Inland Fisheries and Wildlife, wardens of the Department of Marine Resources, rangers of the Division of Forestry and liquor inspectors of the Department of Public Safety shall have authority to enforce this chapter.

Political subdivisions of the State may offer rewards for information which lead to the conviction of violators of this chapter.

Credits

1971, c. 405, § 1; 1973, c. 460, § 18; 1973, c. 513, § 22; 1973, c. 537, § 20; 1975, c. 739, § 13.

17 M. R. S. A. § 2268, ME ST T. 17 § 2268

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2269

§ 2269. Repealed. Laws 2003, c. 452, § I-41, eff. July 1, 2004

Currentness

17 M. R. S. A. § 2269, ME ST T. 17 § 2269

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2269-A

§ 2269-A. Litter receptacles; selection and placement

Currentness

1. Procure, place and maintain litter receptacles. A person who owns or operates an establishment or public place in which litter receptacles are required by this chapter shall procure, place and maintain receptacles at the person's own expense in accordance with this chapter.

2. Required placement. Litter receptacles as defined in section 2263 must be placed at all public places or establishments that serve the public, including, but not limited to: campgrounds, trailer parks, drive-in restaurants, gasoline service stations, parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, beaches and bathing areas, school grounds and business district sidewalks. The number of receptacles required is as follows:

A. For a campground or trailer park for transient habitation, one receptacle at each public rest room facility;

B. For a drive-in restaurant, parking lot, shopping center, grocery store parking lot or parking lot of a major industrial firm, one receptacle, plus one additional receptacle for each 200 parking spaces in excess of 50 spaces;

C. For a gasoline service station, one receptacle per gasoline pump island;

D. For a marina, boat launching area or boat moorage and fueling station, one receptacle at each location;

E. For a beach or bathing area, one receptacle at each public rest room facility;

F. For school grounds, one receptacle at each playground area and one at each school bus loading zone; and

G. For business district sidewalks, one receptacle per 1,000 feet of sidewalk curbing.

3. Exception; remote forest campsites. Remote forest campsites operated by the Department of Agriculture, Conservation and Forestry pursuant to Title 12, chapter 220, subchapter 2, are not considered public places or establishments that serve the public if they are designated as “carry-in and carry-out” sites from which users are expected to remove litter and other material upon their departure.

4. Penalties. A person who operates a business of a type described in this section commits a civil violation for which a fine of \$10 for each violation may be adjudged if that person:

A. Fails to place the litter receptacles on the premises in the numbers required;
or

B. Fails to comply within 10 days of being notified by registered letter by the Department of Agriculture, Conservation and Forestry that that person is in violation.

Each day a violation continues is a separate offense.

Credits

2003, c. 452, § I-42, eff. July 1, 2004.

17 M. R. S. A. § 2269-A, ME ST T. 17 § 2269-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature



Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2270

§ 2270. Responsibility for maintenance of litter receptacles

Currentness

Responsibility for the removal of litter from litter receptacles placed at parks, beaches, campgrounds, trailer parks and other publicly owned public places shall remain upon those state and local agencies performing litter removal, and removal of litter from litter receptacles placed upon privately owned public places shall remain the responsibility of the owner of said premises.

Credits

1971, c. 405, § 1.

17 M. R. S. A. § 2270, ME ST T. 17 § 2270

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2271

§ 2271. Local regulations

Currentness

Municipalities of this State may adopt more stringent ordinances, laws or

regulations dealing with subject matter of this chapter. Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on September 23, 1971.

Credits

1971, c. 405, § 1; 1971, c. 622, § 61, eff. March 15, 1972.

17 M. R. S. A. § 2271, ME ST T. 17 § 2271

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2272

§ 2272. Promiscuous dumping prohibited

Currentness

No person shall deposit household garbage, leaves, clippings, prunings or gardening refuse in any litter receptacle.

Persons violating the provisions of this section are liable for the same penalties as provided for violation of section 2264-A.

Credits

1975, c. 739, § 15; 2003, c. 452, § I-43, eff. July 1, 2004.

17 M. R. S. A. § 2272, ME ST T. 17 § 2272

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2273

§ 2273. Penalty warning signs

Currentness

Within the limits of its budget, the Department of Transportation may erect one sign within each 100 miles of state highway mileage in each county, warning motorists of the penalties for littering or asking for their cooperation in keeping the highways clean. One such sign shall be located within a reasonable distance of all state highway entry points into this State from other states or countries. If the state highway leads to or from an international border crossing point, the sign shall be bilingual.

Credits

1975, c. 739, § 15.

17 M. R. S. A. § 2273, ME ST T. 17 § 2273

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2274

§ 2274. Fines, distribution

Currentness

All fines levied and collected for violations of this chapter shall be distributed as follows:

If the fine resulted from a complaint by a law officer of a state agency which receives a major share of its financial support from dedicated revenue, the fine, less court costs, shall be reimbursed to that agency; or

If the fine resulted from a complaint of a law officer of a state agency supported primarily by a General Fund appropriation, the fine, less court costs, shall be reimbursed to the department to be used in an anti-litter educational program and shall be in addition to other General Fund money appropriated for that purpose.

Credits

1975, c. 739, § 15; 1989, c. 878, § B-13, eff. April 20, 1990.

17 M. R. S. A. § 2274, ME ST T. 17 § 2274

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2275

§ 2275. Driver license and registration procedures

Currentness

The Bureau of Motor Vehicles shall include a summary of this chapter with each reregistration and new vehicle operator license issued.

The Bureau of Motor Vehicles shall include a summary of this chapter in the next revision and printing of the driver license information materials.

Credits

1975, c. 739, § 15; 1989, c. 878, § B-14, eff. April 20, 1990; 1991, c. 837, § A-45, eff. April 8, 1992.

17 M. R. S. A. § 2275, ME ST T. 17 § 2275

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2276

§ 2276. Local regulations

Currentness

Municipalities of this State may adopt more stringent ordinances, laws or regulations dealing with the subject matter of this chapter. Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on its effective date.

Credits

1975, c. 739, § 15.

17 M. R. S. A. § 2276, ME ST T. 17 § 2276

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled **Public Road Acceptance Ordinance** of the Town of Mount Desert, which is to be presented to the voters for their consideration on May 8, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Given under our hands at Mount Desert the second day of April 2018, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Matthew J. Hart, Vice Chairman

Wendy H. Littlefield, Secretary

Martha T. Dudman

James F. Mooers

Public Road Acceptance Ordinance
As adopted May 5, 2009 Annual Town Meeting
Amended May 8, 2018 Annual Town Meeting

The Citizens of the Town of Mount Desert do ordain a Public Road Acceptance Ordinance be adopted as follows:

WHEREAS, the Town has identified several private roads where maintenance including: plowing, sanding, grading and bituminous repairs have been requested of the Town by the private owners, and

WHEREAS, the Board of Selectmen have requested that private/public roads be identified and listed along with an assessment of their condition, size, use, benefit to the public and future need, and

WHEREAS, it is the intention of this ordinance to identify those private roads which by the nature of their condition, use and location would be more appropriate with a "Public" designation.

NOW, THEREFORE BE IT RESOLVED, that to become "public", a road or road section must meet the following conditions:

1. The road must meet the "Street Design and Construction Standards" of the Mount Desert Subdivision Ordinance, which standards are currently listed in Section 5.14.
2. The current private owner(s) are willing to sign over all title, rights and responsibilities without reservations to the 50' wide, right of way. Legal costs of the deed to the own shall be borne by the private owner(s).
1. The current private owner(s) shall ask the Public Works Director to certify in writing to the Board of Selectmen that the above-stated conditions have been met.
2. The current private owner(s) shall provide to the Town Manager evidence of good and marketable title in and to the proposed road in the form of an attorney's title opinion letter or a commitment for title insurance.
3. The Town Manager shall request from an attorney a letter certifying that said attorney's title opinion letter or said title insurance commitment sufficiently protects the Town's interests.
4. Upon receipt of the afore-mentioned two letters, the Selectmen will recommend the request for "Public" Designation as an article in the next succeeding regular Town Warrant. Following Town Meeting approval, the Town of Mount Desert will accept title and all future rights and responsibilities, including maintenance, repair and replacement as necessary and the road shall be deemed "Public". The Selectmen may, at their option, agree to placing potential acceptance of a road on the warrant, contingent on its reconditioning by the private owner(s) after approval by Town Meeting and before becoming "Public".

5. When a road is accepted by the Town Meeting as a "public" road, and after the deed for the land beneath said road has been duly recorded at the Hancock County Registry of Deeds, the road shall be placed on any "Road Inventory" regularly kept by the Town.

NOW THEREFORE BE IT FURTHER RESOLVED should the current owner(s) fail, or be unwilling, to meet the above-stated conditions, then:

1. The road shall remain private;
2. All repairs and maintenance of the road and its appurtenances shall be the responsibility of the owner(s) at the sole cost of the owner(s);

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

The effective date of this Ordinance is: May 5, 2009.

This Ordinance shall expire and be of no force or effect on May 7, 2024.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled **Moratorium Ordinance on Retail Marijuana Establishments, Retail Marijuana Stores, and Retail Marijuana Social Clubs** of the Town of Mount Desert, which is to be presented to the voters for their consideration on May 8, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the second day of April 2018, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Matthew J. Hart, Vice Chairman

Wendy H. Littlefield, Secretary

Martha T. Dudman

James F. Mooers

TOWN OF MOUNT DESERT MORATORIUM ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS, RETAIL MARIJUANA STORES, AND RETAIL MARIJUANA SOCIAL CLUBS

ENACTED May 8, 2018

WHEREAS, the “Marijuana Legalization Act” has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (the “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities, and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the current ordinances of the Town of Mount Desert (the “Town”) do not include any regulations related to retail marijuana stores, retail marijuana establishments, or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs within the Town of Mount Desert raises legitimate and substantial questions about the impact of such establishments, stores, and social clubs on the Town, including questions about the compatibility of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs with existing uses and development in residential, commercial, and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale, and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the Town’s police and fire departments; and the adequacy of the Town’s streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores, or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Town has potentially serious implications for the health, safety, and welfare of the Town and its residents; and

WHEREAS, the Town needs time to review the Act and to review its own ordinances and regulations to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances and regulations governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Town's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the Town, under its home rule authority, its police power generally, and under 30-A M.R.S.A., chapter 187, subchapter 3 ("land use regulation"), as provided by the Marijuana Legalization Act, or as otherwise provided by current law, has the authority to impose reasonable restrictions, conditions, and limitations on such retail marijuana establishments and retail marijuana stores and retail marijuana social clubs; and

WHEREAS, the Selectboard, the Town Staff, the Ordinance Review Committee, and the Planning Board, with the professional advice and assistance of the Chief of the Police Department, shall study the Town's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Town; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs;

NOW, THEREFORE, be it ordained by the Town Meeting of the Town of Mount Desert, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the Town Meeting does hereby declare a moratorium on the location, operation, or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, within the Town.

This Moratorium Ordinance shall take effect on the date of its enactment by the Town Meeting, and shall be applicable as of that date. The moratorium shall remain in effect for one hundred and eighty (180) days from the effective date of this Ordinance, unless extended, repealed, or modified, for the express purpose of drafting an amendment or amendments to the Town's current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana

establishments, retail marijuana stores, and retail marijuana social clubs with existing and permitted uses in residential, commercial, and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores, and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale, and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Town.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40), and (41), that may be proposed to be located within the Town on or after the effective date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, Certificate of Occupancy, site plan, or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board, or other Town official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Town on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, or board of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no person or organization shall develop or operate a business that engages in retail or wholesale sales of products or merchandise for which a substantial portion of its business is to prepare, cultivate, distribute, or ingest marijuana or retail or wholesale sales of such products or merchandise of the kind that are commonly offered for sale or used at so-called head shops, retail marijuana social clubs, or retail marijuana

establishments, including, without limitation, water pipes, hashish pipes, glass pipes, pipe screens, bongs, vaporizers, scales, rolling papers, hydroponic equipment, and grow lights and general tobacco products in so-called smoke shops; and

BE IT FURTHER ORDAINED, that those provisions of the Town's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled **Land Use Zoning Ordinance** of the Town of Mount Desert, which is to be presented to the voters for their consideration on May 8, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Given under our hands at Mount Desert the second day of April 2018, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Matthew J. Hart, Vice Chairman

Wendy H. Littlefield, Secretary

Martha T. Dudman

James F. Mooers

**LAND USE ZONING ORDINANCE
OF THE
TOWN OF MOUNT DESERT**

ENACTED MARCH 6, 1978

**AMENDED JUNE 21, 1978
AMENDED AUGUST 4, 1980
AMENDED MARCH 2, 1981
AMENDED MARCH 7, 1983
AMENDED MARCH 5, 1984
AMENDED MARCH 4, 1985
AMENDED MARCH 3, 1986
AMENDED MARCH 2, 1987
AMENDED OCTOBER 24, 1988
AMENDED MARCH 6, 1989
AMENDED MARCH 5, 1990
AMENDED MARCH 4, 1991
AMENDED MAY 20, 1991
AMENDED OCTOBER 7, 1991
AMENDED MARCH 2, 1992
AMENDED MARCH 2, 1993
AMENDED MARCH 8, 1994
AMENDED MARCH 7, 1995
AMENDED JUNE 6, 1995
AMENDED MARCH 6, 1996
AMENDED MARCH 4, 1997
AMENDED MARCH 3, 1998
AMENDED MARCH 8, 2000
AMENDED MARCH 7, 2001
AMENDED MARCH 5, 2002
AMENDED MARCH 4, 2003
AMENDED MARCH 2, 2004
AMENDED MARCH 8, 2005
AMENDED MARCH 7, 2006
AMENDED MARCH 6, 2007
AMENDED MAY 6, 2008
AMENDED MAY 5, 2009
AMENDED NOVEMBER 16, 2009
AMENDED MAY 4, 2010
AMENDED MAY 3, 2011
AMENDED May 8, 2012
AMENDED July, 25, 2013
AMENDED February 24, 2014
AMENDED May 6, 2014
AMENDED May 5, 2015
AMENDED May 3, 2016
AMENDED May 2, 2017
AMENDED May 8, 2018**

2.4 Conditional Uses. Conditional uses may be permitted only after review and approval by the Planning Board – except where the Code Enforcement Officer is authorized under the Standards of Section 5.6 to authorize minor changes in the placement and size of improvements for an approved conditional use permit – and only if specific provisions for such conditional uses are made in this Ordinance. The Standards of Section 6A and the applicable standards of Section 6B and 6C of this Ordinance shall apply at all times.

3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

P Use allowed without a permit (but the use must comply with all applicable land use standards)

C Use allowed with conditional use approval from the Planning Board, except where the code enforcement officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit

X Use is prohibited

CEO Use allowed with a permit from the code enforcement officer

SECTION 5 CONDITIONAL USE APPROVAL

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5.6 Amendment

~~An amendment to a Conditional Use Approval may be issued by the Planning Board only:~~

- ~~1. in conformity with the procedural and substantive requirements set forth in Section 6A and the applicable standards of Section 6B and 6C;~~
- ~~2. on finding that there have been significant changes of conditions or circumstances; and~~
- ~~3. when justified by a statement of findings of fact and reasons.~~

No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Ordinance, and the conditional use permit and approved site plan are amended accordingly.

Minor changes. The Code Enforcement Officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit if the Code Enforcement Officer determines that the changes are consistent with the findings made by the Planning Board in connection with the approval of the conditional use permit and the standards of Section 6 of the Land Use Ordinance. The Code Enforcement Officer must also make a

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
RESIDENTIAL									
Dwelling 1 & 2 family	CEO	CEO	CEO _(d)	CEO	CEO	CEO _(d)	C	C ^B	C ⁴
Dwelling, Multiple	C	C	C	C	C	X	C	X	X
Accessory Residential Dwelling Unit	CEO	CEO	CEO	CEO	CEO	C	C	C ^B	C ⁴
Accessory structures including structural additions and guest houses _(c)	CEO	CEO	CEO	CEO	CEO	CEO	C	C ^B	C ⁴
Cluster and Workforce Subdivisions	C	C	X	C	C	X	X	X	X
Mobile Home Park	C	X	X	X	X	X	X	X	X
_(c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be deemed a dwelling unit. _(d) See Section 6B.10.3 (Lots)									

3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

P Use allowed without a permit (but the use must comply with all applicable land use standards)

C Use allowed with conditional use approval from the Planning Board

X Use is prohibited

CEO Use allowed with a permit from the code enforcement officer

VR1 VILLAGE RESIDENTIAL ONE

VR2 VILLAGE RESIDENTIAL TWO

R1 RESIDENTIAL ONE

R2 RESIDENTIAL TWO

SR1 SHORELAND RESIDENTIAL ONE

- SR2 SHORELAND RESIDENTIAL TWO
- SR3 SHORELAND RESIDENTIAL THREE
- SR5 SHORELAND RESIDENTIAL FIVE
- RW2 RURAL OR WOODLAND TWO
- RW3 RURAL OR WOODLAND THREE
- VC VILLAGE COMMERCIAL
- SC SHORELAND COMMERCIAL
- RP RESOURCE PROTECTION
- C CONSERVATION
- SP STREAM PROTECTION

See table of uses on following pages

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
RESIDENTIAL									
Cluster and Workforce Subdivisions	C	C	X	C	C	X	X	X	X
Mobile Home Park	C	X	X	X	X	X	X	X	X
(c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be deemed a dwelling unit.									
(d) See Section 6B.4011.3 (Lots)									
COMMERCIAL									
Timber harvesting ¹⁰	CEO of C ¹⁰ NA	CEO of C ¹⁰ NA	CEO of C ¹⁰ NA	CEO of C ¹⁰ NA	CEO of C ¹⁰ NA	CEO of C ¹⁰ NA	CEO of C ¹⁰ NA	XNA	XNA
MISCELLANEOUS									
Forest Management Activities except for timber harvesting & land management roads	P	P	CEO	P	P	P	P	X	P

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
Land management roads	P	P	CEO	P	P	P	P	G	G

Note: Some footnotes have been deleted. – namely 1,2,3 & 5. 4,6,7,8 & 9 retained.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals; otherwise the setback is 75 feet. Any Excavation or Filling must be limited to that necessary for the construction of approved structures.

⁶ See further restrictions in Section 6C.5.2

⁷ Only as provided in Section 6C.9.3

⁸ Single family residential structures may be allowed by special exception only according to the provisions of Section 7.5.3, Special Exceptions. Two-family residential structures are prohibited.

⁹ Permit not required but must file a written “notice of intent to construct” with CEO.

¹⁰ Timber Harvesting is regulated by the Bureau of Forestry in the Department of Agriculture, Conservation and Forestry.

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Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	SR1 see Note (f)	SR2 see Note (f)	SR3 see Note (f)	SR5 see Note (f)
DIMENSIONS see Notes (b) (h²)				
MINIMUM LOT AREA: with public sewer	1 acre	2 acres	3 acres	5 acres
without public sewer	N/A	2 acres	3 acres	5 acres
MINIMUM WIDTH OF LOTS: Shore Frontage	250 200 ft.	250 200 ft.	250 200 ft.	250 200 ft.
SETBACKS FROM: normal high water line of a water body (stream),	75 ft.	75 ft.	75 ft.	75 ft.

tributary stream or upland edge of a wetland				
Great Ponds (n)	100 ft. (n)	100 ft. (n)	100 ft. (n)	100 ft. (n)
public or private road*	50 ft.	50 ft.	50 ft.	50 ft.
property lines (d)** * see Note (c) ** see Note (d)	25 ft.	25 ft.	25 ft.	25 ft.
MAXIMUM LOT COVERAGE	15% <u>20%</u>	15% <u>20%</u>	15% <u>20%</u>	15% <u>20%</u>
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft.	30 ft.	30 ft.	30 ft.

NOTES:

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- (f) Within the shoreland zone: No new lot shall be created except in conformity with all of the requirements of this Ordinance for the district in which it is located. In addition to shore frontage, refer to Section 6B.4011.4.3 for the required minimum lot width. For the required measurements, refer to shore frontage and minimum lot width in Section 8. When a legally existing parcel does not contain any shore frontage, the lot may be divided such that the newly created lots do not contain any shore frontage as otherwise required in Sections 3.5 and 6B.11.4.3, provided that all other minimum lot dimensional standards are met, including but not limited to lot area and minimum lot width.

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6A GENERAL PERFORMANCE STANDARDS

6A.8 Vegetation

1. **Clearing.** Clearing of trees or conversion to other vegetation is allowed for permitted construction provided that:
 1. Appropriate measures are taken, if necessary, to prevent erosion when activity is undertaken.
 2. The activity is in conformity with Section 6C.3, clearing or removal of vegetation for activities other than timber harvesting.

2. **Tree removal near town or state roads.** Removal of more than 25% of the trees within 25 feet of any town or state road in any 12 month period (except for those required to complete permitted construction) shall require a Conditional Use Approval of the Planning Board. Other woody plants must be retained or replaced with native species.
3. **Slash.** No accumulation of slash shall be left within 50 feet of any town or state road or within 50 feet of the normal high-water line of any water body, and in shoreland zone shall comply with the standards of Section 6C.3. Slash shall be disposed of so that no part extends more than 4 feet above the ground.
4. ~~CEO Permit.~~ ~~A CEO Permit is required for cutting timber larger than 4 inches in diameter measured 4 ½ feet above ground when the total amount to be cut is greater than 10 cords but less than 50 cords in any one year period.~~

~~5. **Conditional Use Approval.** Conditional Use Approval is required from the Planning Board for cutting timber larger than 4 inches in diameter measured 4 ½ feet above ground when the total amount to be cut is 50 cords or more in any one year period.~~

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

6B.9 Individual Private Campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
4. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

5. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
6. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

6B.910 Home occupations and home offices

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6B.101 Lots

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6B.142 Manufactured Homes

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6B.123 Mineral Extraction and Exploration

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6B.134 Mobile Homes (temporary), Campers, Trailers and Recreational Vehicles

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6B.145 Sanitary Standards

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6B.156 Sign Regulations

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6B.167 Vehicles, Unregistered

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6B.178 Wireless Communication Facilities

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6B.189. Animal Husbandry & Animal Husbandry 2

SHORELAND ZONING STANDARDS

6C.3 Clearing or Removal of Vegetation For Activities Other Than Timber Harvesting

7. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

1. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

2. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

3. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

4. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
5. The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 1. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
 2. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.
8. Exemptions to Clearing and Vegetation Removal Requirements. The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:
 1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of

removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;

2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 1. A coastal wetland; or
 2. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
6. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 1. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 2. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 3. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program:

http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

7. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

9. Revegetation Requirements. When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
 1. All trees and saplings removed must be replaced with native noninvasive species;
 2. Replacement vegetation must at a minimum consist of saplings;
 3. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 4. No one species shall make up 50% or more of the number of trees and saplings planted;
 5. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 6. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

1. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
2. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
3. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
4. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
5. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

1. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
2. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
3. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

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6C.7 Marine and Freshwater Structure Performance Standards

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5. **No new structures.** No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

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6C.11 Timber Harvesting

- ~~1. **Resource Protection and Stream Protection Districts.** In the Resource Protection and Stream Protection Districts, timber harvesting is prohibited.~~
- ~~2. **Areas other than Resource Protection or Stream Protection.** Except in areas as described in Section 6C.11.1. above, timber harvesting shall conform with the following provisions:~~
 - ~~1. **40% limit.** Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4-1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:~~
 - ~~1. **No clearcuts within shoreline setback.** Within one hundred (100) feet, horizontal distance, of the normal high water line of a great pond, and within seventy five (75) feet, horizontal distance, of the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~
 - ~~2. **Cleared openings farther than shoreline setback.** At distances greater than one hundred (100) feet, horizontal distance, of a great pond, and greater than seventy five (75) feet, horizontal distance, of the normal high water line of other water bodies, tributary streams or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.~~
 - ~~2. **Harvesting in excess of 40%.** Timber harvesting operations exceeding the 40% limitation in Section 6C.11.2.1 above may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.~~
 - ~~3. **Accumulation of slash.** No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high water line of a water body. In all other areas slash shall either be removed or~~

~~disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high water line of a water body or tributary stream shall be removed.~~

~~4. **Stream channel travel prohibited.** Timber harvesting equipment shall not use stream channels as travel routes except when:~~

~~1. Surface waters are frozen; and~~

~~2. The activity will not result in any ground disturbance.~~

~~5. **Crossing of flowing water.** All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~

~~6. **Skid trail runoff.** Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~

~~7. **Soil exposure setback.** Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high water line of a water body or upland edge of a wetland.~~

6C.4211 Water Quality

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SECTION 7 CODE ENFORCEMENT OFFICER

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7.5 Procedure for Administering Permits

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3. **Special Exceptions.** In addition to the criteria specified in Section 5.9 above, excepting structure setback requirements, the Planning Board may

approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- 4. The total footprint ground floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1500 square feet. This limitation shall not be altered by variance.

SECTION 8 DEFINITIONS

BUREAU OF FORESTRY: State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

COASTAL WETLAND: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service Association. Coastal wetlands may include portions of coastal sand dunes. All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

EXPANSION OF A STRUCTURE: An increase in the footprint floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

EXPANSION OF A USE: The additional use of more floor footprint of a structure, land or water area devoted to a particular use; additional one or more weeks of the use's operating season; or additional business hours of operation.

FOREST MANAGEMENT ACTIVITIES: ~~Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.~~

FUNCTIONALLY WATER-DEPENDENT USES: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities (~~excluding recreational boat storage buildings~~), finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, ~~retaining walls~~, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water dependent use.

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HAZARD TREE: a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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~~**LAND MANAGEMENT ROAD:** A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.~~

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NON-CONFORMING STRUCTURE: A structure which does not meet any one or more of the following dimensional requirements; setback, height, ~~or~~ lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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NON-NATIVE INVASIVE SPECIES OF VEGETATION: species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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OUTLET STREAM: any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United

States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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PRINCIPAL STRUCTURE OR USE: A structure or use other than one which is wholly incidental or accessory to another structure or use on the same premises-lot.

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SAPLING: a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

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SEEDLING: a young tree species that is less than four and one half (4.5) feet in height above ground level.

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SKID ROAD OR SKID TRAIL: ~~A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.~~

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STORM-DAMAGED TREE: a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

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STRUCTURE: Anything temporarily or permanently located, built, constructed or erected, for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected as a permanent fixture on, above, or below the surface of the land, or water. The term includes structures temporarily or permanently located, including a porches, decks or patios. ~~Anything constructed or erected that would be considered a structure but for the fact that it is temporary and not permanent which is within the shoreland zone as defined will also be considered a structure.~~ The term structure shall not include flagpoles, church steeples, fences, poles customarily used for the transmission of electricity, television antennas, mailboxes radio antennas, driveways, roads, and subsurface wastewater disposal systems and wells. Sign posts, as referenced in the "Ordinance Regulating the Building and Street Numbering in the Town of Mount Desert", shall not be included as structures.

A. Permanent: A building or structure that is intended to remain in place for a period of more than 180 days in any consecutive 12-month period.

B. Temporary: A building or structure not meeting the definition of permanent.

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~~**TREE:** A woody perennial plant whose trunk is 4" in diameter or more, measured at 4½' above ground level. A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity, fixed exterior wall planes as measured from the exterior faces of these walls and roof. (Excluding foundations, but including basements as defined in this section.)~~

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	RW2	RW3	VC see Note (g)	SC see Note (e), (f) and (g)	C see Note (f) for those properties that are within the shoreland zone
DIMENSIONS (b) (h')					
MINIMUM LOT AREA:					
A. with public sewer	2 acres	3 acres	5,000 sq ft.**	1 acre	3 acres
B. without public sewer	2 acres	3 acres	1 acre	1 acre	3 acres
C. Cluster Subdivision w/sewer*	1 acre	1.5 acres	see note (g)	N/A	N/A
D. Cluster Subdivision w/o sewer*	1 acre	1.5 acres	see note (g)	N/A	N/A
E. Workforce Subdivision*	State Minimum	State Minimum	see note (g)	N/A	N/A
* See Note (k)			** See Note (p)		
MINIMUM WIDTH OF LOTS:					
Shore Frontage	NA	NA	N/A	100 ft.	250 ft.
SETBACKS FROM:					
normal high water line of a water body (stream), tributary stream or upland edge of a wetland	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.
Great Ponds (n)	N/A	N/A	N/A	N/A	100 ft. (n)
public or private road*	60 ft.	60 ft.	10 ft. or -0- ft. from edge of public sidewalk	25 ft.	50 ft.
property lines**	25 ft.	25 ft.	5 ft. (o)	5 ft.	25 ft.
* see Note (c)					
** see Note (d)					
MAXIMUM LOT COVERAGE	15%	15%	75%	70%	15%

MINIMUM BETWEEN BUILDINGS	DISTANCE PRINCIPAL	30 ft.	30 ft.	N/A	10 ft.	30 ft.
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(p) For lots within the Village Commercial District that have public sewer, the minimum lot area required for each dwelling unit on a single lot is 1000 square feet.

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Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

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DISTRICTS	RW2	RW3	VC see Note (g)	SC see Note (e), (f) and (g)	C see Note (f) for those properties that are within the shoreland zone
DIMENSIONS (b) (h¹)					
MINIMUM LOT AREA: A. with public sewer B. without public sewer C. Cluster Subdivision w/sewer* D. Cluster Subdivision w/o sewer* E. Workforce Subdivision* * See Note (k)	2 acres 2 acres 1 acre 1 acre State Minimum	3 acres 3 acres 1.5 acres 1.5 acres State Minimum	5,000 sq ft. 1 acre <u>5000 sq. ft.-see note-(g)</u> <u>State Minimum</u> <u>see note-(g)</u> <u>5000 sq. ft.-see note-(g)</u>	1 acre 1 acre N/A N/A N/A	3 acres 3 acres N/A N/A N/A
MINIMUM WIDTH OF LOTS: Shore Frontage	NA	NA	N/A	100 ft.	250 ft.
SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland Great Ponds (n) public or private road*	75 ft. N/A 60 ft.	75 ft. N/A 60 ft.	75 ft. N/A 10 ft. or -0- ft.	75 ft. N/A 25 ft.	75 ft. 100 ft. (n) 50 ft.

property lines** * see Note (c) ** see Note (d)	25 ft.	25 ft.	from edge of public sidewalk 5 ft.(o)	5 ft.	25 ft.
MAXIMUM LOT COVERAGE	15%	15%	75%	70%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft.	30 ft.	N/A	10 ft.	30 ft.

NOTES:

- (b) Refer to setback as defined in Section 8.
- (c) Measured from edge of road surface, or edge of legally established right of way if no road exists.
- (d) In all districts restrictions on setback of structures from property lines may be varied or nullified by written agreement with the abutting property owner. Said agreement or a copy of said agreement showing signatures shall be filed at the Municipal Office.
- (e) The minimum SC setback from shoreline is 75 feet except for functionally water-dependent structures.
- (f) Within the shoreland zone: No new lot shall be created except in conformity with all of the requirements of this Ordinance for the district in which it is located. In addition to shore frontage, refer to Section 6B.10.4.3 for the required minimum lot width. For the required measurements, refer to shore frontage and minimum lot width in Section 8.
- (g) Primary residential use in a Shoreland Commercial District must meet the dimensional requirements of the adjacent residential district. This requirement does not apply to projects that include covenants held by a qualified workforce housing entity.

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

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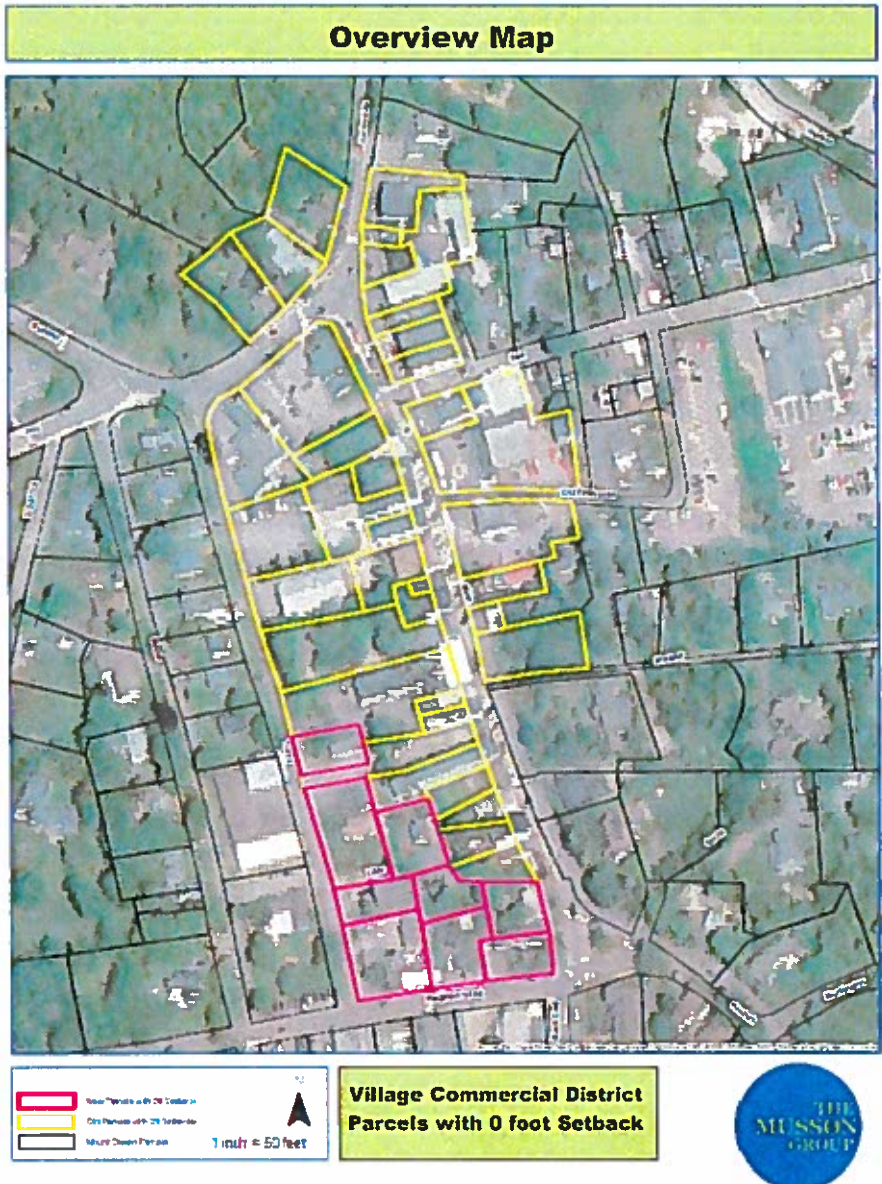
(o) Setback from property lines in Village Commercial:

New or newly renovated structures on the following lots and any future subdivision of said lots may have a -0- foot side-setback if constructed in accordance with the current editions of the NFPA 101 Life Safety Codes & NFPA 5000 Building

Construction and Safety Code, Maine State adopted codes, except on the side where affected lots abut structures whose primary use is residential. Rear setbacks are unaffected.

Tax Map 024: Lots 063-002, 073 through 081, 081-001, 082 through 086, 088 through 090, 102, 104, 106 through 108, & 109-003/109-004 Tax Map 026: Lots 004-001, 004-002, 008-002, & 057 through 063. (Added May 3, 2011)

Tax Map 024: Lots 64 through 072 (added May 8, 2018)



Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

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NOTES:

(n) The setback from the normal high-water line of a great pond is 100 feet, except for these lots where the setback is 75 feet, indicated below.

Map-Lot IDs for 75 ft. setback

Map-Lot IDs for 100 ft. setback

Long Pond & Echo Lake:

All Lots

Little Round Pond:

012-018
012-019
012-019-001

Little Round Pond:

012-015-001
012-020

Round Pond:

011-120
011-122
011-123
011-124
012-013

Round Pond:

011-90
011-118
011-119

Little Echo Lake:

009-098
009-099
009-100
009-101
009-102

Little Echo Lake:

009-107
009-120-010
009-120-010-001
009-120-011
009-097
009-107-003

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES.

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6B.18. Animal Husbandry & Animal Husbandry 2 in the Village Commercial and Shoreland Commercial Districts

- 1. Permit Required.** A building permit is required for the construction of a henhouse and chicken pen.
- 2. Number and Type of Chickens Allowed.**

1. The maximum number of chickens allowed is six (6) per lot regardless of how many dwelling units are on the lot. In the case of residential condominium complexes without individually owned back yards, the maximum number of chickens allowed is six (6) per complex.
2. Only female chickens are allowed. There is no restriction on chicken species.
3. **Non-Commercial Use Only.** Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
4. **Enclosures.**
 1. Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard. Chickens shall be secured within the henhouse during non-daylight hours.
 2. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
5. **Odor.** Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
6. **Predators, Rodents, Insects, and Parasites.** The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Animal Control Officer.
7. **Waste Storage and Removal.** Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled **Subdivision Ordinance** of the Town of Mount Desert, which is to be presented to the voters for their consideration on May 8, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the second day of April 2018, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Matthew J. Hart, Vice Chairman

Wendy H. Littlefield, Secretary

Martha T. Dudman

James F. Mooers

**SUBDIVISION ORDINANCE
OF THE
TOWN OF MOUNT DESERT**

EFFECTIVE MARCH 4, 1990

ADOPTED MARCH 4, 1991

AMENDED MAY 20, 1991

AMENDED OCTOBER 7, 1991

AMENDED MARCH 2, 1992

AMENDED MARCH 7-8, 1994

AMENDED MARCH 3, 1998

AMENDED MARCH 4, 2003

AMENDED MARCH 2, 2004

AMENDED MARCH 8, 2005

AMENDED MARCH 7, 2006

AMENDED MAY 2, 2017

AMENDED May 8, 2018

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	RW2	RW3	VC see Note (g)	SC see Note (e), (f) and (g)	C see Note (f) for those properties that are within the shoreland zone
DIMENSIONS (b) (h')					
MINIMUM LOT AREA:					
A. with public sewer	2 acres	3 acres	5,000 sq ft.**	1 acre	3 acres
B. without public sewer	2 acres	3 acres	1 acre	1 acre	3 acres
C. Cluster Subdivision w/sewer*	1 acre	1.5 acres	see note (g)	N/A	N/A
D. Cluster Subdivision w/o sewer*					
E. Workforce Subdivision*	1 acre	1.5 acres	see note (g)	N/A	N/A
* See Note (k)					
	State Minimum	State Minimum	see note (g)	N/A	N/A
			** See Note (p)		
MINIMUM WIDTH OF LOTS:					
Shore Frontage	NA	NA	N/A	100 ft.	250 ft.
SETBACKS FROM:					
normal high water line of a water body (stream), tributary stream or upland edge of a wetland	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.
Great Ponds (n)	N/A	N/A	N/A	N/A	100 ft. (n)
public or private road*	60 ft.	60 ft.	10 ft. or -0- ft. from edge of public sidewalk	25 ft.	50 ft.
property lines**					
* see Note (c)	25 ft.	25 ft.		5 ft.	25 ft.
** see Note (d)			5 ft.(o)		
MAXIMUM LOT COVERAGE	15%	15%	75%	70%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft.	30 ft.	N/A	10 ft.	30 ft.

NOTES:

- .
- .
- .

(p) For lots within the Village Commercial District that have public sewer, the minimum lot area required for each dwelling unit on a single lot is 1000 square feet.

- .
- .
- .

TREASURER'S WARRANTS

TOWN OF MOUNT DESERT
ACCOUNTS PAYABLE WARRANT

WARRANT AP# 1859

CHECK DATE: April 2, 2018

CHECK NUMBER: <u>308754</u>	through	<u>308801</u>	\$ <u>98,960.12</u>	Check payments
CHECK NUMBER: <u>308750</u>	through	<u>308750</u>	\$ <u>907.50</u>	Electronic payments
EFT NUMBER: <u>689</u>	through	<u>697</u>	\$ <u>14,378.92</u>	ACH Payments
EFT or CK NUMBER: <u>N/A</u>	through	<u>N/A</u>	\$ <u>-</u>	Voided Checks

TOTAL DISBURSEMENTS: \$ 114,246.54

This is to certify that there is due and chargeable to the appropriations listed above the sum set against each name and you are directed to pay unto the parties named in this schedule.

Selectmen:

John B Macauley, Chairman

Martha T Dudman

Matthew J Hart, Vice Chairman

James F Mooers

Wendy H Littlefield, Secretary



CASH ACCOUNT: 100
CHECK NO CHK DATE TYPE VENDOR NAME INVOICE

10100 Ckg-BH General Fund 8066 INVOICE DTL DESC

2142 MODERN PEST SERVICES INC 2688705 695 04/02/2018 EFT Invoice: 2688705

538 NORTHEAST PLUMBING & HEATING INC. 11530 696 04/02/2018 EFT Invoice: 11530

1609 TYLER TECHNOLOGIES INC 045-216971 697 04/02/2018 EFT Invoice: 045-216971

TYLER TECHNOLOGIES INC 045-217125 1 698 04/02/2018 EFT Invoice: 045-217125 1

581 PITNEY BOWES 022318 308750 04/02/2018 MANL Invoice: 022318

1306 ACADIA FUEL LLC 158973 308754 04/02/2018 PRD Invoice: 158973

ACADIA FUEL LLC 158965 Invoice: 158965

694 TOTAL: 135.71

695 TOTAL: 77.00

696 TOTAL: 250.50

697 TOTAL: 5,000.00

698 TOTAL: 18.00

697 TOTAL: 5,018.00

69750 TOTAL: 907.50

308750 TOTAL: 907.50

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Town of Mount Desert
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CASH ACCOUNT: 100 10100
CHECK NO CHK DATE TYPE VENDOR NAME Ckg-BH General Fund 8066

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INVOICE

INV DATE PO

INVOICE

WARRANT

NET

INVOICE DTL DESC

211.09 1550666 53400 HEATING FUEL

ACADIA FUEL LLC

03/06/2018 AP1859

262.58

158972

138.2 gal SH WTP ts

262.58

53400

HEATING FUEL

590.14

CHECK 308754 TOTAL:

308755 04/02/2018 PRTD 1952 ACADIA FUEL LLC

03/15/2018 AP1859

236.17

159365

124.3 gal Heating fuel for station #2

236.17

53400 432

HEATING FUEL-S2 SH

236.17

CHECK 308755 TOTAL:

308756 04/02/2018 PRTD 1953 ACADIA FUEL LLC

03/12/2018 AP1859

193.23

159142

101.7 gal Heating fuel for station #3

193.23

53400 433

HEATING FUEL S3 SV

193.23

CHECK 308756 TOTAL:

308757 04/02/2018 PRTD 1984 ILLINOIS BELL TELEPHONE COMPANY U 03062018

02/28/2018 AP1859

811.33

411.33 1550100 55130

cell phone bill bj

811.33

75.00 1551500 55130

CELL PHONES

30.00 1552000 55400

GEN REPAIRS & MAINT

295.00 1550552 55130

CELL PHONES

811.33

CHECK 308757 TOTAL:

308758 04/02/2018 PRTD 2283 ATLANTIC TACTICAL INC

03/16/2018 AP1859

1,134.30

SI-80619112

Bullet Proof Vest - Edgcomb

1,134.30

567.15 1440110 53800

UNIFORMS

567.15

2140113 57500

OTHER EQUIPMENT

1,134.30

CHECK 308758 TOTAL:

308759 04/02/2018 PRTD 997 CARDMEMBER SERVICES

03/02/2018 AP1859

18.65

7410 99Restaurant

lodging reservation & meal

18.65

18.65 1220660 56100

TRAVEL

180.00

9572 MSFT

OUTLOOK 365 EMAIL 0318

180.00

55140

EMAIL/INTERNET

180.00

CHECK 308759 TOTAL:

308759 04/02/2018 PRTD 997 CARDMEMBER SERVICES

03/19/2018 AP1859

277.99

7216 CAPE AIR

FLIGHT-CONNECT 2018 - C WOOLFOLK

277.99

54100

TRAINING

277.99

CHECK 308759 TOTAL:



CASH ACCOUNT: 100 10100 Ckg-BH General Fund 8066 INVOICE INV DATE PO WARRANT NET
CHECK NO CHK DATE TYPE VENDOR NAME

INVOICE	INV DATE	PO	WARRANT	NET
Invoice: 1601 Shell Oil	02/21/2018	965	AP1859	21.75
CARDMEMBER SERVICES	1601 Shell Oil	02/21/2018 965	AP1859	21.75
	21.75 1550100 54100	food for defensivedrivingclass TRAINING		
Invoice: 9369 Tan Turtle	02/22/2018	971	AP1859	70.00
CARDMEMBER SERVICES	9369 Tan Turtle	02/22/2018 971	AP1859	70.00
	70.00 1550100 54100	food for class bj TRAINING		
Invoice: 3587 Global Industri	03/16/2018	981	AP1859	20.69
CARDMEMBER SERVICES	3587 Global Industri	03/16/2018 981	AP1859	20.69
	20.69 1550100 55200	floor pad bj BLDG REPAIR & MAINT		
Invoice: 9459 Global Industri	03/17/2018	979	AP1859	405.15
CARDMEMBER SERVICES	9459 Global Industri	03/17/2018 979	AP1859	405.15
	405.15 1550100 55200	Oreck Orbiter floor machine bj BLDG REPAIR & MAINT		
Invoice: 0314 Global Industri	03/21/2018	983	AP1859	62.47
CARDMEMBER SERVICES	0314 Global Industri	03/21/2018 983	AP1859	62.47
	62.47 1550100 55200	cleaning pads bj BLDG REPAIR & MAINT		
Invoice: 0912 Sunday River	03/12/2018		AP1859	162.11
CARDMEMBER SERVICES	0912 Sunday River	03/12/2018	AP1859	162.11
	162.11 1220660 56100	Lodging for Prop Tax Institute TRAVEL		
Invoice: 7060 Powercallsirens	03/08/2018	977	AP1859	190.91
CARDMEMBER SERVICES	7060 Powercallsirens	03/08/2018 977	AP1859	190.91
	190.91 1440330 53000	FD Window Stickers OFFICE SUPPLIES		
Invoice: 1120 5.11 Tactical	03/19/2018	984	AP1859	56.83
CARDMEMBER SERVICES	1120 5.11 Tactical	03/19/2018 984	AP1859	56.83
	56.83 1440330 53800	Tactical Duty Pants UNIFORMS		
Invoice: 3976 DOD Email	03/22/2018	982	AP1859	133.86
CARDMEMBER SERVICES	3976 DOD Email	03/22/2018 982	AP1859	133.86
	133.86 1440330 57100	Forestry Bladder Bags EQUIPMENT		
Invoice: 4057 DOD Email	03/22/2018	982	AP1859	170.25
CARDMEMBER SERVICES	4057 DOD Email	03/22/2018 982	AP1859	170.25
	170.25 1440330 57100	Forestry Bladder Bags EQUIPMENT		
Invoice: 0057 Otterbox/life p	03/03/2018		AP1859	5.99
CARDMEMBER SERVICES	0057 Otterbox/life p	03/03/2018	AP1859	5.99
	5.99 1440110 53000	Cell Phone Otter Box - Guildford OFFICE SUPPLIES		
Invoice: 4075 LL Bean	03/16/2018		AP1859	184.75
CARDMEMBER SERVICES	4075 LL Bean	03/16/2018	AP1859	184.75
	184.75 1440800 53800	LL Bean Dispatch Shirts - Campbell UNIFORMS		
Invoice: 2941 PayPal BlueLine	03/20/2018		AP1859	350.00
CARDMEMBER SERVICES	2941 PayPal BlueLine	03/20/2018	AP1859	350.00
	350.00 1440110 54100	Protecting Schools Training - Edgcomb TRAINING		

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CASH ACCOUNT: 100 10100
CHECK NO CHK DATE TYPE VENDOR NAME Ckg-BH General Fund 8066



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INVOICE	INV DATE	PO	WARRANT	NET
0518	02/26/2018		AP1859	-1.26
AMAZON PM CR	CREDIT FOR SALES TAX ON PRIOR STATEMENT			
OFFICE SUPPLIES				
Invoice: 0518	AMAZON PM CR	02/26/2018	AP1859	-1.26
053000	CREDIT FOR SALES TAX ON PRIOR STATEMENT			
OFFICE SUPPLIES				
Invoice: 6396	AMAZON PM CR	02/26/2018	AP1859	-2.12
053000	CREDIT FOR SALES TAX ON PRIOR STATEMENT			
OFFICE SUPPLIES				
Invoice: 2667	staples	02/22/2018	AP1859	403.95
2667	office supplies			
OFFICE SUPPLIES				
Invoice: 8277	Boatwise	03/01/2018	AP1859	295.00
8277	boatwise Mark Piglisi			
TRAINING				
Invoice: 9611	Holiday Inn	03/11/2018	AP1859	283.38
9611	motel room Mark Puglisi			
boatwise training				
TRAINING				
Invoice: 0469	DOUBLETREE PM	02/24/2018	AP1859	-8.82
0469	SALES TAX CREDIT FROM PRIOR MONTH			
LODGING				
Invoice: 0477	DOUBLETREE PM	02/24/2018	AP1859	-26.46
0477	SALES TAX CREDIT FROM PRIOR MONTH			
LODGING				
Invoice: 0736	MSFT	03/15/2018	AP1859	72.00
0736	OUTLOOK 365 EMAIL			
EMAIL/INTERNET				
Invoice: 2540	GOOGLE	03/22/2018	AP1859	56.50
2540	FRAUDULENT CHARGES-TO BE REVERSED PER CW			
OFFICE SUPPLIES				
Invoice: 2531	GOOGLE	03/22/2018	AP1859	56.50
2531	FRAUDULENT CHARGES-TO BE REVERSED PER CW			
OFFICE SUPPLIES				
Invoice: 9795	GOOGLE	03/23/2018	AP1859	52.17
9795	FRAUDULENT CHARGES-TO BE REVERSED PER CW			
OFFICE SUPPLIES				
Invoice: 8152	GOOGLE	03/23/2018	AP1859	45.94
8152	FRAUDULENT CHARGES-TO BE REVERSED PER CW			
OFFICE SUPPLIES				
Invoice: 1998	CLARION HOTELS	02/27/2018	AP1859	82.46
1998	Town Manager Expense			
TOWN MGR EXPENSE				



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Town of Mount Desert
A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 100 10100 Ckg-BH General Fund 8066
CHECK NO CHK DATE TYPE VENDOR NAME INVOICE INV DATE PO WARRANT NET

INVOICE	INV DATE	PO	WARRANT	NET
Invoice: 4413 CLARION HOTELS	03/06/2018	4413 CLARION HOTELS	AP1859	-82.46
		CREDIT ON HOTEL CANCELLATION		
		TOWN MGR EXPENSE		
		CHECK	308759 TOTAL:	3,538.18
308760 04/02/2018 PRTD	02/28/2018	5010089265	AP1859	181.67
Invoice: 5010089265		medical supplies bj		
		GEN REPAIRS & MAINT		
		CHECK	308760 TOTAL:	181.67
308761 04/02/2018 PRTD	03/09/2018	334796	AP1859	255.05
Invoice: 334796		floor cleaner bj		
		BLDG REPAIR & MAINT		
		CHECK	308761 TOTAL:	255.05
308762 04/02/2018 PRTD	03/21/2018	122017	AP1859	20.00
Invoice: 122017		TRACKLESS TIRE CHANGED AL		
		GEN REPAIRS & MAINT		
		CHECK	308762 TOTAL:	20.00
308763 04/02/2018 PRTD	03/15/2018	53910	AP1859	390.00
Invoice: Warrant Com-18		Warrant Com-18		
		Warrant Committee Dinner		
		WARRANT COMMITTEE EXPENSE		
		CHECK	308763 TOTAL:	390.00
308764 04/02/2018 PRTD	03/07/2018	772216	AP1859	148.78
Invoice: 772216		Wheel Hub Assembly		
		VEHICLE REPAIR-17 Ford Exp-Pol		
		CHECK	308764 TOTAL:	148.78
308765 04/02/2018 PRTD	03/07/2018	112533557-01	AP1859	548.00
Invoice: 112533557-01		196 ELLSWORTH BUILDER SUPPLY INC		
		cold patch bj		
		MISC-COLD PATCH		
		CHECK	308765 TOTAL:	548.00
Invoice: II2535242-01		ELLSWORTH BUILDER SUPPLY INC	AP1859	5.97
		Bungee Cords-EM		
		OTHER EQUIPMENT		
		CHECK	308766 TOTAL:	5.97



CASH ACCOUNT: 100
CHECK NO CHK DATE TYPE VENDOR NAME Ckg-BH General Fund 8066

INVOICE	INVOICE DTL DESC	INV DATE	PO	WARRANT	NET
622.83 6010100 55010	ELECTRICITY				
Invoice: 10558316-5 030518	EMERA MAINE	03/05/2018		AP1859	2,091.40
	11600 kwh marina power				
	ELECTRICITY				
2,091.40 6010100 55010					
Invoice: 10057323-3 030518	EMERA MAINE	03/05/2018		AP1859	28.46
	82 kwh Yachtsmen power				
	ELECTRICITY				
28.46 6010100 55010					
Invoice: 10057337-3 030518	EMERA MAINE	03/05/2018		AP1859	413.08
	2433 kwh BC PS ts				
	ELECTRICITY				
413.08 1550668 55010					
Invoice: 10057334-6 030518	EMERA MAINE	03/05/2018		AP1859	1,016.10
	3611 kwh Sea St. PS ts				
	ELECTRICITY				
1,016.10 1550666 55010					
Invoice: 10003319-0 030718	EMERA MAINE	03/07/2018		AP1859	5,986.44
	38720 kwh NEH TP ts				
	ELECTRICITY				
5,986.44 1550666 55010					
Invoice: 10057322-1 030818	EMERA MAINE	03/08/2018		AP1859	22.77
	49 kwh Sgt. Dr. PS ts				
	ELECTRICITY				
22.77 1550666 55010					
Invoice: 10057329-6 030718	EMERA MAINE	03/07/2018		AP1859	1,243.21
	5668 kwh Gilpat cv ps ts				
	ELECTRICITY				
1,243.21 1550666 55010					
Invoice: 10057343-5 030718	EMERA MAINE	03/07/2018		AP1859	219.40
	1250 kwh ps ts				
	ELECTRICITY				
219.40 1550666 55010					
Invoice: 10057341-1 031018	EMERA MAINE	03/10/2018		AP1859	15.08
	2 kwh Joy Road Pool Electricity				
	MD ELEMENTARY SCHOOL				
15.08 1990100 59200					
CHECK 308767 TOTAL:					22,136.32
308768 04/02/2018 PRTD	1398 FASTENAL COMPANY	02/26/2018		AP1859	107.25
Invoice: MEELS41630	MEELS41630				
	OIL PADS AL				
	GEN REPAIRS & MAINT				
107.25 1550100 55400					
Invoice: MEELS41737	FASTENAL COMPANY	03/06/2018		AP1859	481.52
	MEELS41737				
	BRAKE CLEAN AND IMPACT AL				
	GEN REPAIRS & MAINT				
481.52 1550100 55400					
Invoice: MEELS41738	FASTENAL COMPANY	03/06/2018		AP1859	4.30
	MEELS41738				
	CUTTING WHEELS AL				
	GEN REPAIRS & MAINT				
4.30 1550100 55400					



308769	04/02/2018	PRTD	215 FIRE TECH & SAFETY OF NEW ENGLAND	170199	03/23/2018	AP1859		593.07
Invoice: 170199								
Annual NFPA SCBA flow tests								
BLDG REPAIR & MAINT								
1,153.80 1440330 55200								
CHECK 308768 TOTAL: 593.07								
308770	04/02/2018	PRTD	2291 G F JOHNSTON & ASSOCIATES LLC	01112086	03/23/2018	AP1859		2,583.03
Invoice: 01112086								
Rt 198 Contract docs ts								
Construction-Budget								
2,583.03 3000038 57710								
CHECK 308769 TOTAL: 1,153.80								
308771	04/02/2018	PRTD	2395 GENERAL CODE, CMS LLC	PC0000030657	03/13/2018	AP1859		824.00
Invoice: PC0000030657								
Additional Software License for Laserfiche								
HISTORICAL PRESERVATION								
824.00 1220220 57800								
CHECK 308770 TOTAL: 2,583.03								
308772	04/02/2018	PRTD	254 GRAINGER	879892529	03/15/2018	AP1859		59.05
Invoice: 879892529								
Nitrile Gloves								
GENERAL SUPPLIES								
59.05 1440330 53110								
CHECK 308771 TOTAL: 824.00								
308773	04/02/2018	PRTD	1064 HARCROS CHEMICALS INC	300144340	03/13/2018	AP1859		1,903.38
Invoice: 300144340								
salt bj								
SALT & SAND								
1,903.38 1550100 53200								
CHECK 308772 TOTAL: 59.05								
			HARCROS CHEMICALS INC	300144341	03/13/2018	AP1859		1,806.23
Invoice: 300144341								
salt bj								
SALT & SAND								
1,806.23 1550100 53200								
CHECK 308772 TOTAL: 59.05								
			HARCROS CHEMICALS INC	300144408	03/15/2018	AP1859		1,885.30
Invoice: 300144408								
salt bj								
SALT & SAND								
1,885.30 1550100 53200								
CHECK 308772 TOTAL: 59.05								
			HARCROS CHEMICALS INC	300144409	03/16/2018	AP1859		1,798.89
Invoice: 300144409								
salt bj								
SALT & SAND								
1,798.89 1550100 53200								
CHECK 308772 TOTAL: 59.05								
			HARCROS CHEMICALS INC	300144139	03/01/2018	AP1859		1,340.00
Invoice: 300144139								
PH Control/Caustic for NEH								
WTP-EM								
PH CONTROL								
1,340.00 1550666 53213								



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Town of Mount Desert
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CASH ACCOUNT: 100 10100 Ckg-BH General Fund 8066 INVOICE
CHECK NO CHK DATE TYPE VENDOR NAME

INVOICE	INV DATE	PO	WARRANT	NET
INVOICE DTL DESC				
308774 04/02/2018 PRD Invoice: 00107534	285 HAYES PUMP INC- (01-WC)	00107534	AP1859	601.80
308775 04/02/2018 PRD Invoice: 41835120-001	2193 HP INC.	41835120-001	AP1859	1,358.90
HP INC.	HP INC.	41858979-000	AP1859	-1,358.90
HP INC.	HP INC.	59764434	AP1859	124.59
308776 04/02/2018 PRD Invoice: 107304	1955 KAS HOLDINGS INC	107304	AP1859	300.00
308777 04/02/2018 PRD Invoice: 25206	953 THE MAHER CORPORATION	25206	AP1859	2,623.98
308778 04/02/2018 PRD Invoice: 60457	1153 MAINE ENVIRONMENTAL LABORATORY LL	60457	AP1859	35.50
308779 04/02/2018 PRD Invoice: 31643671	1236 MAINE OXY/ SPEC AIR	31643671	AP1859	3.00
MAINE OXY/ SPEC AIR	MAINE OXY/ SPEC AIR	31617306	AP1859	82.50
CHECK 308773 TOTAL:				8,733.80
CHECK 308774 TOTAL:				601.80
CHECK 308775 TOTAL:				124.59
CHECK 308776 TOTAL:				300.00
CHECK 308777 TOTAL:				2,623.98
CHECK 308778 TOTAL:				35.50
CHECK 308779 TOTAL:				82.50



CASH ACCOUNT: 100	CHK DATE	CHK NO	TYPE VENDOR NAME	10100	INVOICE	WARRANT	NET
				82.50	1550100 55400	GEN REPAIRS & MAINT	
						CHECK 308779 TOTAL:	85.50
308780	04/02/2018	PRTD	413 M C M ELECTRIC INC	16037		03/07/2018 AP1859	140.72
	Invoice: 16037					Labor charge emergency exit back-up light fixtures	
						BLDG REPAIR & MAINT	
				140.72	1552000 55200	CHECK 308780 TOTAL:	140.72
308781	04/02/2018	PRTD	416 MAINE CHIEFS OF POLICE ASSOCIATIO	6299		03/02/2018 AP1859	155.00
	Invoice: 6299					2018 Meeting & Banquet (2)	
				80.00	1440110 54140	MEAL ALLOWANCE	
				75.00	1440110 54100	TRAINING	
				4.994.42	100 12019	CHECK 308781 TOTAL:	155.00
308782	04/02/2018	PRTD	2440 KATHRYN A MILAIR	2019 OVERPAYMENT		04/02/2018 AP1859	4,994.42
	Invoice: 2019 OVERPAYMENT					REFUND OF OVERPAYMENT ON 2019 ACCT 1478RE	
				4.994.42	100 12019	CHECK 308782 TOTAL:	4,994.42
308783	04/02/2018	PRTD	427 MAINE MUNICIPAL ASSOCIATION	INV000131072		04/01/2018 AP1859	38,925.60
	Invoice: INV000131072					Worker's Comp Second Installment	
				11.68	1220001 52020	WORKERS COMP	
				214.09	1220110 52020	WORKERS COMP	
				35.03	1220220 52020	WORKERS COMP	
				350.33	1220500 52020	WORKERS COMP	
				587.78	1220660 52020	WORKERS COMP	
				443.75	1220770 52020	WORKERS COMP	
				5,001.94	1440110 52020	WORKERS COMP	
				6,041.25	1440330 52020	WORKERS COMP	
				8,516.92	1550100 52020	WORKERS COMP	
				3,499.41	1550552 52020	WORKERS COMP	
				3,324.25	1551500 52020	WORKERS COMP	
				642.27	1552000 52020	WORKERS COMP	
				6,769.16	1990100 59200	MD ELEMENTARY SCHOOL	
				3,230.83	6010100 52020	WORKERS COMP	
						CHECK 308783 TOTAL:	38,925.60
308784	04/02/2018	PRTD	425 MAINE MUNICIPAL ASSOCIATION	Training 040418		03/21/2018 AP1859	45.00
	Invoice: Training 040418					Planning Board Training - Dave Ashmore	
				45.00	1220440 54100	PB TRAINING	

03/29/2018 16:12
69051you

Town of Mount Desert
A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 100 10100 Ckg-BH General Fund 8066

NET

WARRANT

INV DATE

INVOICE

COASTAL AUTO PARTS

TYPE VENDOR NAME

CHK DATE

INVOICE DTL DESC

170.38

03/20/2018
SWEEPER FILTERS AL
GEN REPAIRS & MAINT

896592
170.38 1550100 55400

COASTAL AUTO PARTS

Invoice: 896592

AP1859

37.16

03/20/2018
TR#12 FILTERS AL
GEN REPAIRS & MAINT

896599
37.16 1550100 55400

COASTAL AUTO PARTS

Invoice: 896599

AP1859

78.34

03/20/2018
TR#33 FILTERS AL
GEN REPAIRS & MAINT

896598
78.34 1550100 55400

COASTAL AUTO PARTS

Invoice: 896598

AP1859

78.40

03/21/2018
TR#10 BULBS AL
GEN REPAIRS & MAINT

896745
78.40 1550100 55400

COASTAL AUTO PARTS

Invoice: 896745

AP1859

78.34

03/20/2018
TR#20 FILTERS AL
GEN REPAIRS & MAINT

896597
78.34 1550100 55400

COASTAL AUTO PARTS

Invoice: 896597

AP1859

15.24

03/20/2018
tr#24 FILTERS AL
GEN REPAIRS & MAINT

896595
15.24 1550100 55400

COASTAL AUTO PARTS

Invoice: 896595

AP1859

14.58

03/20/2018
Paint
GENERAL SUPPLIES

896180
14.58 1440330 53110

COASTAL AUTO PARTS

Invoice: 896180

AP1859

287.67

03/19/2018
Brake pads & Rotors
VEHICLE REPAIR-17 Ford Exp-Pol

895716
287.67 1440110 55100 4108

COASTAL AUTO PARTS

Invoice: 895716

AP1859

134.88

03/19/2018
Battery / Core Deposit
VEHICLE REPAIR-17 Ford Exp-Pol

895705
134.88 1440110 55100 4108

COASTAL AUTO PARTS

Invoice: 895705

AP1859

43.78

03/19/2018
Motor Oil / Filter
VEHICLE REPAIR-17 Ford Exp-Pol

896037
43.78 1440110 55100 4108

COASTAL AUTO PARTS

Invoice: 896037

AP1859

92.08

03/26/2018
B45 Belts and 10-30 Oil for SH WWTP-EM
GEN REPAIRS & MAINT

898865
92.08 1550668 55400

COASTAL AUTO PARTS

Invoice: 898865

AP1859

24.36

03/27/2018
Blower Belts for SH WWTP-EM
GEN REPAIRS & MAINT

899057
24.36 1550668 55400

COASTAL AUTO PARTS

Invoice: 899057

AP1859

1,380.24

CHECK 308788 TOTAL:



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Town of Mount Desert
A/P CASH DISBURSEMENTS JOURNAL

03/29/2018 16:12
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CASH ACCOUNT: 100
CHECK NO CHK DATE TYPE VENDOR NAME INVOICE INVOICE DATE PO WARRANT NET

INVOICE	INVOICE DATE	PO	WARRANT	NET
308789	04/02/2018	547 OFFICE DEPOT	AP1859	25.58
Invoice: 112646001001				
25.58	1550552	53900		
advil & tyle ts OTHER EQUIPMENT				
308790	04/02/2018	794 OLVER ASSOCIATES, INC	AP1859	16.14
Invoice: 112645837001				
16.14	1550552	53900		
folders ts OTHER EQUIPMENT				
CHECK 308789 TOTAL: 41.72				
308790	04/02/2018	8593	AP1859	825.00
Invoice: 8593				
825.00	3000036	57712		
BCove ps ts Engineering				
CHECK 308790 TOTAL: 825.00				
308791	04/02/2018	2110 OTT COMMUNICATIONS	AP1859	706.33
Invoice: 0318				
706.33	1221000	55120		
Telephone Charges TELEPHONE-USAGE				
CHECK 308791 TOTAL: 706.33				
308792	04/02/2018	553 OVERHEAD DOOR COMPANY OF BANGOR	AP1859	521.83
Invoice: 114693				
521.83	1440330	55200 431		
Repairs/Replace overhead door motor @ stat.#1 BLDG REPAIR & MAINT-SI NE				
CHECK 308792 TOTAL: 521.83				
308793	04/02/2018	1367 PITNEY BOWES	AP1859	180.06
Invoice: 3305823140				
180.06	1220110	53140		
Postage Meter Lease POSTAGE				
CHECK 308793 TOTAL: 180.06				
308794	04/02/2018	642 SALSURY HARDWARE INC	AP1859	8.99
Invoice: 313351				
8.99	1552500	55400		
pruning spray bj GEN REPAIRS & MAINT				
CHECK 308794 TOTAL: 8.99				
308794	04/02/2018	642 SALSURY HARDWARE INC	AP1859	8.99
Invoice: 313389				
8.99	1550100	55400		
pruning spray bj GEN REPAIRS & MAINT				
CHECK 308794 TOTAL: 17.98				



Town of Mount Desert
A/P CASH DISBURSEMENTS JOURNAL

03/29/2018 16:12
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CASH ACCOUNT: 100 10100 Ckg-BH General Fund 8066 INVOICE PO WARRANT NET
CHECK NO CHK DATE TYPE VENDOR NAME

INVOICE INVOICE DTL DESC

308795 04/02/2018 PRD 1387 TREASURER, STATE OF MAINE BIL031518000000232503/15/2018 AP1859 120.00
Invoice: BIL0315180000002325 Circuit Charges 02/2018 IT/TECH FEE

120.00 1440800 54250 CHECK 308795 TOTAL: 120.00

308796 04/02/2018 PRD 1370 TIME WARNER CABLE 719743901031718 AP1859 233.85
Invoice: 719743901031718 internet harbor CABLE/INTERNET

233.85 6010100 55150 CHECK 308796 TOTAL: 233.85

308797 04/02/2018 PRD 1773 TIME WARNER CABLE 859562901032118 AP1859 406.86
Invoice: 859562901032118 Internet Highway Garage CABLE/INTERNET-HGWY GAR

406.86 1221000 55150 1773 CHECK 308797 TOTAL: 406.86

308798 04/02/2018 PRD 1771 TIME WARNER CABLE 708593401031118 AP1859 285.95
Invoice: 708593401031118 Internet Police Department CABLE/INTERNET-POLICE DEPT

285.95 1221000 55150 1771 CHECK 308798 TOTAL: 285.95

308799 04/02/2018 PRD 737 UNIFIRST CORP 0272572165 AP1859 109.65
Invoice: 0272572165 ww uniforms ts UNIFORMS

109.65 1550552 53800 03/21/2018 AP1859 109.64
UNIFIRST CORP uniforms ts UNIFORMS UNIFORMS UNIFORMS

Invoice: 0272572164 0272572164 03/21/2018 AP1859 109.64

308799 04/02/2018 PRD 737 UNIFIRST CORP 0272573829 AP1859 198.64
Invoice: 0272573829 MSW/P&C/Hwy Uniforms-EM UNIFORMS UNIFORMS UNIFORMS

198.64 1550552 53800 03/28/2018 AP1859 198.64
UNIFIRST CORP UNIFORMS UNIFORMS UNIFORMS

Invoice: 0272573830 0272573830 03/28/2018 AP1859 109.65
UNIFIRST CORP ww Uniforms-EM UNIFORMS

109.65 1550552 53800 CHECK 308799 TOTAL: 527.58



Town of Mount Desert
A/P CASH DISBURSEMENTS JOURNAL

03/29/2018 16:12
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CASH ACCOUNT: 100 10100 Ckg-BH General Fund 8066 INVOICE WARRANT NET
CHECK NO CHK DATE TYPE VENDOR NAME INVOICE DTL DESC PO

308800	04/02/2018	PRTD	742 USA BLUEBOOK	507453	03/05/2018	AP1859	847.86
		Invoice: 507453		847.86 1550552	Lab supplies ts LAB EQUIP		
		Invoice: 514581	USA BLUEBOOK	514581	03/12/2018	AP1859	115.95
				115.95 1550552	Pall M-FC Broth with Rosolic Acid-EM LAB EQUIP		
					CHECK	308800 TOTAL:	963.81
308801	04/02/2018	PRTD	1745 WAGWORKS INC	INV592812	03/15/2018	AP1859	65.00
		Invoice: INV592812		65.00 1220800	SE125 Admin Fee ADMIN-SE125		
					CHECK	308801 TOTAL:	65.00

NUMBER OF CHECKS 58 *** CASH ACCOUNT TOTAL *** 114,246.54

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	48	98,960.12
TOTAL MANUAL CHECKS	1	907.50
TOTAL EFT'S	9	14,378.92

*** GRAND TOTAL *** 114,246.54



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CLERK: 69051you

Town of Mount Desert
A/P CASH DISBURSEMENTS JOURNAL
JOURNAL ENTRIES TO BE CREATED

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YEAR PER SRC ACCOUNT EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T	OB	DEBIT	CREDIT
2018 10									
APP 100-20000	4				Accounts Payable			102,940.03	
APP 100-10100	04/02/2018 AP1859	LLY			AP CASH DISBURSEMENTS JOURNAL				114,246.54
APP 100-10100	04/02/2018 AP1859	LLY			Ckg-BH General Fund 8066				
APP 600-20000	04/02/2018 AP1859	LLY			Accounts Payable			7,331.33	
APP 200-20000	04/02/2018 AP1859	LLY			AP CASH DISBURSEMENTS JOURNAL			567.15	
APP 300-20000	04/02/2018 AP1859	LLY			Accounts Payable			3,408.03	
APP 300-20000	04/02/2018 AP1859	LLY			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			114,246.54	114,246.54
APP 100-35060					DT-MARINA			7,331.33	
APP 600-35010	04/02/2018 AP1859	LLY			DT Gen fund				7,331.33
APP 100-35020	04/02/2018 AP1859	LLY			DTF-SPEC REV			567.15	
APP 200-35010	04/02/2018 AP1859	LLY			DT Gen fund				567.15
APP 100-35030	04/02/2018 AP1859	LLY			DTF-CAP IMP			3,408.03	
APP 300-35010	04/02/2018 AP1859	LLY			DT Gen fund				3,408.03
					SYSTEM GENERATED ENTRIES TOTAL			11,306.51	11,306.51
					JOURNAL 2018/10/4 TOTAL			125,553.05	125,553.05

FUND ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
100 General Fund	2018 10	4	04/02/2018			
100-10100				Ckg-BH General Fund 8066		114,246.54
100-20000				Accounts Payable	102,940.03	
100-35020				DTF-SPEC REV	567.15	
100-35030				DTF-CAP IMP	3,408.03	
100-35060				DT-MARINA	7,331.33	
				FUND TOTAL	114,246.54	114,246.54
200 Special Revenue	2018 10	4	04/02/2018			
200-20000				Accounts Payable	567.15	
200-35010				DT Gen fund		567.15
				FUND TOTAL	567.15	567.15
300 Capital Projects	2018 10	4	04/02/2018			
300-20000				Accounts Payable	3,408.03	
300-35010				DT Gen fund		3,408.03
				FUND TOTAL	3,408.03	3,408.03
600 Marina	2018 10	4	04/02/2018			
600-20000				Accounts Payable	7,331.33	
600-35010				DT Gen fund		7,331.33
				FUND TOTAL	7,331.33	7,331.33



03/29/2018 16:12
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Town of Mount Desert
A/P CASH DISBURSEMENTS JOURNAL
JOURNAL ENTRIES TO BE CREATED

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apcshdsb

FUND	DUE TO	DUE FROM
100 General Fund	11,306.51	
200 Special Revenue		567.15
300 Capital Projects		3,408.03
600 Marina		7,331.33
TOTAL	11,306.51	11,306.51

** END OF REPORT - Generated by Lisa Young **

TOWN OF MOUNT DESERT
BMV, STATE & PR ACCOUNTS PAYABLE WARRANT

WARRANT AP# 1857

CHECK DATE: March 21, 2018

CHECK NUMBER:	<u>308749</u>	through	<u>308749</u>	\$	<u>3,270.98</u>	Check payments
CHECK NUMBER:	<u>N/A</u>	through	<u>N/A</u>	\$	<u>-</u>	Electronic payments
EFT NUMBER:	<u>N/A</u>	through	<u>N/A</u>	\$	<u>-</u>	ACH Payments
EFT or CK NUMBER:	<u>N/A</u>	through	<u>N/A</u>	\$	<u>-</u>	Voided Checks

TOTAL DISBURSEMENTS: \$ 3,270.98

This is to certify that there is due and chargeable to the appropriations listed above
the sum set against each name and you are directed to pay unto the parties
named in this schedule.

Selectmen:

John B Macauley, Chairman Martha T Dudman

Matthew J Hart, Vice Chairman James F Mooers

TOWN OF MOUNT DESERT
PAYROLL WARRANT

WARRANT PR# 1821

CHECK DATE: March 23, 2018

ADVICE NUMBERS: 8277 through 8323

CHECK NUMBERS: 63695 through 63713

TOTAL DISBURSEMENTS: \$ 100,528.14

This is to certify that there is due and chargeable to the appropriations listed above
the sum set against each name and you are directed to pay unto the parties
named in this schedule.

Selectmen:

John B Maccauley, Chairman

Martha T Dudman

Matthew J Hart, Vice Chairman

James F Mooers

Kathi Mahar

From: John Macauley <jbmacauley3@gmail.com>
Sent: Tuesday, March 20, 2018 2:14 PM
To: Kathi Mahar
Cc: Martha Dudman (martha.dudman@gmail.com); Matt Hart; Rick Mooers
Subject: Re: Warrant AP#1857 & PR#1821 Approval Request

Approved.

On Tue, Mar 20, 2018 at 2:07 PM Kathi Mahar <treasurer@mtdesert.org> wrote:

Good afternoon!

Attached are the following warrants for your approval:

Accounts Payable	#1857	total of	\$ 3,270.98
Payroll	#1821	total of	\$100,528.14

Please indicate your authorization to release the funds for these warrants by approving or rejecting.

I will “reply to all” when the first approval comes in so that you know that we have the one required email approval.

Thank you!

Kathi

Kathryn A Mahar, Treasurer

Town of Mount Desert

(207) 276-5531 (T) (207) 276-3232 (F)

TOWN OF MOUNT DESERT
BMV, STATE & PR ACCOUNTS PAYABLE WARRANT

WARRANT AP# 1858

CHECK DATE: March 28, 2018

CHECK NUMBER:	<u>308751</u>	through	<u>308753</u>	\$	<u>4,463.36</u>	Check payments
CHECK NUMBER:	<u>N/A</u>	through	<u>N/A</u>	\$	<u>-</u>	Electronic payments
EFT NUMBER:	<u>N/A</u>	through	<u>N/A</u>	\$	<u>-</u>	ACH Payments
EFT or CK NUMBER:	<u>N/A</u>	through	<u>N/A</u>	\$	<u>-</u>	Voided Checks

TOTAL DISBURSEMENTS: \$ 4,463.36

This is to certify that there is due and chargeable to the appropriations listed above the sum set against each name and you are directed to pay unto the parties named in this schedule.

Selectmen:

John B Macauley, Chairman Martha T Dudman

Matthew J Hart, Vice Chairman James F Mooers

Kathi Mahar

From: Matthew Hart <matt@theneighborhoodhouse.com>
Sent: Monday, March 26, 2018 1:25 PM
To: Kathi Mahar
Subject: Re: Warrant AP#1858 State Fees/Payroll Benefits Approval Request

Hi Again Kathi-

I approve AP Warrant #1858.

Thanks,
Matt

Matthew Hart

Matthew Hart
1000 West Broadway, Suite 200
The Hill, Mount Desert Island, TN 37550
Phone: (276) 276-5531 | Fax: (276) 276-3232

From: Kathi Mahar <treasurer@mtdesert.org>
Date: Monday, March 26, 2018 at 12:36 PM
To: John Macauley <jbmacauley3@gmail.com>, "Martha Dudman (martha.dudman@gmail.com)" <martha.dudman@gmail.com>, Matt Hart <matt@theneighborhoodhouse.com>, Rick Mooers <rmooers@mtdesert.org>
Subject: Warrant AP#1858 State Fees/Payroll Benefits Approval Request

Good afternoon!

Attached is Accounts Payable Warrant # 1858 (for Payroll and/or State Fees) in the amount of \$4,463.36 for your approval.

Please indicate your authorization to release the funds for this warrant by approving or rejecting.

I will "reply to all" when the first approval comes in so that you know that we have the one required email approval.

Thank you!

Kathi

Kathryn A Mahar, Treasurer
Town of Mount Desert
(207) 276-5531 (T) (207) 276-3232 (F)

Mount Desert School Department PAYROLL WARRANT REGISTER

Report # 12159

Include Authorization Codes
Batch: 2
Check Dates: (Earliest) - (Latest)
Cash Account Number:
Minimum Check Amount: \$0.00
Sorted By: Check Number

Check #	Check Date	Code	Name	Chk Grp	Gross Pay	Net Pay	Direct Deposit	Check Amt	Void
	03/30/2018	IRS	INTERNAL REVENUE SERVIC		11,406.33	11,406.33	0.00	0.00	
	03/30/2018	STAT	TREASURER, STATE OF MAIN		3,088.00	3,088.00	0.00	0.00	
42497	03/30/2018	280	SUSAN J. ARIPOUCH	1	160.00	147.76	0.00	147.76	
42498	03/30/2018	211	KIMBERLY S. CRAIGHEAD	1	74.69	68.98	0.00	68.98	
42499	03/30/2018	452	LUCAS DUNBAR	1	1,281.00	1,163.18	0.00	1,163.18	
42500	03/30/2018	10	KATHERINE J. FERNALD	1	80.00	73.88	0.00	73.88	
42501	03/30/2018	286	NICOLE F. GRASS	1	80.00	73.88	0.00	73.88	
42502	03/30/2018	455	ANGELINA T. JUSTICE	1	240.00	221.64	0.00	221.64	
42503	03/30/2018	183	TERRI LANPHER	1	240.00	221.64	0.00	221.64	
42504	03/30/2018	429	IAN SCHWARTZ	1	80.00	73.88	0.00	73.88	
42505	03/30/2018	345	CAROL L. SHUTT	1	2,971.57	2,308.81	0.00	2,308.81	
42506	03/30/2018	322	DEBORAH A. TERREAUULT	1	80.00	43.88	0.00	43.88	
42507	03/30/2018	149	MARIAH D. BAKER	1	852.26	756.38	756.38	0.00	
42508	03/30/2018	311	LAURA-JEAN BEAL	1	2,072.88	1,675.64	1,675.64	0.00	
42509	03/30/2018	11	KEILY S. BEAULIEU	1	2,269.07	1,636.91	1,636.91	0.00	
42510	03/30/2018	266	JULIANNA R. BENNOCH	1	2,258.42	1,778.74	1,778.74	0.00	
42511	03/30/2018	333	RHODA J. BURKE	1	1,120.77	862.68	862.68	0.00	
42512	03/30/2018	314	ANDREW J. CARLSON	1	2,160.73	1,632.95	1,632.95	0.00	
42513	03/30/2018	18	JANICE P. CARROLL	1	912.08	811.48	811.48	0.00	
42514	03/30/2018	248	ROBERT P. CHAPLIN	1	1,151.92	974.39	974.39	0.00	
42515	03/30/2018	337	AMBER G. CHARRON	1	1,886.65	1,539.00	1,539.00	0.00	
42516	03/30/2018	21	LARRY A. COLE	1	1,152.13	524.63	524.63	0.00	
42517	03/30/2018	26	BRIAN R. COTE	1	2,290.96	1,650.36	1,650.36	0.00	
42518	03/30/2018	91	JUDITH CULLEN	1	1,739.80	1,481.62	1,481.62	0.00	
42519	03/30/2018	69	EMILY N. DAMON	1	1,314.56	1,094.21	1,094.21	0.00	
42520	03/30/2018	308	Gloria A. Delsandro	1	3,237.42	2,533.16	2,533.16	0.00	
42521	03/30/2018	229	JENNIFER G. DUNBAR	1	1,440.73	1,108.36	1,108.36	0.00	
42522	03/30/2018	43	SARAH R. DUNBAR	1	2,191.14	1,855.44	1,855.44	0.00	
42523	03/30/2018	52	WANDA J. FERNALD	1	2,113.80	1,512.31	1,512.31	0.00	
42524	03/30/2018	57	JASON W. FOUNTAINE	1	2,204.08	1,620.05	1,620.05	0.00	
42525	03/30/2018	332	MARINA P. FREDERICK	1	1,297.80	968.13	968.13	0.00	
42526	03/30/2018	329	ALEXANDER GARRETT	1	1,536.88	1,238.42	1,238.42	0.00	
42527	03/30/2018	146	CECILIA R. GARRITY	1	1,572.88	1,204.84	1,204.84	0.00	
42528	03/30/2018	63	HEATHER M. GRAVES	1	2,045.11	1,436.44	1,436.44	0.00	
42529	03/30/2018	65	GAYLE M. GRAY	1	2,520.11	1,967.47	1,967.47	0.00	
42530	03/30/2018	331	RUSSELL W. GRAY	1	1,080.00	917.80	917.80	0.00	
42531	03/30/2018	92	ABIGAIL A. HARMON	1	809.45	735.79	735.79	0.00	
42532	03/30/2018	90	REBECCA A. HENISER	1	1,970.88	1,571.08	1,571.08	0.00	
42533	03/30/2018	147	WILLIAM L. HODGKINS	1	974.16	799.29	799.29	0.00	
42534	03/30/2018	244	KRISTIN D. HOLLEY	1	873.08	793.63	793.63	0.00	
42535	03/30/2018	313	ANDREA W. HOWELL	1	951.08	812.12	812.12	0.00	
42536	03/30/2018	293	Amy L. James	1	2,258.42	1,608.99	1,608.99	0.00	
42537	03/30/2018	312	BETHANY G. JOHNSON	1	942.78	830.31	830.31	0.00	
42538	03/30/2018	291	PATRICIA A. KELLEY	1	1,183.77	920.27	920.27	0.00	
42539	03/30/2018	335	CYNTHIA A. LAMBERT	1	1,050.30	860.04	860.04	0.00	
42540	03/30/2018	135	SAMUEL D. LEONARDI	1	1,443.20	1,088.96	1,088.96	0.00	
42541	03/30/2018	277	JOHN B. MACAULEY	1	320.00	277.75	277.75	0.00	
42542	03/30/2018	321	MAX E. MASON	1	1,092.66	881.70	881.70	0.00	
42543	03/30/2018	292	TARA MCKERNAN	1	2,005.42	1,598.65	1,598.65	0.00	
42544	03/30/2018	289	ELIZABETH M. MINOTT	1	947.16	833.88	833.88	0.00	
42545	03/30/2018	193	HARVEY BRUCE NORWOOD	1	1,108.18	939.00	939.00	0.00	
42546	03/30/2018	237	JUSTIN B. NORWOOD	1	1,874.73	1,472.18	1,472.18	0.00	
42547	03/30/2018	238	WENDELL L. OPPEWALL	1	1,252.34	763.21	763.21	0.00	
42548	03/30/2018	240	JEANNE C. OTT	1	1,506.84	1,027.39	1,027.39	0.00	

Mount Desert School Department PAYROLL WARRANT REGISTER

Report # 12159

Check #	Check Date	Code	Name	Chk Grp	Gross Pay	Net Pay	Direct Deposit	Check Amt	Void
42549	03/30/2018	301	Terry P. Paulos	1	881.79	651.92	651.92	0.00	
42550	03/30/2018	138	AMY Y. PHILBROOK	1	2,190.14	1,704.93	1,704.93	0.00	
42551	03/30/2018	275	JOELLE A. RUDDY	1	2,400.11	1,888.69	1,888.69	0.00	
42552	03/30/2018	74	LEON E. SARGENT	1	1,803.20	1,331.88	1,331.88	0.00	
42553	03/30/2018	120	KAREN L. SHARPE	1	2,525.38	1,799.82	1,799.82	0.00	
42554	03/30/2018	334	EMILY P. STAPLES	1	884.89	699.71	699.71	0.00	
42555	03/30/2018	404	KERRY L. TAYLOR	1	2,162.26	1,582.69	1,582.69	0.00	
42556	03/30/2018	448	JACQUELINE A. WHEATON	1	2,079.42	1,516.05	1,516.05	0.00	
42557	03/30/2018	307	LAUREN M. WHITE	1	930.32	732.97	732.97	0.00	
42558	03/30/2018	AFLAC	AFLAC		127.42	127.42	0.00	127.42	
42559	03/30/2018	BCBS	ANTHEM BC/BS		12,144.50	12,144.50	0.00	12,144.50	
42560	03/30/2018	HMD	HORACE MANN COMPANIES		164.60	164.60	0.00	164.60	
42561	03/30/2018	HML	HORACE MANN LIFE INSURA		23.40	23.40	0.00	23.40	
42562	03/30/2018	MEA	MAINE EDUCATION ASSOCIA		1,899.45	1,899.45	0.00	1,899.45	
42563	03/30/2018	MSRS	MAINE PERS		24,474.94	24,474.94	0.00	24,474.94	
42564	03/30/2018	MEI	METROPOLITAN LIFE INSUR		2,325.00	2,325.00	0.00	2,325.00	
42565	03/30/2018	DELTA DEN	NORTHEAST DELTA DENTAL		1,160.44	1,160.44	0.00	1,160.44	
42566	03/30/2018	PRIM	PRIMERICA FINANCIAL SVCS.		555.00	555.00	0.00	555.00	
42567	03/30/2018	FEDIHEALTH	TREASURER OF STATE		116.48	116.48	0.00	116.48	
					143,616.96	124,387.40	62,504.31	47,388.76	

Check Authorization Summary			
Type	Description	Count	Amount
Employee	Checks	10	4,397.53
	Voided Checks	0	0.00
	Direct Deposits (Fully Distributed)	51	62,504.31
	ACH Employee Credits	51	62,504.31
	ACH Employee Debits (Voids)	0	0.00
	Deduction	Checks	10
	Voided Checks	0	0.00
	ACH Vendor Credits	0	0.00
	ACH Vendor Debits (Voids)	0	0.00
Taxes	EFTPS Payment - Debit	2	14,494.33

Mount Desert School Department PAYROLL WARRANT REGISTER

Report # 12159

Check #	Check Date	Code	Name	Chk Grp	Gross Pay	Net Pay	Direct Deposit	Check Amt	V
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WARRANT # 20

DATE: MAR 30 PAID

Mark Edward Gausse, Ed.D.

SUPERINTENDENT

FINANCE OFFICER

FINANCE OFFICER

FINANCE OFFICER

FINANCE OFFICER

FINANCE OFFICER

FINANCE OFFICER

FINANCE OFFICER



124387.40
57534.82 payroll A/P
181922.22 ✓

Mount Desert School Department Check Register

Report # 12163

Batch: 2713
Check Edlt #: N/A
Sort By: Vendor Name
Include DTF Info: No

Batch #	Control Total	Status	Created By	Date Created	Last Updated By	Date Last Updated	
2713	57,534.82	Posted	Bria	03/28/2018	Bria	03/28/2018	
Vendor Code / Name	Check Number	Check Type	Check Header Information				
Check Edlt #	Check Date	Status					
1200 ANTHEM BC & BS 8161	18139	Payable Payment					
	03/30/2018	Posted					
Payable #	Reference	Invoice #	Invoice Date	Amount	Discount	Payment	
12715	ANTHEM BC & BS-MARCH18	MDESE MARCH18 MD	03/30/2018	55,611.96	0.00	55,611.96	
				Check Totals:	55,611.96	0.00	55,611.96
6000 MAINE PERS 8158	18140	Payable Payment	MAINE PERS				
	03/30/2018	Posted	PO BOX 349				
			AUGUSTA ME 043320349				
Payable #	Reference	Invoice #	Invoice Date	Amount	Discount	Payment	
12712	GLI TEACHER FEB18	T0915- MDES GLI TEACHER	03/30/2018	212.90	0.00	212.90	
				Check Totals:	212.90	0.00	212.90
6000 MAINE PERS 8159	18141	Payable Payment	MAINE PERS				
	03/30/2018	Posted	PO BOX 349				
			AUGUSTA ME 043320349				
Payable #	Reference	Invoice #	Invoice Date	Amount	Discount	Payment	
12714	MAINE PERS-PLD RET	MAR18 MDES PLD RET MAR	03/30/2018	1,623.48	0.00	1,623.48	
				Check Totals:	1,623.48	0.00	1,623.48
6000 MAINE PERS 8160	18142	Payable Payment	MAINE PERS				
	03/30/2018	Posted	PO BOX 349				
			AUGUSTA ME 043320349				
Payable #	Reference	Invoice #	Invoice Date	Amount	Discount	Payment	
12713	MAINE PERS-GLI PLD	FEB18 P0016A GLI PLD FEBI	03/30/2018	86.48	0.00	86.48	
				Check Totals:	86.48	0.00	86.48
Batch 2713 Totals:				57,534.82	0.00	57,534.82	

4 Checks Listed

