

SELECTMEN'S EPACKET
List of Files
May 14, 2013

List of Files	Page 1
Agenda	Page 2-3
Agenda Summary	Page 4-6
Public Hearing Materials	
Consent Agreement	Page 7-13
Regular Meeting Materials	
Garden Month Proclamation Request- E. Gifford	Page 14
Request for Boat Launch Ordinance and Proposed Language	Page 15-20
Memo from Planning Consultant S. Carver	Page 21
Materials Re: Elderly Property Tax Relief- WITHDRAWN	Page 22-9
Request for Firework Ordinance- J. Sutherland	Page 30-46
8 MRS, Chp 9-A: Fireworks	Page 47-64
List of Municipalities w/ Ordinances- SFMO	Page 65-77
Community Forest Project- C. Wallia & J. Rand	Page 78-94
Community Dock Informational Packet	Page 95-135
Municipal Warrant for the Election of Officers & Referendum	Page 136
RSU#14 Warrant & Notice of Election	Page 137-8
Copy of Warrant to Call RSU#14 Budget Meeting	Page 139-42
Quit Claim Deed	Page 143
Vision Software Memo & Presentation- D. Loring	Page 144-7



BOARD OF SELECTMEN

AGENDA

May 14, 2013

7:00 p.m.

Broadcast Studio

SELECTMEN'S MEETING

1) Call to order.

2) Minutes of previous meeting dated:

- April 2, 2013

3) PUBLIC HEARING

- a) **Consent Agreement between the Town and Vickie & Donald Matthews and Marston Tree Service, Inc. for Shoreland Zoning Violations at 11 Bridges Lane (Map 069, Lot 001).**

The Selectmen reserve the right to go into Executive Session pursuant to 1 MRSA §405(6) (E) for Consultation with the Town Attorney Regarding Pending Land Use Legal Matter

4) New Business.

- a) **Consideration of Proclaiming June as “Raymond Garden Month”- Elissa Gifford, Raymond Garden Tour Steering Committee**
- b) **Consideration of Creating a Boat Launch Ordinance- Peggy Jensen**
- c) **Consideration of Creating an Elderly Tax Relief Program per 36 MRSA § 6131-6135:- Bonnie Titcomb Lewis, Sheehan Island**
- d) **Consideration of Creating Fireworks Ordinance- Julie Sutherland, Ledge Hill Road**
- e) **Informational Presentation and Consideration of Raymond Community Forest Project Off Conesca Road- Chairman John Rand, Raymond Conservation Commission & Executive Director Carrie Wallia, Loon Echo Land Trust**
- f) **Community Dock Proposal Presentation- Ingo Hartig, Raymond Revitalization Committee**
- g) **Consideration of RSU#14 & Municipal Referendum Warrants for June 11, 2013 Election- Louise Lester, Town Clerk**
- h) **Executive Session pursuant to 1 MRSA § 405(6)(F): Consideration/Award of 2013 Scholarships**
- i) **Consideration of Quit Claim Deed as Submitted by Deputy Tax Collector Sue Carr**

The Selectmen may take items out of order at their discretion.

Board of Selectmen Agenda: May 14, 2013

Page 1 of 2

Deadline for June 18, 2013 Agenda: June 7, 2013

- j) **Consideration of Funding Request for Improved Assessing/Code Enforcement Software**
- Danielle Loring, Executive Assistant

5) **Public Comment** This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.

6) **Town Manager Report and Communications.**

- a) **Confirm date for next regular meeting:**

- **June 18, 2013**

- b) **June 4th: Annual Town Meeting 7:00pm @ JSMS Gym**

- c) **June 11th: Elections 7:00am to 8:00pm @ JSMS Gym**

- **(2) Selectmen positions- 3 Year Term**
- **(3) Budget-Finance Committee Members- 3 Year Terms**
- **(1) School Board position- 3 Year Term**
 - **Absentee Voting Began May 10th**
 - **Ballot available until June 8th @ Noon and due by the close of poles on June 11th**

7) **Fiscal Warrants – May 14, 2013**

- **Payroll Expense Summary Warrant**
- **Treasurer's Warrant**

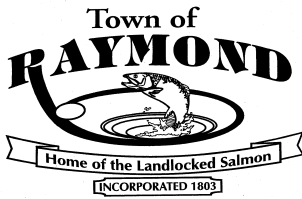
8) **Adjournment.**

The Selectmen may take items out of order at their discretion.

Board of Selectmen Agenda: May 14, 2013

Page 2 of 2

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BOARD OF SELECTMEN

AGENDA

May 14, 2013

7:00 p.m.

Broadcast Studio

SELECTMEN'S MEETING

1) Call to order.

2) Minutes of previous meeting dated:

- April 2, 2013

3) PUBLIC HEARING

- a) **Consent Agreement between the Town and Vickie & Donald Matthews and Marston Tree Service, Inc. for Shoreland Zoning Violations at 11 Bridges Lane (Map 069, Lot 001).**

The Selectmen are holding a public hearing regarding Shoreland Zoning violations at 11 Bridges Lane to receive comment on the conditions of the consent agreement before authorizing the Town Manager to move forward with it.

The Selectmen reserve the right to go into Executive Session pursuant to 1 MRSA §405(6) (E) for Consultation with the Town Attorney Regarding Pending Land Use Legal Matter

4) New Business.

- a) **Consideration of Proclaiming June as “Raymond Garden Month”- Elissa Gifford, Raymond Garden Tour Steering Committee**

Elissa Gifford of the Raymond Garden Tour Steering committee is requesting that the Board of Selectmen consider making June “Raymond Garden Month” to help raise awareness about the Raymond Garden Tours, that will benefit the Raymond Village Library, and the associated activities going on throughout the month.

- b) **Consideration of Creating a Boat Launch Ordinance- Peggy Jensen**

Peggy Jensen is representing a group of concerned residents looking to develop regulatory language that would guide the future development, operation and maintenance of public boat launch sites. The request was originally made to the Planning Board (attached to the ePacket) but was forwarded to the Selectmen, given that the ordinance would require additional staffing and expense for enforcement. Also attached to the ePacket is the proposed ordinance language from the group, which has been reviewed by the Town's Planning Consultant Stephanie Carver. Ms. Carver has prepared a brief memo concerning the proposed ordinance, which is also attached to the ePacket.

The Selectmen may take items out of order at their discretion.

Board of Selectmen Agenda: May 14, 2013

Page 1 of 3

Deadline for June 18, 2013 Agenda: June 7, 2013

c) Consideration of Creating an Elderly Tax Relief Program- Bonnie Titcomb Lewis, Sheehans Island

After this item was placed on the agenda, it was discovered that one of the key pieces of legislation, LD 1233, had been tabled, and she requested to postpone this item until she could further investigate the issue.

d) Consideration of Creating Fireworks Ordinance- Julie Sutherland, Ledge Hill Road

Julie Sutherland, Ledge Hill Road, is requesting that the Selectmen consider creating a Fireworks Ordinance that would regulate the use of fireworks in Raymond by requiring permits and defining where they can be used in relation to existing buildings. Ms. Sutherland is concerned with the adverse health effects on her horses and the potential fire hazard posed by the use of fireworks. The issue of local fireworks regulation was considered in December 2011, before the State law, allowing the sale and use of consumer grade fireworks (attached to the ePacket), had gone into effect. Fire Chief Bruce Tupper had explained, at that time, issues concerning enforcement and the restrictions within the law. The Selectmen then elected to wait and see how the law effected the town before considering any local ordinance.

e) Informational Presentation and Consideration of Raymond Community Forest Project Off Conesca Road- Chairman John Rand, Raymond Conservation Commission & Executive Director Carrie Wallia, Loon Echo Land Trust

John Rand and Carrie Wallia will be presenting information about a proposed 347 acre community forest to be located off of Conesca Road that was originally brought before the Selectmen in August 2012. The Selectmen asked for information regarding funding sources and a more detailed plan for the property. Attached to the ePacket are the materials from the original request and the draft "Option for Purchase" Agreement. Also, on the Town's website is information about the project and a public interest survey (<http://raymondmaine.org/content/raymond-conservation-commission-raymond-community-forest-survey>).

f) Community Dock Proposal Presentation- Ingo Hartig, Raymond Revitalization Committee

At the August 14, 2012 Board of Selectmen's meeting, Code Enforcement Officer Chris Hanson informed the Board that he had received a request from the Raymond Revitalization Committee (RRC) for a donated town owned Community Dock to be located at the Veterans' Memorial Park on Panther Run, which would allow boaters to dock their boats and gain access to the business corridor. RRC Member Nick Hardy made a formal presentation (attached to ePacket) to the Selectmen at their October 2012 meeting requesting use of town owned land for the dock access. The Selectmen requested that the several additional concerns be addressed. Town staff worked with the RRC to address the issues raised and compiled the materials in a final report (attached to the ePacket). Ingo Hartig, RRC Member, will be presenting this information to the Selectmen.

g) Consideration of RSU#14 & Municipal Referendum Warrants for June 11, 2013 Election- Louise Lester, Town Clerk

Town Clerk Louise Lester will be presenting the 2013 "Warrant for the Election of Officers & Referendum" and RSU#14 "Warrant and Notice of Election" for Selectmen approval, which would allow for a secret ballot to occur on June 11, 2013.

h) Executive Session pursuant to 1 MRSA § 405(6)(F): Consideration/Award of 2013 Scholarships

The Selectmen may take items out of order at their discretion.

Board of Selectmen Agenda: May 14, 2013

Page 2 of 3

Deadline for June 18, 2013 Agenda: June 7, 2013

i) Consideration of Quit Claim Deed as Submitted by Deputy Tax Collector Sue Carr

- **George T. & Susan E. Allen**
8 Colina Drive
Map 015, Lot 089A

Deputy Tax Collector Sue Carr has prepared quit claim deeds without covenant for the above property. All back taxes, interest and lien costs have now been paid in full.

**j) Consideration of Funding Request for Improved Assessing/Code Enforcement Software
- Danielle Loring, Executive Assistant**

Danielle Loring, Executive Assistant in both the Codes and Assessing departments, will be presenting a software expansion option available for the town's Vision software package, that would incorporate code software and a web interface to the existing products. This request is being made in an effort to increase efficiency, level of services and information available to the public, as well as improve inter-departmental communication.

5) Public Comment This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.

6) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- **June 18, 2013**

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Board of Selectmen Agenda: May 14, 2013

Page 3 of 3

Deadline for June 18, 2013 Agenda: June 7, 2013

CONSENT AGREEMENT

This agreement is made as of this _____ day of May, 2013 by and between the **Town of Raymond, Maine** ("Town"), **Marston's Tree Service, Inc.** ("Marston"), and **Donald and Vickie Matthews** ("Matthews").

WHEREAS, on June 19, 2012, the Town's Code Enforcement Officer ("CEO") issued to Marston and the Matthews a Notice of Violation ("Notice") of the Town of Raymond Land Use Ordinance on property owned by the Matthews and located at 11 Bridges Lane, Raymond, Maine, identified in the Town Assessor's records as Map 069, Lot 001 & 002 (the "Property"); and

WHEREAS, that Notice notified Marston and the Matthews that the Town's shoreland shoreland zoning provisions were violated by:

- 1) The trimming of trees above the bottom 1/3 on an estimated 75 trees within the 100 foot buffer;
- 2) Clearing of vegetation under 3 feet and other ground cover,

WHEREAS, that Notice required Marston and the Matthews to perform any corrective action possible and pay an appropriate monetary fine based on Article V, Section K of the Raymond Land Use Ordinance; and

WHEREAS, the violations of the Town's ordinances subject Marston and the Matthews to civil penalties, attorney's fees and costs; and

WHEREAS, all parties agree that the violations exist on the Property; and

WHEREAS, all parties wish to resolve the violations without the time and expense of enforcement litigation;

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the parties agree as follows:

1. No later than June 1, 2013, Marston shall pay to the Town of Raymond a civil penalty in the amount of \$15,000 through a bank/certified check payable to the Town of Raymond and sent to the Town of Raymond, Attention: Town Manager, 401 Webbs Mills Road, Raymond, Maine 04071.
2. No later than June 1, 2013, the Matthews will pay the Town a civil penalty in the amount of \$10,000, without any admission of liability, through a bank/certified check payable to the Town of Raymond and sent to the Town of Raymond, Attention: Town Manager, 401 Webbs Mills Road, Raymond, Maine 04071.
3. Commencing the Spring of 2013, the Matthews shall begin to implement the restoration plan prepared by Robert Metcalf, Registered Landscape Architect, (the "Restoration Plan"), a copy of which is attached as **Exhibit A** and incorporated herein by reference with the and completing the plan by the end of October 2013 barring unforeseen circumstances beyond their control. If the Restoration Plan is not completed by the end of October 2013 due to unforeseen circumstances beyond the Matthews' control, a description and evidence of such unforeseen circumstances shall be submitted in writing to the Town.
4. The Matthews themselves shall or through their contractors insure that 80% of the plantings survive until June 1, 2016. This duty shall run with the land. On or about the one-year anniversary of the initial planting, the Matthews shall contact the CEO about inspecting the Property. On or about June 1, 2016, the Matthews shall contact the CEO about inspecting the Property. With reasonable notice to the Matthews, the CEO shall be allowed to enter the Property as reasonably necessary to quantify the survival rate of the plantings. The CEO shall notify the Matthews in writing of any

deficiencies identified during such visits (“Deficiency Notice”). The Matthews shall within a reasonable time after the Deficiency Notice ensure that any deficiencies are corrected (“Cure Period”).

5. The Town agrees that, so long as the Matthews complete the restoration plan as required in Paragraph No. 3, ensures its survival of no less than 80% of the trees through June 2016, and that the Matthews comply with any Deficiency Notice during any applicable Cure Period during that time, the Town will, and hereby does, upon fulfillment of the conditions herein, waive its rights to any additional civil penalties, attorney's fees and costs related to the specific violations to which the Notice referred.
6. The parties agree to submit to binding arbitration any dispute regarding the interpretation of this agreement to Robert Crowley, or another mutually acceptable arbitrator with each party to share the arbitrator’s costs. The arbitrator shall have the authority to award attorney’s fees and sanctions in his discretion.
7. When a violation of this agreement shall have occurred and be continuing, the other parties shall have all rights and remedies available to it at law or in equity and to take whatever action as may be necessary or desirable to collect the amount then due or to specifically enforce the performance or observance of any obligations, agreements or covenants of the hereunder.

This agreement shall be recorded by the Town in the Cumberland County Registry of Deeds, shall run with the land, and shall be binding on Marston and the Matthews and their heirs, successors and assigns for so long as they own the Property.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first written above.

Donald Matthews, individually

Vickie Matthews, individually

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 2013

PERSONALLY APPEARED the above-named Donald Matthews and acknowledged the foregoing instrument to be his free act and deed.

Notary Public / Attorney at Law

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 2013

PERSONALLY APPEARED the above-named Vickie Matthews and acknowledged the foregoing instrument to be her free act and deed.

Notary Public / Attorney at Law

MARSTON TREE SERVICE, INC.

John Marston, President, duly authorized

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

_____, 2013

PERSONALLY APPEARED the above-named John Marston, President of Marston's Tree Service, Inc. and acknowledged the foregoing instrument to be his/her free act and deed and the free act and deed of said corporation.

Notary Public / Attorney at Law

TOWN OF RAYMOND

By: _____
Don Willard, Its Town Manager
Duly Authorized by the Board of
Selectmen

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

_____, 2013

PERSONALLY APPEARED the above-named Don Willard in his capacity as Town Manager of the Town of Raymond, Maine and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town of Raymond.

Notary Public / Attorney at Law

Subject: May agenda item

Date: Thu, 18 Apr 2013 13:33:53 -0400

From: Elissa Gifford

Greetings -

The Steering Committee of the upcoming Raymond Garden Tour requests that the Select Board consider designating June as "Raymond Garden Month." As you know, the Tour will benefit the Raymond Village Library, and the Committee is confident it will encourage many people from outside Raymond to visit not only the Library and gardens open for the Tour, but many of our local businesses as well.

During the month of June there will be a plant sale at the Library, two Maine speakers addressing gardening topics, also at the Library; the Garden Tour, and the Hawthorne Association's annual Strawberry Festival at which there will also be a notable Maine garden expert and author.

We appreciate your consideration and look forward to your response. Thank you.

Elissa

----- Original Message -----

Subject: Re: any other possible date?

Date: Tue, 07 May 2013 16:33:10 -0400

From: Peggy Jensen <pjensen@gwi.net>

Reply-To: pjensen@gwi.net

To: Danielle Loring
<danielle.loring@raymondmaine.org>

Sorry to be slow. Too much happening!

We're a small group of Raymond citizens who would like to help the town develop some regulatory language that would guide future development, operation, and maintenance of boat launch sites, at least possible cost to the town. There have been inquiries and offers to purchase lake access properties in Raymond in the past and there is an open offer now for a property being considered for a boat launch site. Our research indicates that towns that have prepared for such development are able to shape it to best suit all concerned parties. We would like for our town to be in a position to say to any party proposing to develop a boat launch site that we would welcome that development and that here is how the people of our town want to see it happen.

Thanks, Danielle, for keeping such good track of everything!

Peggy

TOWN OF RAYMOND, MAINE

BOAT LAUNCH ORDINANCE

Proposal, Draft 6

1. PREAMBLE:

- A. Authority: This Ordinance has been prepared in accordance with the provisions of the Revised Statutes of Maine, as amended.
- B. Title: This Ordinance shall be known and may be cited as the “Boat Launch Ordinance of the Town of Raymond, Maine”.
- C. Purpose: The purpose of this ordinance is to provide the Town of Raymond regulations for the development and operation of public boat launch facilities so that such sites may be of the most benefit to all users of the sites, in ways most compatible with the water body and the surroundings of the sites, respecting the goals expressed in the Comprehensive Plan, and at least cost to the Town. The Comprehensive Plan includes goals to protect natural resources; maintain the rural character of the town; inspect boats for invasive aquatic plants; control and eliminate invasive aquatic plants in the town; evaluate public safety needs and increase police coverage; improve existing lake access and investigate additional access; pursue watercraft speed, safety and noise enforcement. As with all ordinances, this Boat Launch ordinance seeks to balance the rights of public and private interests.

The Town of Raymond has an abundance of natural resources; chief among these are the lakes, ponds, and streams of the town. These resources contribute significantly to the tax base and business income of the town, both by providing sites for high-value residential and business real estate, and by attracting non-residents for boating, fishing, and other recreational opportunities. The Town’s Comprehensive Plan emphasizes that maintaining the high quality of the town’s waterways is critical to our economic health. Along with these financial benefits, however, there are attendant problems with which the town must cope. The Maine Department of Environmental Protection includes all of Raymond’s lakes in its list of water bodies that are at risk from development pressures and overuse.

It has been the experience both of Raymond and of other Maine towns that boat ramps which are inadequately designed, equipped, maintained, and monitored can cause problems, including: degradation of water quality due to erosion around launch sites, causing unhealthy phosphorous loading of the waters; interference with road traffic due to launch activity and the parking of vehicles and trailers along the public roads; the deposition of trash around the launch site and nearby roads; and inappropriate use of the site as an after-hours gathering place for local youths.

Of particular concern, because of the difficulty and cost of remediation and negative water quality impact, is the introduction of invasive aquatic plants and animals into previously non-infested waters. Raymond is surrounded by lakes already infested

with milfoil and other highly invasive aquatic species, and many other states have plant infestations which have been allowed to grow beyond the possibility of eradication. The principal method of transmission from one body of water to another is by plant fragments transported on boats, trailers, and other gear when boaters trailer their boats from one lake to another.

The provisions of the Comprehensive Plan and the Shoreland Zoning Ordinance are insufficient in their scope to properly protect the lakes and surrounding land from inadequately designed and maintained boat ramp facilities. To preserve and protect Raymond's lakes, ponds, and other waterways, this ordinance seeks to define how boat launch sites can provide access to Raymond's water resources while preserving and protecting their health and natural character.

It is *not* the intent of this ordinance to restrict the public's right of access to the Town's waterways, but rather to permit such access in ways that will not degrade the economic and aesthetic qualities of these critical resources, and to protect the town from incurring unnecessary expenses engendered by a poorly designed, improperly equipped, or inadequately maintained facility.

- D. Jurisdiction: The provisions of this Ordinance shall govern all public boat launch facilities developed after the enactment date within the boundaries of the Town of Raymond, Maine.
2. SEVERABILITY: Each part of this ordinance is severable, and if any phrase, clause, sentence or provision is declared contrary to law, the validity of the remainder shall not be affected thereby.
3. CONFLICTS WITH OTHER ORDINANCES: Whenever a provision of this Boat Launch ordinance conflicts with or is inconsistent with the Raymond Land Use ordinance or the Raymond Shoreland Zoning ordinance, or of any other ordinance, regulation or statute, administered by the municipality, the more restrictive provision shall control.
4. DEFINITIONS:
- A. *Boat launch* shall mean any structure or clearing that extends to or waterward of the normal high water elevation and is intended for the launching or retrieval of trailered or hand-carried watercraft.
 - B. high water elevation and is intended for the launching or retrieval of trailered or hand-carried watercraft.
 - C. *Boat launch facility* shall mean a boat launch and any improvements required by state or local regulations to be constructed in conjunction therewith, which are the subject of public access to waters.
 - D. *Boat launch facility site* shall mean a lot or parcel of record which is the location of any boat launch facility.
 - E. *Waters* shall mean and include, but is not limited to, rivers, lakes, streams, waterways, bays, springs, impoundments, inlets, canals, and all other waters or bodies of water, whether natural or artificial, located within the boundaries of the Town of Raymond.
 - F. *Paved, paving and pavement* shall mean a hard surface that allows vehicles to travel without disturbing underlying soils.

5. APPLICATION PROCESS: All applications for the development of a public boat launch site shall follow the application process described in the Town of Raymond Land Use Ordinance and the Town of Raymond Shoreland Zoning Ordinance.
6. REVIEW: All applications for the development of a public boat launch site shall be subject to the review process in the Town of Raymond Land Use Ordinance and the Town of Raymond Shoreland Zoning Ordinance.
7. DEVELOPMENT: The developer of a boat launch facility must provide:
 - A. access from a public road.
 - B. sufficient room to allow for vehicles and trailers to maneuver into position to use the boat launch without having to use space on the public road.
 - C. a minimum lot size of ?????
 - D. off-road parking space for vehicles and trailers in scale to the site and the water body.
 - E. paved boat launch no more than twelve (12) feet wide.
 - F. only one (1) boat launch at each site.
 - G. no access to electric power within one hundred (100) feet of the boat launch.
 - H. signage clearly explaining all rules applying to usage of the boat launch facility site, to include, but not limited to:
 - * setting hours of use to be from one hour before sunrise to one hour after sunset
 - *restricting use of the boat launch facility to the launching and retrieving of watercraft and the parking of vehicles and trailers required for transporting the watercraft launched
 - *forbidding the parking of vehicles and trailers overnight
 - *restricting the parking of vehicles and trailers to designated parking spaces
 - *forbidding parking on the public road within one thousand (1000) feet of the boat launch facility
 - I. signage to educate boaters about invasive aquatic species and proper disposal of any such species before leaving the boat launch facility.
 - J. portable toilet facility in place from May 1 to December 1.
 - K. appropriate receptacles for trash.
 - L. a sum of ten thousand (10,000) dollars for the town to invest and use the investment income for maintenance and operation of the site.
 - M. all construction conforming to the requirements of the Town of Raymond Land Use ordinance and the Town of Raymond Shoreland Zoning ordinance.
8. MANAGEMENT AND OPERATION : The Town shall:
 - A. provide adequate removal of trash accumulated in the provided receptacles.
 - B. provide adequate emptying and cleaning of the portable toilet and replacing used supplies.
 - C. maintain signage provided by the developer explaining all rules applying to the usage of the boat launch facility.
 - D. maintain signage provided by the developer educating boaters about invasive aquatic species and proper disposal of any such species before leaving the boat launch facility.
 - E. provide courtesy boat inspection for invasive aquatic species.
 - F. have the ability to close or otherwise block access to the boat launch facility should any town ordinance not be followed.

- G. assign an existing town government committee to have oversight responsibility for boat ramp facilities.

Dear Planning Board Members,

A group of concerned citizens has been meeting for several months to draft a proposal for your consideration. This proposal is for a Boat Launch Ordinance for the Town of Raymond, Maine. The group seeks your comments and suggestions for improvements. Remaining questions not resolved are:

Should there be a minimum lot size?

Should there be a payment/permit system whereby property owners of the town would have no or minimal cost, with a sticker or hang tag identifying payment/permission?

How is "Authority" verified?

Would you please , at your earliest convenience, schedule a time to review this proposal with the group.

Thank you.

Neil Jensen Peggy Jensen Brian Walker Betty Williams

DATE: May 3, 2013

TO: Board of Selectman

FROM: Stephanie Carver, Senior Planner, Greater Portland Council of Governments

SUBJECT: Boat Lunch Ordinance

Upon my brief review of the Boat Launch Ordinance (Draft 6) proposed by Neil Jensen, Peggy Jensen, Brian Walker, and Betty Williams and submitted via email to the Town on March 26, 2013, I have the following suggestions for the Board to consider during its review.

Listed in *Section 7 Development* of the proposed ordinance are requirements such as minimum lot size, off road parking, and signage. The language describing these requirements is vague and subjective and will lead to confusion and inconsistency. Not only should these requirements be more clearly defined, they should be defined in accordance with both existing State and Town regulations for Shoreland Zoning, as well as the Towns Site Plan Review requirements. Other areas of concern include the inconsistency among definitions in the proposed ordinance and those already in the existing in the Shoreland Zoning Ordinance. Lastly, references to Town maintenance responsibilities related to a proposed site should not be outlined in this ordinance.

Ideally, an independent ordinance is not the appropriate approach to regulating the development of public boat launches. A stand-alone ordinance is unnecessary and adds yet another ordinance to many that must be updated and amended as laws change. I advise the Town to simply incorporate language into the existing Shoreland Zoning and create a new subsection under Section 15, titled *Subsection U. Boat Launches*. Definitions complementing this section can be added to the Definitions Section of the Shoreland Zoning and should be consistent among all ordinances. This approach will insure consistency with the current regulations already in place for development in the Shoreland Zone

36 §6271. MUNICIPAL AUTHORITY

36 §6271. MUNICIPAL AUTHORITY

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

A. "Eligible homestead" means the owner-occupied principal dwelling, either real or personal property, owned by a taxpayer and the land upon which it is located. If the dwelling is located in a multiunit building, the eligible homestead is the portion of the building actually used as the principal dwelling and its percentage of the value of the common elements and of the value of the tax lot upon which it is built. The percentage is the value of the dwelling compared to the total value of the building exclusive of the common elements, if any. [2009, c. 489, §5 (NEW).]

B. "Federal poverty level" means the nonfarm income official poverty line for a family of the size involved, as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2. [2009, c. 489, §5 (NEW).]

C. "Household income" has the meaning set out in section 6201, subsection 7. [2009, c. 489, §5 (NEW).]

D. "Program" means a tax deferral program adopted by a municipality pursuant to subsection 2. [2009, c. 489, §5 (NEW).]

E. "Tax-deferred property" means the property upon which taxes are deferred under this chapter. [2009, c. 489, §5 (NEW).]

F. "Taxes" or "property taxes" means ad valorem taxes, assessments, fees and charges entered on the assessment and tax roll. [2009, c. 489, §5 (NEW).]

G. "Taxpayer" means an individual who is responsible for payment of property taxes and has applied to participate or is currently participating in the program under this chapter. [2009, c. 489, §5 (NEW).]

[2009, c. 489, §5 (NEW) .]

2. Authority. The legislative body of a municipality may by ordinance adopt a property tax deferral program for senior citizens, referred to in this section as "the program." Upon application by a taxpayer, a municipality may defer property taxes on property if the following conditions are met:

A. The property is an eligible homestead where the taxpayer has resided for at least 10 years prior to application; [2009, c. 489, §5 (NEW).]

B. The taxpayer is an owner of the eligible homestead, is at least 70 years of age on April 1st of the first year of eligibility and occupies the eligible homestead; and [2009, c. 489, §5 (NEW).]

C. The household income of the taxpayer does not exceed 300% of the federal poverty level. [2009, c. 489, §5 (NEW).]

An application, information submitted in support of an application and files and communications relating to an application for deferral of taxes under the program are confidential. Hearings and proceedings held by a municipality on an application must be held in executive session unless otherwise requested by the applicant. Nothing in this paragraph applies to the recording of liens or lists under subsection 3 or any enforcement proceedings undertaken by the municipality pursuant to this chapter or other applicable law.

The municipality shall make available upon request the most recent list of tax-deferred properties of that municipality required to be filed under subsection 3. The municipality may publish and release as public information statistical summaries concerning the program as long as the release of the information does not jeopardize the confidentiality of individually identifiable information.

[2009, c. 489, §5 (NEW) .]

3. Effect of deferral. If property taxes are deferred under the program, the lien established on the eligible homestead under section 552 continues for the purpose of protecting the municipal interest in the tax-deferred property. Interest on the deferred taxes accrues at the rate of 0.5% above the otherwise applicable rate for delinquent taxes. In order to preserve the right to enforce the lien, the municipality shall record in the county registry of deeds a list of the tax-deferred properties of that municipality. The list must contain a description of each tax-deferred property as listed in the municipal valuation together with the name of the taxpayer listed on the valuation. The list must be updated annually to reflect the addition or deletion of tax-deferred properties, the amount of deferred taxes accrued for each property and payments received.

The recording of the tax-deferred properties under this subsection is notice that the municipality claims a lien against those properties in the amount of the deferred taxes plus interest together with any fees paid to the county registry of deeds in connection with the recording. For a property deleted from the list, the recording serves as notice of release or satisfaction of the lien, even though the amount of taxes, interest or fees is not listed.

[2009, c. 489, §5 (NEW) .]

4. Notice. The State Tax Assessor shall prepare a one-page notice of the effect of the deferral of property taxes under this section, of the right of the municipality to file a tax lien mortgage pursuant to chapter 105 and that the deferred taxes become due and payable as established in subsection 5. This notice must have a readability score, as determined by a recognized instrument for measuring adult literacy levels, equivalent to no higher than a 6th grade reading level. A municipality that adopts the program shall provide a copy of this notice to each taxpayer applying to the program at the time of application and shall also annually provide to each taxpayer in the program, in lieu of a property tax bill, a copy of this notice together with an accounting of taxes deferred and interest accrued.

[2009, c. 489, §5 (NEW) .]

5. Lien. When it is determined that one of the events set out in subsection 6 has occurred and that a property is no longer eligible for property tax deferral under this chapter, the municipality shall send notice by certified mail to the taxpayer, or the taxpayer's heirs or devisees, listing the total amount of deferred property taxes, including accrued interest and costs of all the years and establishing a due and payable date. For events listed in subsection 6, paragraphs A, B and C, payment is due within 45 days of the date of the notice. When the event listed in subsection 6, paragraph D occurs, the total amount of deferred taxes is due and payable 5 days before the date of removal of the property from the State. The municipality shall include in the notice a statement that the lien enforcement procedures pursuant to chapter 105, subchapter 9 apply.

If the deferred tax liability of a property has not been satisfied by the date established pursuant to this subsection, the municipality may enforce the lien according to procedures in chapter 105, subchapter 9.

Partial payments accepted during the 18-month redemption period provided for in section 943 may not interrupt or extend the redemption period or in any way affect foreclosure procedures.

[2009, c. 489, §5 (NEW) .]

6. Events requiring the payment of deferred tax and interest. Subject to subsection 7, all deferred taxes and accrued interest must be paid pursuant to subsection 5 when:

A. The taxpayer dies; [2009, c. 489, §5 (NEW) .]

B. Some person other than the taxpayer becomes the owner of the property; [2009 , c . 489 , §5 (NEW) .]

C. The tax-deferred property is no longer occupied by the taxpayer as a principal residence, except that this paragraph does not apply if the taxpayer is required to be absent from the eligible homestead for health reasons; or [2009 , c . 489 , §5 (NEW) .]

D. The tax-deferred property, a mobile home, is moved out of the State. [2009 , c . 489 , §5 (NEW) .]

[2009 , c . 489 , §5 (NEW) .]

7. Election to continue deferral. If one of the events listed in subsection 6 occurs, and the ownership of the eligible homestead is transferred to another member of the same household, the transferee may apply to the municipality for continuation of the deferral of taxes if the transferee meets the conditions in subsection 2, paragraphs B and C.

[2009 , c . 489 , §5 (NEW) .]

8. Repeal of program. A municipality that has adopted the program under this section may discontinue it through the same procedure by which the program was adopted; however, any taxes deferred under the program continue to be deferred under the conditions of the program on the date it was ended.

[2009 , c . 489 , §5 (NEW) .]

SECTION HISTORY

2009 , c . 489 , §5 (NEW) .

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Summary of LD 1233

Bill Info

LD 1233 (HP 853)

"An Act To Provide Property Tax Relief to Senior Citizens"

Sponsored by **Representative Windol Weaver**

Status Summary

Reference Committee **Taxation**

Last House Action **3/26/2009** - Committee on **Taxation** suggested and ordered printed.

The Bill was **REFERRED** to the Committee on **TAXATION**.

Sent for concurrence. ORDERED SENT FORTHWITH.

Last Senate Action **4/16/2009** - Pursuant to Joint Rule 310.3 Placed in Legislative Files
(DEAD)

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Provide Property Tax Relief to Senior Citizens

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA c. 901-A is enacted to read:

CHAPTER 901-A

ELDERLY RESIDENTS PROPERTY TAX DEFERMENT

§ 6131. Short title

This chapter may be known and cited as "the Elderly Residents Property Tax Deferment Act."

§ 6132. Municipal property tax deferment program

Each municipality that levies taxes on real property pursuant to chapter 105 may implement, if approved by the voters of that municipality at referendum, a program that provides for deferred payment of property taxes, referred to in this chapter as "the program."

1. Eligibility. A person may participate in the program if the person:

A. Owns and occupies a homestead in the taxing municipality. As used in this paragraph, "homestead" has the same meaning as in section 681, subsection 2;

B. Pays property taxes to that municipality;

C. Is at least 65 years of age. If the property is owned by more than one person, the age eligibility requirement is met as long as the participant is at least 65 years of age; and

D. Has an annual income that does not exceed 300% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673.

2. Qualifying event. A person who is eligible to participate in the program may elect to pay property taxes at a level equal to those property taxes assessed on that person's residence at the latest of the following qualifying events:

A. The date the person attained at least 65 years of age;

B. The date of purchase of the residence; and

C. April 1, 2009.

3. Deferment of property taxes. If the municipality determines that the person qualifies, the municipality shall defer any property taxes above the amount assessed the year the person files for participation pursuant to subsection 4. The property taxes must continue to be deferred until the home is sold or transferred, the person chooses to stop participating in the program or the person becomes ineligible to participate in the program.

4. Filing; notice; records. An eligible person who wants to participate in the program shall file notice with the municipality, on a form supplied by the State Tax Assessor to the municipality, of the intent to participate, indicating the date on which the property taxes are to be based using the criteria in subsection 2, paragraph A, B or C. The form must be filed no later than December 31st of any year following the occurrence of the qualifying event described in subsection 2 upon which the tax deferral is to be based.

The municipality, on the property tax bill sent to a participant in the program, shall indicate:

- A. The taxes due;
- B. The amount of taxes deferred for that tax period;
- C. The cumulative taxes deferred over the course of participation in the program; and
- D. The maximum annual income the participant may have and still remain eligible to participate in the program.

The municipality shall keep a record of these amounts.

5. Decrease in assessed value. Notwithstanding subsection 3, the assessment of eligible property under this chapter may be decreased to reflect the diminution of the value due to revaluation, destruction or subtraction.

6. Repayment of property taxes; interest. When the owner of property enrolled in the program no longer meets the eligibility requirements in subsection 1 or the property is sold or transferred or withdrawn from the program, the total taxes deferred under subsection 3 must be paid not later than 30 days after the sale, transfer or withdrawal. If the ineligibility is the result of the death of the owner, the deferred property taxes must be paid no later than 30 days following the sale or transfer of the property. The person selling or transferring the property or withdrawing the property from the program is responsible for payment of the deferred property taxes. The person selling or transferring the property or withdrawing the property from the program shall notify the municipal tax collector for the taxing municipality at least 30 days prior to the sale, transfer or withdrawal. A person who no longer meets the eligibility requirements in subsection 1, except in the case of the death of the owner, shall notify the tax collector within 30 days of the ineligibility. If the owner dies, the trustee of the estate shall notify the tax collector.

The tax collector shall prepare a statement for the person notifying the tax collector showing:

- A. The total amount of property taxes deferred on that residence due to participation in the program;
- B. The actual amount of property taxes assessed and the amount actually paid each year during participation in the program;
- C. The current assessment; and
- D. The amount of the additional assessment, if any, imposed for administrative costs pursuant to subsection 7.

Notwithstanding section 505, deferred property taxes that are not repaid within the time required by this subsection accrue interest at the rate of 6% per annum.

7. Additional assessment; escrow account. As part of the program, the municipality may, by a majority vote of its voters and in the same manner by which taxes are set pursuant to section 505, impose an additional assessment on the property in that municipality. The additional assessment may not exceed 2% of the total taxes deferred under this section. If the additional assessment is approved, the revenue from the additional assessment must be deposited in a dedicated escrow account maintained by that municipality and used solely to offset the costs of administering the program.

§ 6133. Relationship to state programs

The benefits received under this chapter are not intended to reduce or disqualify a person from receiving a benefit under any state tax relief program, such as the Maine resident homestead property tax exemption program under chapter 105, subchapter 4-B or the Maine Residents Property Tax Program in chapter 907.

§ 6134. Listing of tax-deferred property

1. Tax-deferred property list. If eligibility for deferral of taxes on homestead property is established as provided in this chapter, the municipal assessor shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating that property as tax-deferred property.

2. Tax statement. When requested by the bureau, the municipal tax collector shall send to the bureau as soon as the taxes are extended upon the roll the tax statement for each tax-deferred property.

§ 6135. Reimbursement for state-mandated costs

The bureau shall reimburse municipalities and the Unorganized Territory Education and Services Fund under chapter 115 for state-mandated costs in the manner provided in Title 30-A, section 5685.

SUMMARY

This bill allows a municipality, by vote of its residents, to establish a municipal property tax deferment program. The program would allow a resident who is at least 65 years of age and whose annual income is not more than 300% of the poverty level to pay property taxes on that person's homestead at the rate that was in effect during the year the person attained at least 65 years of age, the date the person purchased the homestead or April 1, 2009, whichever is latest. The payment remains at that level until the residence is sold or transferred, the person elects to stop participating or the person is no longer eligible to participate in the program. At that time, all property taxes assessed on the property but deferred because of participation in the program must be paid to the municipality. Deferred taxes that are not paid within the required time accrue interest.

In order to offset the temporary loss of revenue caused by persons participating in the program, the municipality may, upon approval of its voters, impose an additional assessment of up to 2% of the taxes deferred upon property in the municipality. The revenue from the additional assessment must be kept in a dedicated escrow account and used solely for the administrative costs of the program.

The bill requires the Department of Administrative and Financial Services, Bureau of Revenue Services to reimburse a municipality and the Unorganized Territory Education and Services Fund for any state-mandated costs.

We aren't asking for a complete ban on fireworks. What we are asking for is restrictions/requirements/guidelines. Such as residents need to acquire a permit from Fire Department Chief Tupper, that there be footage limits concerning houses/barns/public areas etc. Ground level fireworks only. No firing fireworks up over someones home or barn or property.

As there has been NO BURNING PERMITS issued in Raymond or Gray for over two weeks or more, it would put a huge concern issue that the ground/wood conditions are very dry and dangerous at this point.

We are asking people to use common sense where fireworks come into play. An ordinance with the requirements of permit and footage distance from other residents, ground level, would be most helpful. It would also give the Fire Chief the yes/no factor and be able to enforce the use of fireworks in our town.

We the people SUPPORT a FIREWORKS ORDINANCE:

<u>NAME:</u>	<u>ADDRESS:</u>	<u>PHONE:</u>
John Russo	51 Ledge Hill Rd Raymond	998-1123
John Russo	51 Ledge Hill Rd Raymond	998-1123
Mr. Gay	115 Deep Cove Rd Raymond	655-2506
Elissa Gifford	546 Webbs Mills Rd Raymond	655-3399
Ed HANSON	43 PLAINS Rd Raymond	655-7755
Patricia J. Pitt	2 Leavitt Rd. Raymond	655-3943
Cham Leab	14 Leavitt Rd. Raymond	655-7059
Sabrina Donnelly	276 N Raymond Rd Raymond	650-0826
Sharon K. Long	140 Egypt Rd Raymond ME	655-4471
Dana Desjardins	64 River Rd Raymond, Me	655-5351
Paul Desjard	64 River Rd. Raymond ME	655-5351
Debra Deering	73 Tenny Hill Rd. Raymond, Me	655-9224
Lindley Deering	73 Tenny Hill Rd. Raymond, Me	655-9224
Barry De	73 Tenny Hill Rd. Raymond Me	655-9224



Raymond Fire & Rescue
Station: RA2

Location: 341 Raymond Hill RD Raymond ME 04071	Incident Type: 143 - Grass fire
Lat/Long: N 43° 58' 43.9" W 70° 26' 14.16"	FDID: C4150 Incident #: 2012-0651 Exposure ID: 5440750 Exposure #: 0 Incident Date: 11/26/2012 Dispatch Run #: 596416
Location Type: 1 - Street address Map Page: RAYF	

Report Completed by:	Tupper, Bruce D	ID: TUPPERB	Date: 05/07/2013
Report Reviewed by:	Tupper, Bruce D	ID: TUPPERB	Date: 05/07/2013
Report Printed by:	Tupper, Bruce D	ID: TUPPERB	Date: 5/7/2013 Time: 08:15

Structure Type:	Property Use: 931 - Open land or field		
Automatic Extinguishment System Present:	<input type="checkbox"/>	Detectors Present:	<input type="checkbox"/> Cause of Ignition: Cause under investigation
Aid Given or Received:	None	Primary action taken:	10 - Fire control or extinguishment, other
Losses	Pre-Incident Values		
Property:	Property:	Civilian Injuries: 0	Fire Service Injuries: 0
Contents:	Contents:	Civilian Fatalities: 0	Fire Service Fatalities: 0
Total:	Total:	Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call:	6	Total # of personnel on call:	10

NARRATIVE

Small fire caused by neighbors fireworks going astray crossing lot lines and landing in a pile of leaves. Fire extinguished by occupant prior to FD arrival. Fire was approximately 2 feet Sq, in leaves, FD wet down to prevent re kindle. CCSO Deputy called to speak to the neighbor who is suspected of causing the issue.

Narrative from dispatch:
grass fire started by fireworks

CUMBERLAND FIREWORKS ORDINANCE

1. Use and sale of consumer fireworks prohibited except as specified below.

(a) A person may not use or sell consumer fireworks, as defined in 8 M.R.S.A. §221-A, in the Town or in or from any watercraft within waters of the Town, except that the use of consumer fireworks shall be permitted pursuant to the state statute effective on January 1, 2012 on the following days and during the following times:

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

July 4th beginning at 9:00 a.m. and ending at 12:30 a.m. on July 5th

July 5th beginning at 9:00 a.m. and ending at 10:00 p.m.; and

December 31st beginning at 9:00 a.m. and ending on January 1st at 12:30 a.m.

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

(b) Pursuant to 8 M.R.S.A. §227-B, nothing in this section shall be construed to limit or regulate fireworks displays, as defined in 8 M.R.S.A. §221-A, or the issuance of permits for fireworks displays by the Maine Commissioner of Public Safety or a designee.

2. Penalties.

(a) It is a civil violation for any person to use or sell consumer fireworks within the Town of Cumberland in violation of this ordinance, and any person

Chronicle Forums > Forum > Discussion Forums > Off Course > Neighbors, horses and fireworks

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Jan. 1, 2012, 09:59 AM #1 Serigraph

Posts

1,042

Neighbors, horses and fireworks

In the last week my neighbors set off fireworks that went directly over my barn and pasture on three different nights. These neighbors are close in proximity. One is directly across the street about 150 yards and the other to side is a bit further, but our fenceline is very close to their property.

My horses go nuts. Running, sweating etc. I keep them in the paddock so they can only run so much, but still the first time it had just rained and was really muddy. No one got hurt, but it was the same deal last night.

I am highly annoyed that they light them off so close. One hit the ground last night and came very close to our fence posts.

Any advice? I'm not really sure if I should say anything as I doubt it will change anything. These are not horse people and they have no clue. I'm also not sure what to do with my boys when this goes on. I could but them in, but I don't know if that would be worse.

Guide Dogs for the Blind and Fireworks

back

Animals are fleeing in panic; some bump headlong into the next car hurting themselves severely. Others go and hide themselves trembling for fear. Others again grab objects thrown towards them with their mouth imagining they were toys, with the effect that they explode in their mouth; dogs die in the presence of their masters who remain shocked and dismayed ("Dog is killed by firework thugs", Manchester Online, 11.10.2002

http://www.manchestersonline.co.uk/news/stories/Detail_LinkStory=21636.html / "Firework kills family pet", Manchester Online, 11.10.2002

http://www.manchestersonline.co.uk/news/stories/Detail_LinkStory=21620.html / "Vet: Dog Likely Burned With Fireworks", TheIndyChannel.com News, 2002,

<http://www.theindychannel.com/news/861696/detail.html> / "Teens sought after puppies killed by fireworks. Attacks also injured another dog in Oklahoma town", 8.7.2004,

<http://www.msnbc.msn.com/id/5331549/> / "Boys held for cracker in dog's mouth", South Africa 3.1.2002, http://www.iol.co.za/index.php?set_id=1&click_id=13

http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=ct20020103202408416F620569). The above description does not stem from a battlefield or an earthquake site: it is the vivid description of how animals experience fireworks.

For us human beings fireworks have become unbearably loud and have resulted to many thousands each year in inner-ear injuries and even in final hearing damage. Many animal species have an extremely sensitive ear and a cracker, therefore, impairs their hearing more than our human ear! Cats hear better than dogs and much better than human beings; they suffer from loud noises at least as much as a person with a heavy headache. A cat or a dog which is exposed to the bursting of a cracker can endure a long-lasting trauma, even an irreversible ear damage. Fireworks lasting for hours are an acoustical torture for animals. Bunnies, guinea pigs, birds etc. are easily frightened and can suffer, as consequence of the loud noise, of a heart impact.

Fireworks can release heaviest health damage to animals up to shock conditions with death sequences.

Birds can lose orientation for quite some time because of the unexpected glare of fireworks rockets.

Animals which get too near to exploding fireworks become victims of burns and eye damage.

There are also animals which are hit with fireworks intentionally and thus are severely and/or deadly hurt.

Panic can also create "stomach upsets" with animals or induce over-reactions. Non-acceptance of food, diarrhoe, severe trembling or continuous howling are typical evidences.

It should be prohibited to let-off fireworks in residential areas. But protected zones for birds and wild animals also (like parks and public gardens in cities, forests, zoological gardens etc.) where animals can find safety should in the future be closed to fireworks.

Fireworks and their effects are demanding too much of human beings, of animals and nature.

'Bombproof' horse driven to his death by fireworks

Prince was comfortable in a neighborhood a little north of Joint Base Lewis-McChord. Jets made their descents right over his field, and he kept grazing. The howitzer training and night firing didn't faze him. But last Friday, someone set off three illegal explosives near his shed and drove the bombproof horse to his death.

KATHLEEN MERRYMAN; STAFF WRITER

Published: July 4, 2012 at 6:07 a.m. PDT — Updated: July 4, 2012 at 7:33 a.m. PDT

102 Comments

After Denise Gunder rescued him, Prince proved to be a skilled and calm horse on the trail.
(COURTESY OF DENISE GUNDER)

Prince was the bombproof horse.

In his early years, the Egyptian Arabian carried a girl through state 4-H competition, and carried the girl's father elk hunting in Montana. The father would shoot from the saddle, and Prince would pack them out with the carcass draped over his rump.

In his last years, Prince was comfortable in a neighborhood a little north of Joint Base Lewis-McChord. Jets made their descents right over his field, and he kept grazing. The howitzer training and night firing didn't faze him.

But last Friday, someone set off three illegal explosives near his shed and drove the bombproof horse to his death.

This neighborhood, where I happen to live, is not anti-fireworks. Military veterans, hunters, boilermakers, rugby players, long-timers, newcomers – we've all enjoyed legal fireworks during July's eight-day gunpowder fest in unincorporated Pierce County.

Cats, Video, Animal Cruelty, Cruelty To Animals, Firework Kills Cat, Fireworks, Crime News

A pet cat was killed over the weekend when a firework strapped to its back exploded.

According to the BBC, police officers were called to a neighborhood in Wellingborough, England, on Saturday after a woman and her daughter discovered the cat's remains.

"This is an unbelievably cruel act and we are very keen to hear from anybody who has any information which will lead to the identification of the perpetrators," investigating officer Mark Jones said.

Police say the cat was killed immediately after the firework exploded, according to the BBC.

Unfortunately, this is not the first instance of animal cruelty to make headlines in recent months.

In July, authorities in Arizona rescued a kitten buried up to its neck in concrete inside a metal pipe. The animal died days later.

In September, HuffPost Canada reported that a series of disturbing kitten torture photos, in which a group of men can be seen dismembering a young cat, had been posted online. The gruesome images were first spotted on the Vancouver page of gossip site TheDirty.com.

Last month, an animal cruelty investigation was launched in Ireland after dozens of puppies were seized from two cars. At the time, the Dublin Society for Prevention of Cruelty to Animals said the disturbing find was likely a "case of animal trafficking from puppy farms within Ireland, destined for the UK."

Young boy hurt in firework accident in Maine

Written by: Accident

July 7th, 2011 Posted in Accident News

GEORGETOWN, Maine – An 11-year-old boy that was injured in a fireworks accident in Maine may have his dad to blame.

The fireworks that the family set off were illegal in Maine. The little boy incurred an injury to his eye after his father ignited the fireworks and a piece hit him in the face. The family was at a friend's house in Georgetown, Maine. The victim and his family are from Amherst.

The name of the victim and his family are not being released. Maine police were called to the scene of the accident just after 10 p.m. on Monday night. The family had purchased the fireworks in New Hampshire before heading to Maine.

According to authorities, the boy's father was lighting the fireworks on the back porch of the house when one of them appears to have misfired and exploded. A piece of the firework then hit the boy in the face and injured his eye.

Paramedics treated the young victim but he was also taken to Maine Medical Center to make sure he was OK.

Authorities are not sure what type of firework was used, but they do know that they were illegal in the state. It was a mortar-type explosive. State laws prohibit individuals from having or using fireworks unless they acquire a special permit. Those who violate the law may be subject to penalties such as a fine of not more than \$50 if the fireworks' value does not exceed \$100.

An investigation into the incident is still underway.

The Fourth of July is a time for celebration, but it is also a time when many accidents occur. It is always important to stay safe during the holidays, but there are times in which accidents may occur that no one could have prevented. If you or a loved one have suffered in any type of accident, speak to a top accident lawyer right away for assistance.

Accident attorneys care about their clients' needs and will not rest until justice is served. Your paralegal will thoroughly investigate the incident and if anyone was to blame for your pain and suffering, rest assured that your accident lawyer will hold them accountable.

Turn to an accident attorney near you today if you have been hurt in a car crash, slip and fall, workplace accident, medical malpractice case or any other type of incident in which someone was injured. You may be entitled to thousands, if not millions of dollars in compensation and your paralegal will stop at nothing to make sure you obtain it. When you have a skilled legal professional working on your case, you can rest assured that you will receive the money damages, medical care and lost wages that are rightfully yours following your accident.

Contact the offices of a leading team of accident lawyers today to discuss your options and file a claim.

Tags: Accident Attorneys, Accident Lawyer, Accidents, Amherst, Authorities, Back Porch, Celebration, Dad, Fourth Of July, Georgetown Maine, Holidays, Maine Medical Center, Monday Night, Mortar, Nbsp, New Hampshire, Paralegal, Paramedics, State Laws, Using Fireworks

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mia gray on Long Island Boy Killed When Transit Bus Crashes Into Home, How Common Are Bus Accidents?

“(Landon) gave him that beautiful pasture,” Gunder said of the woman who provided a home to Prince for nearly a year. “She did everything that needed to be done for that horse. She patted him every day and told him he was beautiful.”

As the bombproof horse lay dying Friday, Landon stroked his head. She told Prince he was beautiful, that he was a good horse, a brave horse.

It is a shame some people in our neighborhood don't live up to his standards.

Today it's worth remembering how someone firing off illegal fireworks claimed a life as recklessly as if they'd fired a weapon.

“This was like someone randomly coming by with a shotgun,” Gunder said. “It's like a drive-by shooting.”

kathleen.merryman@thenewstribune.com 253-597-8677

Read more here: <http://www.thenewstribune.com/2012/07/04/2204103/bombproof-horse-driven-to-his.html#storylink=cpy>

Fireworks Injuries

The U.S. Consumer Product Safety Commission (CPSC) estimates that in 1998, 8,500 people were treated in hospital emergency rooms for injuries associated with fireworks. About 5,000 of those injuries occurred during the one-month period surrounding the Fourth of July.

Approximately 55 percent of the fireworks-related injuries were burns, and most of the burns involved the hands, eyes, and head/face. Over 40 percent of the victims were under 15 years of age, and about 75 percent of them were males.

In a special study of fireworks-related injuries during the period between June 23-July 24, 1998, CPSC found that firecrackers, rockets, and sparklers caused the bulk of emergency room-treated injuries from fireworks. Large, illegal fireworks, such as M-80s were involved in an estimated 800 injuries.

CPSC compiles information on fireworks injuries from around the country each year. Here are some of the real-life stories of people who have been severely injured in fireworks accidents:

A 7 year old boy lost half of his left hand including his fingers when he ignited an M-80 he had found hidden in a family bedroom. The M-80 exploded in the boy's hand.

Two boys, 8 and 10 years old, received first and second degree burns on their arms when a bottle rocket exploded in the garage at their house. The garage and a car were totally destroyed.

An 8 year old girl received second and third degree burns to her leg when a spark from a sparkler she was holding ignited her dress.

See the most recent report by the CPSC on Consumer Fireworks

Father may be Charged for Maine Firework Accident That Injured Son

July 9, 2011 (NewYorkInjuryNews.com - Injury News)

New Source: JusticeNewsFlash.com

07/06/2011 // WPB, FL, USA // Personal Injury Lawyers News // Nicole Howley

Georgetown, ME — The father of an 11-year-old boy who was injured in a fireworks accident in Maine may be facing charges in connection with the accident. Emergency crews were called to 20 Gott's Cove Landing about 10:19 p.m., where they found the boy with a non-life-threatening eye injury, reported the Union Leader.

In the state of Maine it is illegal to possess fireworks or have them under your control without a special permit. But an Amherst, New Hampshire family had purchased the fireworks in New Hampshire and transported them to a friend's house in Georgetown, Maine.

"The father was lighting off the fireworks on a back porch when one seemingly misfired and exploded, sending pieces of the device at the 11-year-old and causing injury to his eye," the Sagadahoc County Sheriff's Office said to reporters.

Responding emergency crews treated the injured boy at the scene, before transporting him to Maine Medical Center for further medical treatment.

The Maine State Fire Marshal's Office has taken over the case and is conducting investigations into the firework accident.

Maine law prohibits fireworks like "firecrackers, torpedoes, skyrocketes, roman candles, bombs, wheels, rockets, fountains." It defines fireworks as any "combustible or explosive composition or substance" used for a visible or audible effect.

Paper and plastic caps and sparklers are exceptions to the Maine firework laws.

About 8,600 people were treated for injuries associated with fireworks in 2010, reported the Consumer Product Safety Commission (CPSC).

Investigations are ongoing.

Legal News Reporter: Nicole Howley-Legal news for Maine personal injury lawyers.

Maine man seriously injured in fireworks accident

AP / September 17, 2012

E-mail | Print | Reprints | Comments (0)Text Size:→

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BOWDOIN, Maine (AP) — A man Maine man is in fair condition after suffering serious injuries in a weekend fireworks in accident.

An official says 62-year-old William Sawyer had placed some fireworks on a picnic table to test them when a shell tipped over and ignited all of the canisters.

Sgt. Joel Davis of the state Fire Marshal's Office told WLBZ-TV (sbit.ly/Ny3bul) that Sawyer suffered severe leg trauma.

Davis says Sawyer didn't follow the directions, which say the shells should be secured to the ground.

Man injured in Maine fireworks accident

July 5, 2012

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STANDISH, Maine—Fire investigators say a 31-year-old man has been injured in a fireworks accident in Standish.

Authorities say the man suffered second-degree burns to his face after being hit by fireworks on Fair Wind Drive Wednesday evening.

Fire officials tell WGME-TV (<http://bit.ly/RfXdxt>) the man lit multiple mortars tied together, but didn't get out of the way fast enough.

Authorities are urging people to be careful when using fireworks.

Information from: WGME-TV, <http://www.wgme.com>

Maine Revised Statute Title 8, Chapter 9-A: FIREWORKS

Table of Contents

Section 221. DEFINITIONS (REPEALED)..... 3
Section 221-A. DEFINITIONS..... 3
Section 222. POSSESSION OF FIREWORKS..... 5
Section 223. SALE OF FIREWORKS..... 5
Section 223-A. SALE OF CONSUMER FIREWORKS..... 6
Section 224. STORAGE AND MANUFACTURE OF FIREWORKS..... 10
Section 225. TRANSPORTATION OF FIREWORKS..... 10
Section 226. DISPLAYS AND EXHIBITIONS OF FIREWORKS (REPEALED)..... 10
Section 227. PERMITS FOR DISPLAYS; RULES (REPEALED) (REPEALED)..... 11
Section 227-A. REQUIREMENTS FOR OBTAINING PERMIT..... 11
Section 227-B. REGULATION RESTRICTED; EXCEPTION..... 12
Section 227-C. DENIAL, SUSPENSION OR REVOCATION OF PERMIT..... 12
Section 228. APPLICATION OF PROVISIONS..... 13
Section 229. VIOLATIONS (REPEALED)..... 13
Section 230. APPEALS..... 14
Section 231. FIREWORKS TECHNICIAN LICENSE QUALIFICATIONS..... 14
Section 232. FEES..... 15
Section 233. RENEWAL OF LICENSE..... 15
Section 234. DENIAL; SUSPENSION; REVOCATION; GROUNDS..... 16
Section 235. SUSPENSION BY COMMISSIONER..... 16
Section 236. ADOPTION OF RULES..... 17
Section 237. SEIZURE, FORFEITURE AND DISPOSAL OF FIREWORKS..... 17

8 §221. DEFINITIONS

(REPEALED)

SECTION HISTORY

1985, c. 23, §2 (NEW). 1999, c. 671, §1 (RP).

8 §221-A. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 671, §2 (NEW).]

1. Commissioner. "Commissioner" means the Commissioner of Public Safety or a designee.

[1999, c. 671, §2 (NEW) .]

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

A. Missile-type rockets, as defined by the State Fire Marshal by rule; [2011, c. 416, §1 (NEW); 2011, c. 416, §9 (AFF).]

B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and [2011, c. 416, §1 (NEW); 2011, c. 416, §9 (AFF).]

C. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight. [2011, c. 416, §1 (NEW); 2011, c. 416, §9 (AFF).]

[2011, c. 416, §1 (NEW); 2011, c. 416, §9 (AFF) .]

2. Department. "Department" means the Department of Public Safety.

[1999, c. 671, §2 (NEW) .]

3. Display. "Display" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects. "Display" includes a special effects display.

[1999, c. 671, §2 (NEW) .]

3-A. Fire safety official. "Fire safety official" means a state or municipal official who has authority to enforce life and fire safety laws, statutes, ordinances, rules or regulations.

[2011, c. 416, §2 (NEW); 2011, c. 416, §9 (AFF) .]

4. Fireworks. "Fireworks" means any:

A. Combustible or explosive composition or substance; [1999, c. 671, §2 (NEW).]

B. Combination of explosive compositions or substances; [1999, c. 671, §2 (NEW).]

C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction; [1999, c. 671, §2 (NEW).]

D. Fireworks containing any explosive or flammable compound; or [1999, c. 671, §2 (NEW).]

E. Tablets or other device containing any explosive substance or flammable compound. [1999, c. 671, §2 (NEW).]

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

[2011, c. 416, §3 (AMD); 2011, c. 416, §9 (AFF) .]

5. Fireworks technician. "Fireworks technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use and discharge of fireworks to conduct a display or special effects display. A fireworks technician is the person who is responsible for safety, setting up and conducting the display.

[1999, c. 671, §2 (NEW) .]

6. Permit. "Permit" means the nontransferable permission granted by the commissioner pursuant to section 227-A to hold a display.

[1999, c. 671, §2 (NEW) .]

7. Person. "Person" means any individual, combination of individuals, association, municipality, amusement park or other legal or commercial entity.

[1999, c. 671, §2 (NEW) .]

8. Possession. "Possession" means the intentional or knowing possession of what the possessor knows or believes to be fireworks.

[1999, c. 671, §2 (NEW) .]

9. Sale or sell. "Sale" or "sell" means any transfer or delivery of fireworks to a person for consideration.

[1999, c. 671, §2 (NEW) .]

10. Special effects display. "Special effects display" means an entertainment feature using pyrotechnics manufactured or designed to be used with or discharged in conjunction with theatrical, musical or similar productions. "Special effects display" includes the indoor use of pyrotechnics before a proximate audience.

[1999, c. 671, §2 (NEW) .]

11. Value. "Value" is determined in accordance with Title 17-A, section 352, subsection 5.

[2003, c. 452, Pt. C, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1999, c. 671, §2 (NEW). 2003, c. 452, §C1 (AMD). 2003, c. 452, §X2 (AFF). 2011, c. 202, §1 (AMD). 2011, c. 416, §§1-3 (AMD). 2011, c. 416, §9 (AFF).

8 §222. POSSESSION OF FIREWORKS

1. Possession prohibited. A person may not possess or have under that person's control fireworks.

[2003, c. 452, Pt. C, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Value does not exceed \$100. If the value of the fireworks does not exceed \$100, a person who violates subsection 1 commits a civil violation for which a fine of not more than \$50 may be adjudged.

[2003, c. 452, Pt. C, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

3. Value exceeds \$100. If the value of the fireworks exceeds \$100, a person who violates subsection 1 commits a Class E crime.

[2003, c. 452, Pt. C, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

4. Exception. This section does not apply to a person issued a permit pursuant to section 227-A.

[2003, c. 452, Pt. C, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1985, c. 23, §2 (NEW). 1995, c. 528, §1 (AMD). 1999, c. 671, §3 (AMD). 2003, c. 452, §C2 (RPR). 2003, c. 452, §X2 (AFF).

8 §223. SALE OF FIREWORKS

1. Sale of fireworks prohibited. Except for the sale of consumer fireworks under section 223-A, a person may not sell, possess with the intent to sell or offer for sale fireworks.

[2011, c. 416, §4 (AMD); 2011, c. 416, §9 (AFF) .]

2. Value exceeds \$5,000. If the value of the fireworks exceeds \$5,000, a person who violates subsection 1 commits a Class B crime.

[2003, c. 452, Pt. C, §3 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

3. Value exceeds \$1,000. If the value of the fireworks exceeds \$1,000 but does not exceed \$5,000, a person who violates subsection 1 commits a Class C crime.

[2003, c. 452, Pt. C, §3 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

4. Value does not exceed \$1,000. If the value of the fireworks does not exceed \$1,000, a person who violates subsection 1 commits a Class D crime.

[2003, c. 452, Pt. C, §3 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

5. Value.

[2003, c. 452, Pt. C, §3 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1985, c. 23, §2 (NEW). 2003, c. 452, §C3 (AMD). 2003, c. 452, §X2 (AFF). 2011, c. 416, §4 (AMD). 2011, c. 416, §9 (AFF).

8 §223-A. SALE OF CONSUMER FIREWORKS

1. Sale of consumer fireworks. A person may not sell consumer fireworks unless that person is 21 years of age or older and possesses:

- A. A federal permit to sell fireworks under 18 United States Code, Section 843; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- B. A license under subsection 3; and [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- C. A municipal permit if required under subsection 2. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

2. Municipalities. The legislative body of a municipality may adopt an ordinance to prohibit or restrict the sale or use of consumer fireworks within the municipality. Municipalities that prohibit or restrict the sale or use of consumer fireworks shall provide to the Office of the State Fire Marshal a copy of the relevant restriction or prohibition within 60 days of adoption. A municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits under this subsection shall notify the Office of the State Fire Marshal at least 60 days prior to the initiation of its permitting program for the sale of consumer fireworks. A municipal permit may not be issued unless:

- A. The applicant is 21 years of age or older; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- B. The applicant applies for a permit under this subsection on a form prescribed by the commissioner; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- C. The applicant possesses the federal permit required under subsection 1, paragraph A; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- D. The applicant complies with the provisions of subsection 4; and [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- E. The application is approved by the municipality's police chief, fire chief and code enforcement officer if those positions exist. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

A municipality may require a reasonable fee for a permit issued under this subsection. A person holding a permit issued by a municipality under this subsection may not sell consumer fireworks unless the person satisfies all the requirements of subsection 1.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

3. State license. The commissioner may issue a license to sell consumer fireworks to an applicant who:

- A. Is 21 years of age or older; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]
- B. Possesses the permits required under subsection 1, paragraphs A and C; [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

C. Complies with the provisions of subsection 4; and [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

D. Has not been convicted of an offense or violated a state, federal or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to the application. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

The commissioner shall charge a fee of \$5,000 for the initial license issued to an applicant and \$1,500 for each annual license renewal. The term of a license is one year. A separate license is required for each location at which an applicant seeks to sell consumer fireworks. Fees collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

4. Storage and handling. A person authorized to sell consumer fireworks under subsection 1 may store and sell the fireworks only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of consumer fireworks in accordance with this subsection.

A. The building must be constructed, maintained and operated, and all consumer fireworks must be stored, in compliance with the requirements of National Fire Protection Association Standard 1124, as adopted by the Office of the State Fire Marshal, relevant building codes, zoning ordinances and other municipal ordinances. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

B. The building may not be less than 60 feet from another permanent building and may not be less than 300 feet from a structure at which gasoline, propane or other flammable material is sold or dispensed. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

C. Cigarettes, tobacco products or lighters or other flame-producing devices may not be permitted in the building. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

D. A person under 21 years of age may not be admitted to the building unless accompanied by a parent or guardian. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

E. Notwithstanding paragraph D, a person at least 18 years of age may handle and sell consumer fireworks if the person is under the direct supervision of a person 21 years of age or older. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

5. Insurance. A person authorized to sell consumer fireworks under subsection 1 shall at all times maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000 to cover the losses, damages or injuries that might ensue to persons or property as a result of the person selling consumer fireworks.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

6. Advertising. A person may not advertise the sale of consumer fireworks in a way that is misleading about the conditions under which consumer fireworks may be purchased or used or about the requirements of this section. An advertisement for the sale of consumer fireworks must contain the words "Check with your local fire department to see if consumer fireworks are allowed in your community" in a conspicuous location and in a consistent font as approved by the commissioner.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

7. Civil liability. A person who violates the provisions of this section is liable in a civil action for damages for bodily injury or property damage resulting from violation, and the defenses under Title 14, section 156 or a defense based on assumption of risk may not be used by the person.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

8. Restrictions on use of consumer fireworks. The use of consumer fireworks is governed by this subsection.

A. Consumer fireworks may be used between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day:

(1) July 4th;

(2) December 31st; and

(3) The weekends immediately before and after July 4th and December 31st. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

B. A person may use consumer fireworks only on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

A person who violates this subsection commits a civil violation for which a fine of not less than \$50 and not more than \$500, plus court costs, may be adjudged for any one offense.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

9. Enforcement against licensees. The commissioner, a state law enforcement officer, a municipal law enforcement officer, a code enforcement officer or a fire safety official may petition the Superior Court or District Court to seize or remove at the expense of a licensee consumer fireworks sold, offered for sale, stored, possessed or used in violation of this section. The commissioner may immediately suspend a license granted under subsection 3 for a violation of this section. A person whose license is suspended under this subsection must receive a hearing within 10 days of the suspension under Title 5, chapter 375, subchapter 4. A person whose license is suspended under this subsection may not receive a license under subsection 3 for a period of at least one year from the date of suspension.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

10. Disclosures to customers. A person authorized to sell consumer fireworks shall provide to the purchaser at the point of sale written guidelines describing the safe and proper use of consumer fireworks. The guidelines must also include the following statements in a conspicuous location: "MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS" and "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE." Such guidelines must be published or approved by the commissioner prior to distribution.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

11. Prohibited acts. This subsection governs prohibited acts.

A. A person may not sell consumer fireworks within the State unless that person holds a valid license or is an employee or agent of a person that holds a valid license. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

B. A person licensed to sell consumer fireworks under this chapter may not sell consumer fireworks to a person under 21 years of age or who appears to be under the influence of alcohol or drugs. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

C. Except as specifically allowed under subsection 4, paragraph E, a person may not knowingly:

(1) Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver consumer fireworks for or to a person under 21 years of age; or

(2) Allow a person under 21 years of age under that person's control or in a place under that person's control to possess or use consumer fireworks. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

D. A person under 21 years of age may not purchase, use or possess consumer fireworks within the State or present to a person licensed to sell consumer fireworks any evidence of age that is false, fraudulent or not actually the person's own for the purpose of purchasing consumer fireworks. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF).]

It is an affirmative defense to prosecution for a violation of paragraph B or C that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

12. Violations. The following penalties apply to violations of subsection 11.

A. A person who violates subsection 11, paragraph A, B or C commits a Class D crime. If the violation involves furnishing consumer fireworks to a minor, a fine of not less than \$500 must be imposed in addition to any term of imprisonment the court may impose. If a person violates subsection 11, paragraph A, B or C after having been convicted of violating the same paragraph one or more times within the previous 6-year period, a fine of not less than \$1,000 must be imposed in addition to any term of imprisonment the court may impose. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

B. A person who violates subsection 11, paragraph D commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be imposed. If the person has been previously convicted of violating subsection 11, paragraph D one or more times, a fine of not less than \$300 and not more than \$600 must be imposed. [2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

Fines collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

13. Annual report to the Legislature. Beginning in 2013, the Office of the State Fire Marshal shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a written report regarding the sale and use of consumer fireworks in this State. The report must, at a minimum, include information on the issuance and oversight of licenses to sell consumer fireworks, reported consumer fireworks-related injuries, reported consumer fireworks-related fires or other property damage and municipal restrictions or prohibitions on the sale or use of consumer fireworks. The report must be submitted not later than March 1st each year.

[2011, c. 416, §5 (NEW); 2011, c. 416, §9 (AFF) .]

SECTION HISTORY

2011, c. 416, §5 (NEW). 2011, c. 416, §9 (AFF).

8 §224. STORAGE AND MANUFACTURE OF FIREWORKS

1. Storage. A person may not store fireworks in a building or structure outside the premises of a fireworks manufactory if that building or other structure is located within 1,000 feet of any church, hospital, theatre, hall, place of assembly, workshop, factory or any inhabited building unless rules adopted by the commissioner permit storage in that building or structure.

[2003, c. 452, Pt. C, §4 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Certificate of public liability insurance required for manufacture. A person may not manufacture fireworks without first furnishing the Commissioner of Public Safety, in an amount to be determined by the commissioner, a certificate of public liability insurance to cover the losses, damages or injuries to persons or property that might result.

[2003, c. 452, Pt. C, §4 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

3. Penalty. A person who violates this section commits a Class E crime.

[2003, c. 452, Pt. C, §4 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

4. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2003, c. 452, Pt. C, §4 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1985, c. 23, §2 (NEW). 2003, c. 452, §C4 (AMD). 2003, c. 452, §X2 (AFF).

8 §225. TRANSPORTATION OF FIREWORKS

1. Transportation of fireworks. A person may not transport fireworks in a motor vehicle or conveyance except as permitted by the rules adopted by the commissioner.

[2003, c. 452, Pt. C, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Penalty. A person who violates this section commits a Class E crime.

[2003, c. 452, Pt. C, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

3. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2003, c. 452, Pt. C, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1985, c. 23, §2 (NEW). 2003, c. 452, §C5 (RPR). 2003, c. 452, §X2 (AFF).

8 §226. DISPLAYS AND EXHIBITIONS OF FIREWORKS

(REPEALED)

SECTION HISTORY

1985, c. 23, §2 (NEW). 1999, c. 671, §4 (RP).

8 §227. PERMITS FOR DISPLAYS; RULES*(REPEALED)**(REPEALED)*

SECTION HISTORY

1985, c. 23, §2 (NEW). 1991, c. 464, §2 (AMD). 1999, c. 671, §5 (RP).

8 §227-A. REQUIREMENTS FOR OBTAINING PERMIT

1. Permits; requirements. A person may not conduct a display without a permit. The commissioner shall issue a permit to possess and conduct a fireworks display to an applicant who:

A. Applies in writing to the commissioner for a permit at least 20 days in advance of the proposed display; [2003, c. 521, §1 (AMD).]

B. Applies on forms furnished by the department. An application for a permit must include:

(1) A certificate of public liability insurance in the amount of \$1,000,000 to cover loss, damage or injuries to persons or property that might result from the display; and

(2) A site plan for the proposed display depicting a diagram of the grounds or facilities at which or in which the display will be held. The diagram must show points of discharge, fallout areas, any buildings or other structures in proximity to the display site and the location of any audience that may be present. Distances of and distances between the points of discharge and any buildings or structures must be stated on the diagram; and [2003, c. 521, §1 (AMD).]

C. Submits with the application fees set out in subsection 3. [1999, c. 671, §6 (NEW).]

[2003, c. 521, §1 (AMD) .]

2. Inspection. Upon receipt of a complete application, the department shall conduct an inspection of the proposed display site to determine the hazard posed by the display.

[1999, c. 671, §6 (NEW) .]

3. Fees. The fee for a permit is \$30 per display and the fee for a site inspection is \$111. The fee for all monitored indoor pyrotechnic events that occur outside of normal business hours is \$100.

[2003, c. 521, §2 (AMD) .]

4. Permits; violation. A person may not conduct a fireworks display in violation of the permit issued under subsection 1.

[2003, c. 452, Pt. C, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

5. Penalties. The following penalties apply.

A. A person who conducts a fireworks display without a permit commits a Class D crime. [2003, c. 452, Pt. C, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who conducts a fireworks display in violation of a permit issued under subsection 1 commits a Class E crime. [2003, c. 452, Pt. C, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[2003, c. 452, Pt. C, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

6. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2003, c. 452, Pt. C, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

7. Indoor pyrotechnics. All indoor pyrotechnic events must be monitored by the State Fire Marshal or the State Fire Marshal's designee.

[2003, c. 521, §3 (NEW) .]

SECTION HISTORY

1999, c. 671, §6 (NEW). 2001, c. 437, §§6,8 (AFF). 2001, c. 437, §2 (AMD). 2003, c. 452, §C6 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 521, §§1-3 (AMD).

8 §227-B. REGULATION RESTRICTED; EXCEPTION

1. Regulation restricted. Except as provided in subsection 2, a political subdivision of the State, including, but not limited to, a municipality, county, township or village corporation, may not adopt an order, ordinance, rule or regulation concerning the issuance of permits under section 227-A.

[1999, c. 671, §6 (NEW) .]

2. Exception. This section does not prohibit an order, ordinance, rule or regulation of a political subdivision that, with the exception of appropriate penalty provisions, conforms exactly with an applicable provision of state law or that regulates the issuance of these permits within a jurisdiction.

[1999, c. 671, §6 (NEW) .]

SECTION HISTORY

1999, c. 671, §6 (NEW).

8 §227-C. DENIAL, SUSPENSION OR REVOCATION OF PERMIT

The commissioner may, after a hearing in conformance with the applicable provisions of the Maine Administrative Procedure Act, suspend or revoke a permit issued under this chapter. The following are grounds for denial, suspension or revocation of a permit: [1999, c. 671, §6 (NEW).]

1. Incomplete. The application or a document filed with the application is incomplete;

[1999, c. 671, §6 (NEW) .]

2. Misstatement. The application or a document filed with the application contains a material misstatement;

[1999, c. 671, §6 (NEW) .]

3. Site inspection. The site fails to pass an inspection conducted by the department pursuant to section 227-A; or

[1999, c. 671, §6 (NEW) .]

4. Failure to employ or use fireworks technician. The applicant fails to use a licensed fireworks technician to conduct the display.

[1999, c. 671, §6 (NEW) .]

SECTION HISTORY

1999, c. 671, §6 (NEW).

8 §228. APPLICATION OF PROVISIONS

1. Firecrackers and pyrotechnical ship or railway signals. Firecrackers and pyrotechnical ship or railway signals are included and classed as fireworks, but sections 222, 224 and 225 do not apply to the storage of pyrotechnical ship or railway signals nor to the discharge, firing or exploding of the signals when used for the protection of life and property.

[1985, c. 23, §2 (NEW) .]

2. Exceptions. This chapter does not apply:

A. To any article named in this chapter to be shipped directly out of the State; [1985, c. 23, §2 (NEW) .]

B. [1999, c. 671, §7 (RP) .]

C. To the sale of flares, lanterns or fireworks for use by railroads, railways, boats, motor vehicles or other transportation agencies, or other activity lawfully permitted or required to use any or all of the articles named in this chapter for signal purposes, illumination or otherwise; [1985, c. 23, §2 (NEW) .]

D. To the sale or use of blank cartridges for signal or ceremonial purposes in athletics or sports; [1999, c. 671, §8 (AMD) .]

E. To experiments at a factory for explosives; [1985, c. 23, §2 (NEW) .]

F. To the sale of blank cartridges for use by the militia or any organization of war veterans or other organizations authorized by law to parade in public a color guard armed with firearms; [1985, c. 23, §2 (NEW) .]

G. In teaching the use of firearms; or [1999, c. 671, §9 (AMD) .]

H. To the sale of shells for firearms, cartridges, gunpowder and explosives for the purpose of any legal use of firearms. [1999, c. 671, §9 (AMD) .]

I. [1999, c. 671, §10 (RP) .]

[1999, c. 671, §§7-10 (AMD) .]

SECTION HISTORY

1985, c. 23, §2 (NEW). 1999, c. 671, §§7-10 (AMD).

8 §229. VIOLATIONS

(REPEALED)

SECTION HISTORY

1985, c. 23, §2 (NEW). 1995, c. 528, §2 (AMD). 1999, c. 671, §11 (AMD). 2003, c. 452, §C7 (RP). 2003, c. 452, §X2 (AFF).

8 §230. APPEALS

Any person aggrieved by any decision of the Commissioner of Public Safety may appeal the decision to the Superior Court within 30 days. The court shall, after notice and hearing, affirm or reverse the commissioner's decision. The finding of the Superior Court may be reviewed by appeal to the Supreme Judicial Court sitting as the Law Court. [2011, c. 559, Pt. A, §5 (AMD).]

SECTION HISTORY

1985, c. 23, §2 (NEW). 1985, c. 506, §§B7,8 (AMD). 2011, c. 559, Pt. A, §5 (AMD).

8 §231. FIREWORKS TECHNICIAN LICENSE QUALIFICATIONS

A person may not act as a fireworks technician unless the person meets the qualifications specified in this section and obtains a license. The person must: [1999, c. 671, §12 (NEW).]

1. Age. Be at least 21 years of age;

[1999, c. 671, §12 (NEW) .]

2. Citizenship. Be a citizen or resident alien of the United States;

[1999, c. 671, §12 (NEW) .]

3. Experience. Have experience and training working under the direction of a fireworks technician during at least 5 displays, or comparable experience as determined by the department;

[1999, c. 671, §12 (NEW) .]

4. Character. Be of good moral character as determined by the department and not have been convicted of a crime that is punishable by a maximum term of imprisonment equal to or exceeding one year. In making the determination of good moral character, the commissioner shall consider matters recorded within the previous 5 years, including, but not limited to:

A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19-A, section 4012, subsection 1; [1999, c. 671, §12 (NEW).]

B. Records provided by the Department of Health and Human Services regarding the failure of the applicant to meet child or family support obligations; [1999, c. 671, §12 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

C. Records of 3 or more convictions of the applicant for Class D or Class E crimes; [1999, c. 671, §12 (NEW).]

D. Records of 3 or more civil violations by the applicant; and [1999, c. 671, §12 (NEW).]

E. Records that the applicant has engaged in recklessness or negligence that endangered the safety of others; [1999, c. 671, §12 (NEW).]

[1999, c. 671, §12 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

5. Examination. Successfully complete a written examination administered by the department encompassing fireworks and the conduct of displays; and

[1999, c. 671, §12 (NEW) .]

6. Application. Submit an application to the department that contains:

A. The applicant's full name, full current address, social security number and date of birth; and [1999, c. 671, §12 (NEW).]

B. A statement granting the commissioner authority to check the criminal records of the applicant. [1999, c. 671, §12 (NEW).]

[1999, c. 671, §12 (NEW) .]

SECTION HISTORY

1999, c. 671, §12 (NEW). 2003, c. 689, §B6 (REV).

8 §232. FEES

All license and permit fees received pursuant to this chapter by the department must be used for carrying out this chapter. Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years. [1999, c. 671, §12 (NEW).]

1. Fee for fireworks technician. The fee for an initial fireworks technician license is \$180. The fee for renewal of the license is \$25.

[2001, c. 437, §3 (AMD); 2001, c. 437, §8 (AFF) .]

SECTION HISTORY

1999, c. 671, §12 (NEW). 2001, c. 437, §§6,8 (AFF). 2001, c. 437, §3 (AMD).

8 §233. RENEWAL OF LICENSE

Each fireworks technician license is valid for a term of one year. Unless revoked or suspended, the license is renewable annually. [1999, c. 671, §12 (NEW).]

1. Complete application required. A licensee shall submit a complete application for renewal at least 30 days prior to the expiration of a license under this chapter. An application is not complete unless it includes all materials required to be evaluated for licensure.

[2003, c. 521, §4 (NEW) .]

2. Renewal submitted within 90 days following license expiration. Notwithstanding subsection 1, a person may renew a license under this chapter for up to 90 days after the date of expiration of the license. The 90-day period does not postpone the expiration date of the existing license. A licensee whose license has lapsed may not work as a fireworks technician until a renewed license is issued.

[2003, c. 521, §4 (NEW) .]

3. Renewal submitted more than 90 days following license expiration. An application for license renewal under this section submitted more than 90 days after the license expiration date is considered an application for a new license and is subject to all requirements governing a new application.

[2003, c. 521, §4 (NEW) .]

SECTION HISTORY

1999, c. 671, §12 (NEW). 2003, c. 521, §4 (AMD).

8 §234. DENIAL; SUSPENSION; REVOCATION; GROUNDS

The commissioner may, after a hearing in conformance with applicable provisions of the Maine Administrative Procedure Act, suspend or revoke a license issued under this chapter. The following are grounds for denial, suspension or revocation of a license: [1999, c. 671, §12 (NEW).]

1. Fraud or deceit. The practice of fraud or deceit in obtaining a license under this chapter or in the performance of services within the scope of the license issued;

[1999, c. 671, §12 (NEW) .]

2. Conviction of certain crimes. Conviction of a crime that relates directly to the practice for which the person is licensed or conviction of a crime for which incarceration for one year or more may be imposed;

[1999, c. 671, §12 (NEW) .]

3. Violation of chapter or rule. A violation of this chapter or a rule adopted by the commissioner;

[1999, c. 671, §12 (NEW) .]

4. Aiding or abetting unlicensed practice. Aiding or abetting the practice of displaying or discharging fireworks by a person not duly licensed under this chapter; or

[1999, c. 671, §12 (NEW) .]

5. Incompetence. Incompetence in the practice of displaying or discharging fireworks. A licensee is considered incompetent in the practice if the licensee has:

A. Engaged in professional conduct that evidences a lack of ability or fitness to perform the duties for which that licensee is licensed; or [1999, c. 671, §12 (NEW).]

B. Engaged in professional conduct that evidences a lack of knowledge of, or inability to apply, appropriate principles or skills to carry out the practice for which that licensee is licensed. [1999, c. 671, §12 (NEW).]

[1999, c. 671, §12 (NEW) .]

SECTION HISTORY

1999, c. 671, §12 (NEW).

8 §235. SUSPENSION BY COMMISSIONER

1. Immediate suspension. If the commissioner has probable cause to believe that a person licensed under this chapter poses, because of gross negligence in the performance of duties associated with the license, an immediate threat to the public, the commissioner shall immediately suspend that person's license.

[1999, c. 671, §12 (NEW) .]

2. Duration of suspension. A suspension remains in effect for 30 days unless a revocation procedure under section 234 is commenced within the 30 days, in which case the suspension continues until the revocation procedure is complete.

[1999, c. 671, §12 (NEW) .]

SECTION HISTORY

1999, c. 671, §12 (NEW).

8 §236. ADOPTION OF RULES

1. Routine technical rules. The commissioner may adopt rules concerning the sale, use, storage, transportation and display of consumer fireworks, fireworks and special effect pyrotechnics and to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[2011, c. 416, §6 (NEW); 2011, c. 416, §9 (AFF) .]

2. Major substantive rules. After December 31, 2013, the commissioner may adopt rules governing the reporting of consumer fireworks-related injuries by health care providers. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

[2011, c. 416, §6 (NEW); 2011, c. 416, §9 (AFF) .]

SECTION HISTORY

1999, c. 671, §12 (NEW). 2011, c. 416, §6 (RPR). 2011, c. 416, §9 (AFF) .

8 §237. SEIZURE, FORFEITURE AND DISPOSAL OF FIREWORKS

1. Seizure of fireworks. A law enforcement officer may seize fireworks that the law enforcement officer has probable cause to believe are:

- A. Stored, sold, manufactured, transported or found in any person's possession in violation of this chapter; [2007, c. 81, §1 (NEW) .]
- B. Shipped by common carrier in violation of this chapter to the address of a person in the State; or [2007, c. 81, §1 (NEW) .]
- C. Surrendered to or otherwise lawfully acquired by a law enforcement agency when there is no permitted claimant under this chapter. [2007, c. 81, §1 (NEW) .]

[2007, c. 81, §1 (NEW) .]

2. Forfeiture of seized fireworks. All fireworks lawfully seized under this section are contraband and are forfeited to the State.

[2007, c. 81, §1 (NEW) .]

3. Disposal of forfeited fireworks. The commissioner may dispose of fireworks forfeited to the State under this section in any lawful manner considered appropriate by the commissioner, including, but not limited to, by their auction or destruction or by using them for training purposes.

[2007, c. 81, §1 (NEW) .]

4. Exceptions. This section does not apply to:

- A. Fireworks stored by, manufactured by, transported by, shipped by common carrier to, sold to or in the possession of a person issued a permit pursuant to section 227-A; or [2007, c. 81, §1 (NEW) .]
- B. Fireworks otherwise permitted or exempted under this chapter. [2007, c. 81, §1 (NEW) .]

[2007, c. 81, §1 (NEW) .]

5. Procedure. The following governs the process of disposing of fireworks seized pursuant to this section.

A. As soon as reasonably possible following a seizure under subsection 1, the law enforcement officer or agency effecting the seizure shall cross-reference the commissioner's permit records to determine whether a permit exception applies. [2007, c. 81, §1 (NEW).]

B. If a review of the permit records pursuant to paragraph A discloses that the fireworks were lawfully possessed, sold, stored, transported or manufactured, then the seizing agency shall return them to the lawful possessor as soon as reasonably possible. [2007, c. 81, §1 (NEW).]

C. A public notice is not required to effect a lawful seizure, forfeiture and disposal if no permit exception applies. [2007, c. 81, §1 (NEW).]

[2007, c. 81, §1 (NEW) .]

SECTION HISTORY

2007, c. 81, §1 (NEW).

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MAINE STATE FIRE MARSHAL'S OFFICE
MUNICIPAL CONSUMER FIREWORKS ORDINANCE
LIST OF CONSUMER FIREWORKS RESTRICTIONS AND
PROHIBITIONS

Community	RESTRICTIONS	PROHIBITED	Effective Date
South Portland		Use, sell or possess with intent to use or sell consumer fireworks.	November 6, 2011
North Yarmouth		<p>No person or group may sell, possess with the intent to sell or offer for sale consumer fireworks or fireworks.</p> <p>No person or group shall use, display, fire or cause to be exploded fireworks or any said items in enumerated in Section 38-101 "consumer fireworks."</p> <p>No person shall use, display, throw, drop or cause to be discharged or exploded, any consumer fireworks or fireworks at any time, within fifty feet of any public way.</p>	October 18, 2011
Freeport		<p>No person or group may sell, possess with intent to sell or offer for sale consumer fireworks or fireworks.</p> <p>No person or group of persons shall use, display, fire or cause to be exploded fireworks or any of said items enumerated in section 38-101 "Consumer Fireworks."</p> <p>No person shall use, display, throw, drop or cause to</p>	October 4, 2011

		be discharged or exploded, any consumer fireworks or fireworks or fireworks at any time, within fifty feet of any public way.	
Bangor		No person shall use, possess with the intent to use in the City of Bangor, sell, possess with the intent to sell in the City of Bangor, or offer for sale consumer fireworks.	October 24, 2011
Hollis		Use and sale	November 9, 2011
Frye Island		Use unless sanctioned by the Town of Frye Island Board of Selectman.	November, 2011
Cape Elizabeth		Use, possession with intent to use, sale possession with intent to sell or offer for sale consumer firewoks.	December 14, 2011
Holden	To sell must possess municipal permit. .	none	October 5, 2011
Falmouth		Use and sale.	November, 2011
Yarmouth		The use, sale, and possession with intent to use of all consumer fireworks is prohibited except for sparklers that do not contain certain elements specified in ordinance.	November 22, 2011
Westbrook	Sale is allowed with municipal permit required. No restrictions on use.		December 6, 2011

Rockland	Use and sale	December 14, 2011
Fairfield	There are area and time restrictions on use. Sale requires a permit. Contact town office for detailed description.	October 10, 2012
Ellsworth	Consumer fireworks shall not be used when the fire danger class is 4 or greater. See ordinance for other use restrictions. A permit from the city is required in order to sell consumer fireworks.	April 16, 2012
Eliot	Use is prohibited.	December 16, 2011
Wells	Use and sale	January 20, 2012
Gardiner	180 moratorium prohibiting the sale and use of consumer fireworks.	December 21, 2011
Orono	No person shall sell, use or possess with intent to sell or use consumer fireworks.	January 11, 2012
Portland	No person shall sell, use or possess with intent to sell or use consumer fireworks.	August 17, 2011

Farmingdale	Fireworks may only be used between 5:00 PM and 10:00PM. Fireworks may not be used when the fire danger class, as designated by the Maine Forest Service, is a class 4 or 5 fire danger day.		January 1, 2012
Farmingdale (cont'd)	Three complaints on any user will result in that user not being allowed to use fireworks in Farmingdale.		January 1, 2012
Cumberland	A person may use consumer fireworks on July 3 – 5 at specified times in addition to December 31 st and January 1 st at specified times.	A person may not sell consumer fireworks in Cumberland.	December 12, 2011
Owls Head		No person or group shall use or sell consumer fireworks in Owls Head.	December 19, 2011
Brunswick		No sale or use of consumer fireworks.	January 1, 2012
Bath		The use, discharge, ignition, sale, or offer for sale, of consumer fireworks in the City of Bath is prohibited.	January 25, 2012
Buxton		The use and sale of consumer fireworks in Buxton is prohibited.	March 2, 2012

Scarborough	Consumer fireworks may be sold but can only be used during the days of 7/3, 7/4, 7/5, 12/31 and 1/1 during times established in ordinance.		March 7, 2012
Hallowell	Use restricted to certain areas of the municipality. Contact city officials for more information. Sale is permitted.		February 23, 2012
Winthrop		No person shall sell, possess with intent to sell, or offer for sale consumer fireworks in Winthrop. No person shall use, possess with intent to use, display, fire or cause to be exploded consumer fireworks in Winthrop.	February 6, 2012
Wayne		No person or group shall sell or use consumer fireworks in Wayne.	February 14, 2012
North Berwick	Use restrictions: Must be 50 ft. from combustibles and can only use during Maine Forest Service Class conditions 1, 2, or 3. Sales facilities must comply with local zoning ordinances.		March 31, 2012
Biddeford		No person shall use, possess with intent to use, sell, possess with intent to sell or offer for sale consumer fireworks in the City of Biddeford.	April 3, 2012
Woodstock		Selling, or offering for sale, consumer fireworks are prohibited.	March 26, 2012

Wiscasset	Sale of consumer fireworks is limited to certain areas of Wiscasset only.	Use of consumer fireworks prohibited in Wiscasset.	January 1, 2012
			March 12, 2012
Winslow	In order to sell consumer fireworks a person must obtain (purchase) a permit from the Town of Winslow and follow town rules pertaining to storage and sprinkler systems.		
			March 12, 2012
Caribou	In order to store or sell consumer fireworks a person must obtain a permit from the Caribou Fire Chief. Sales facilities may only be operated in areas designated in ordinance. In order to use consumer fireworks in Caribou a person must obtain a permit from the Fire Department. Use is restricted to areas designated in ordinance.		
Boothbay Harbor		Sale and Use of consumer fireworks are prohibited.	May 4, 2012
Old Orchard Beach		Sale and use are prohibited.	March 6, 2012
York		Sale and use are prohibited.	May 19, 2012

Sanford		Use prohibited.	NOT GIVEN
Auburn		Use, sale, and possession with intent to sell are prohibited.	NOT GIVEN
Mount Desert		Use, sale, and possession with intent to sell are prohibited.	May 8, 2012
Augusta		Use, sale and offering for sale consumer fireworks are prohibited.	November 17, 2011
Lewiston	Use is restricted to certain areas, times, and there are also additional distance requirements for use within the City of Lewiston. See ordinance for details.	Sale of consumer fireworks is prohibited.	April 5, 2012
Kennebunkport		Use, sale, possession with intent to sell are prohibited.	NOT GIVEN
Damariscotta		Use is prohibited in the area between School Street (west side of the road) and the Damariscotta River from Castner Brook to Chase Point Road (north side of road). Sale is prohibited throughout the town.	June 13, 2012
Boothbay Harbor		Use and sale are prohibited in town and on, in, or over its waters.	May 5, 2012

Hermon		Sale, use, possession with intent use of consumer fireworks are prohibited.	December 15, 2011
Andover		Sale and use of consumer fireworks are prohibited.	March 17, 2012
Harrison		Sale and use of consumer fireworks are prohibited.	June 19, 2012
Saco		Sale, use, possession with intent to use or sell, offer for sale consumer fireworks are prohibited.	September 17, 2012
Harpswell	Use is restricted to 7/3-4-5; 12/31 & 1/1 and at times specified in the ordinance.	Sale or possession with intent to sell is prohibited.	March 10, 2012.
Greenwood	Use restricted to July 3,4, & 5; the Saturday and Sunday before Labor Day Monday; December 31 st and January 1 st at specified times. Use restricted to Class 1 & 2 days as determined by the Maine Forestry Service	No sale.	October 30, 2012
Mechanic Falls	Use restricted to Friday & Saturday nights; July 3 & 4; December 31 & January 1 at specified times.		November 6, 2012
Waldoboro	Consumer fireworks may not be used during ME Forest Service 4 or 5 fire danger class days. Must obtain		June 12, 2012

permit from town.
Fireworks may not be used within 50 ft. of public land.
No use in Downtown Business district, Route 1 Commercial B district, Historic Village district.
Fireworks shall only be discharged between 5PM and 10PM except on Memorial Day, Fourth of July, New Years Eve when they can be used up to 12:30AM.

Use is restricted to July 3,4,5, December 31, January 1, Memorial Day, two days prior to Memorial Day, Labor Day and two days prior to Labor day.

Consumer Fireworks may only be used between 5 PM and 10 PM.

Users must obtain a permit from the Town of Gorham to use fireworks there. No permit will be issued during days in which the Fire Danger Class is 3,4, or 5. Users may not discharge products within 150 ft. of any building or structure. Users may only discharge consumer fireworks on July 3rd and 4th, December 31st and January 1st; and, every Saturday. Call Gorham Town Offices for the specific

January 1, 2013

September 6, 2012

Monmouth

Gorham

times you may discharge
products.

Note: For a more complete explanation of municipal ordinances referenced above you can contact the town or this office at 626-3873. If your community has adopted an ordinance, you must submit a copy of the ordinance to the Office of the Fire Marshal within 60 days. 8 M.R.S.A. §223-A (2). Submit the ordinance to:

**Richard E. Taylor
Office of the State Fire Marshal
52 State House Station
Augusta, Maine 04333-0052**

Fireworks Law & Regulations

Fireworks Are Legal in The State of Maine with some exceptions as described below.

Under Chapter 416 "An Act to Legalize the Sale, Possession and Use of Fireworks" fireworks have been broken into three categories as follows:

1. **Consumer Fireworks**
2. **Fireworks**
3. **Display or Commercial Grade Fireworks**

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

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

Exceptions: Under Chapter 416, the legislative body of a municipality may adopt an ordinance to prohibit or restrict the sale or use of consumer fireworks within the municipality. Municipalities that prohibit or restrict the sale or use of consumer fireworks shall provide to the Office of the State Fire Marshal a copy of the relevant restriction or prohibition within 60 days of adoption. A municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits under this subsection shall notify the Office of the State Fire Marshal at least 60 days prior to the initiation of its permitting program for the sale of consumer fireworks.

For more information on Consumer Fireworks in Maine including licensing to sell consumer fireworks in Maine go to: [Consumer Fireworks in Maine](#) or call Richard E. Taylor at 626-3873.

Fireworks means any combustible or explosive composition or substance; any combination of such compositions or substances; or any other article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank

cartridges or toy cannons in which explosives are used, they type of balloon which requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents, or other fireworks of like construction; any fireworks containing any explosive substance or flammable compound; or any other device containing any explosive substance or flammable compound. The term "Fireworks" does not include Consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

Display or Commercial Grade Fireworks are fireworks that only trained and licensed pyrotechnicians may handle and use within a regulatory structure set forth in Title 8, Chapter 9-A.

ENFORCEMENT

It is the duty of the Investigations division of the State Fire Marshal's Office to enforce the following legislation.

Title 8, Section 222. A person may not possess or have under that person's control fireworks, unless they have a permit.

Title 8, Section 223. No person may sell or possess fireworks.

Title 8, 223-A. A person may not sell consumer fireworks without a license. See [Consumer Fireworks In Maine](#)

Title 8, Section 224. No person may store fireworks, except as permitted by the Department of Public Safety, State Fire Marshal's Office.

Title 8, Section 225. No person may transport fireworks, except as permitted by the Department of Public Safety, State Fire Marshal's Office.

Title 8, Section 226. No person may engage in the business of a fireworks display without first obtaining a permit from the Department of Public Safety, State Fire Marshal's Office.

Title 8, Section 227 Any person, municipality or association, desiring to discharge fireworks, must apply to the Department of Public Safety, State Fire Marshal's Office for a permit to discharge at least ten days in advance of the display.

Criminal Penalties

- For possession with the intent to sell or offer for sale fireworks or display or commercial grade fireworks is a:
 - Class B crime, if value exceeds \$5,000.
 - Class C crime, if value exceeds \$1,000.
 - Class D crime, if a person violates Title 8, Section 227 for failing to obtain a permit.
 - Class D crime, if value is \$1,000 or less.
- For simple possession of fireworks or display or commercial grade fireworks without the intent to sell or offer for sale it is a:
 - Class E crime, if value possessed exceeds \$100.00

- Class E crime, if conducting the display in violation of the permit.
- Civil Violation for possession of fireworks where value does not exceed \$100.
- For criminal penalties pertaining to the misuse, possession, or sale of consumer fireworks see [Consumer Fireworks In Maine](#)

Please remember: "Be Careful with Fireworks!"

If you have any questions, please contact the State Fire Marshal's Office at (207) 626-3873.

**Raymond Community Forest Project Proposal
to the Raymond Board of Selectmen
Presented by Loon Echo Land Trust and the Raymond Conservation Commission
May 14, 2013**

The Raymond Community Forest Concept Project was first presented to the Raymond Board of Selectmen on August 14, 2012. The presentation and handout detailed the 347 +/- acres of forestland in North Raymond located on Conesca Road (see attached Map) which is owned by Hancock Land Company (HLC). The presentation described the Raymond Conservation Commission's (RCC) interest in the property since 2007 and recent communications with Loon Echo Land Trust (LELT) and HLC to advance a potential community forest project.

The Selectmen asked for more information, mainly on the strategy (how to secure the land), project budget, ownership and potential income sources that the property may provide in the long term. Since then the RCC and LELT have met on several occasions to advance these issues to have a definite proposal to the Selectmen.

LELT has a history of successfully negotiating and carrying out contracts with timberland owners on behalf of, and in partnership with, towns in the Lake Region. It is important that LELT gains the Selectmen's commitment to sharing the efforts to carry out this project to the best of the partners' abilities.

Strategy to Secure the Land:

LELT and HLC split the costs of conducting an appraisal to determine the fair market value of the property. The appraisal showed an average value of \$1,611 per acre. LELT and HLC have negotiated a sale/purchase price of \$1,450 per acre.

The LELT Board has approved entering into a low-risk option agreement with HLC. HLC has asked that the parties agree to such terms by May 31, 2013. LELT would be the party to enter into the agreement and pay a deposit of \$1,000. LELT, with the support of Raymond, would have until December 31, 2014 to exercise the agreement. If exercised, the property must be purchased within one year, by December 31, 2015. HLC understands that this project is heavily dependent upon securing several major grants that are highly competitive in nature.

Project Budget:

Expenses

\$506,000	Land purchase
\$15,000	Transaction related fees (boundary survey, appraisal, legal, title, closing costs)
\$15,000	Administration, fundraising
\$5,000	Management planning
<u>\$30,000</u>	<u>Endowment(s)</u>
\$571,000	Total estimated expenses

Income

\$400,000	Major and minor grants
\$50,000	Town of Raymond
<u>\$121,000</u>	<u>Private fundraising campaign, local drives, etc.</u>
\$571,000	Total estimated income

Timeline (Summarized):

2013

- February/March – RCC and LETL form strategy. Purchase terms negotiated with HLC.
- May 14- Selectmen review and comment on the proposal (goal = preliminary endorsement of project). RCC and LETL provide further information if needed.
- May 31- LETL and HLC sign the low-risk option agreement;
- Summer/fall- Write grant to the US Forest Service Community Forest Grant, pending Congressional budgeting and grant announcement;
- December- Write grant to the Land for Maine’s Future Program, pending grant announcement;

2014

- Spring- Learn the results of the two major grant applications; determine if parties are to proceed with agreement based on grant application results. If favorable...;
- Spring- LETL and Town enter into a Letter of Understanding, roles are defined; Hold informational meetings as necessary/desired;
- June- Raymond Town Meeting, vote to allocate funds to project;
- Summer/Fall- Meet with select major donor prospects to gain commitments to the project;
- Summer/Fall- Continue to write smaller support grants;
- December- Exercise the agreement only if ample funding is committed.

2015

- Year-round- Conduct town-wide campaign to fulfill the project budget;
- December- Purchase the land; develop a management plan and conservation easement.

Ownership Model:

To advance the recommendations in Raymond’s Open Space Plan and to have a signature conservation and recreational property in Raymond, it is recommended that the Town own and manage the property as a community forest and LETL hold a perpetual conservation easement on the land. This model will allow both parties to commit to conserving the land for the benefit of the public, while working in partnership to care for the land and monitor its uses. The Town will benefit from the long-term income source in the form of commercial forest management returns. An estimate of long-term forest income is summarized below. Such income would offset losses in property tax revenue plus give additional income for managing the land or other Town projects/programs during years where more substantial timber harvests take place. The Town’s decision to own the property may be made after the option agreement is signed, as LETL is willing to sign the agreement while giving the Town ample time to consider community forest ownership and management.

Estimate of Forestry Returns:

Based on a preliminary tour of the land in Fall 2012 it was estimated that approximately 300 acres could be ready for selective cutting in 10 years, having been harvested four to five years ago. A selection cut that took 30% of the timber would be possible. Based on an estimate that \$250/acre of wood value is currently on the property, the revenue in 10 years is estimated to be $0.3 \times \$250/\text{acre} \times 300 \text{ acres} = \$22,500$, or \$2250/year. Considering that the current tax revenue from the property (which is in Tree Growth) is \$2,358, and assuming a selection cut every 10 years, the timber revenue appears capable of substantially offsetting most of any tax revenue that would be lost under town ownership.

Management Considerations: Management of the land would start with the recommendations outlined in a future forestry, wildlife habitat and recreational management plan. It should be developed around the time the land is purchased. The management of the land may be minimal to moderate in effort if the trails that are constructed are to be un-surfaced, which is most suitable for low-impact uses such as walking, hiking, snowshoeing and cross country skiing. The existing ATV trail that extends from private property to the top of Pismire Mountain should be maintained and managed in partnership with the neighbors and/or clubs that have developed the trail system. There should be a designated parking area and a map made showing the trails and parking area. The property boundaries will need to be maintained and repainted at least every 10 years.

The budgeted endowment would assist both the Town and LELT in such maintenance and monitoring efforts. It is suggested that monies raised for the endowments be equally split and then invested by each party according to their own investment policies. The interest earned on the investments would support annual management expenses incurred by the Town and annual conservation easement monitoring and reporting expenses incurred by LELT.

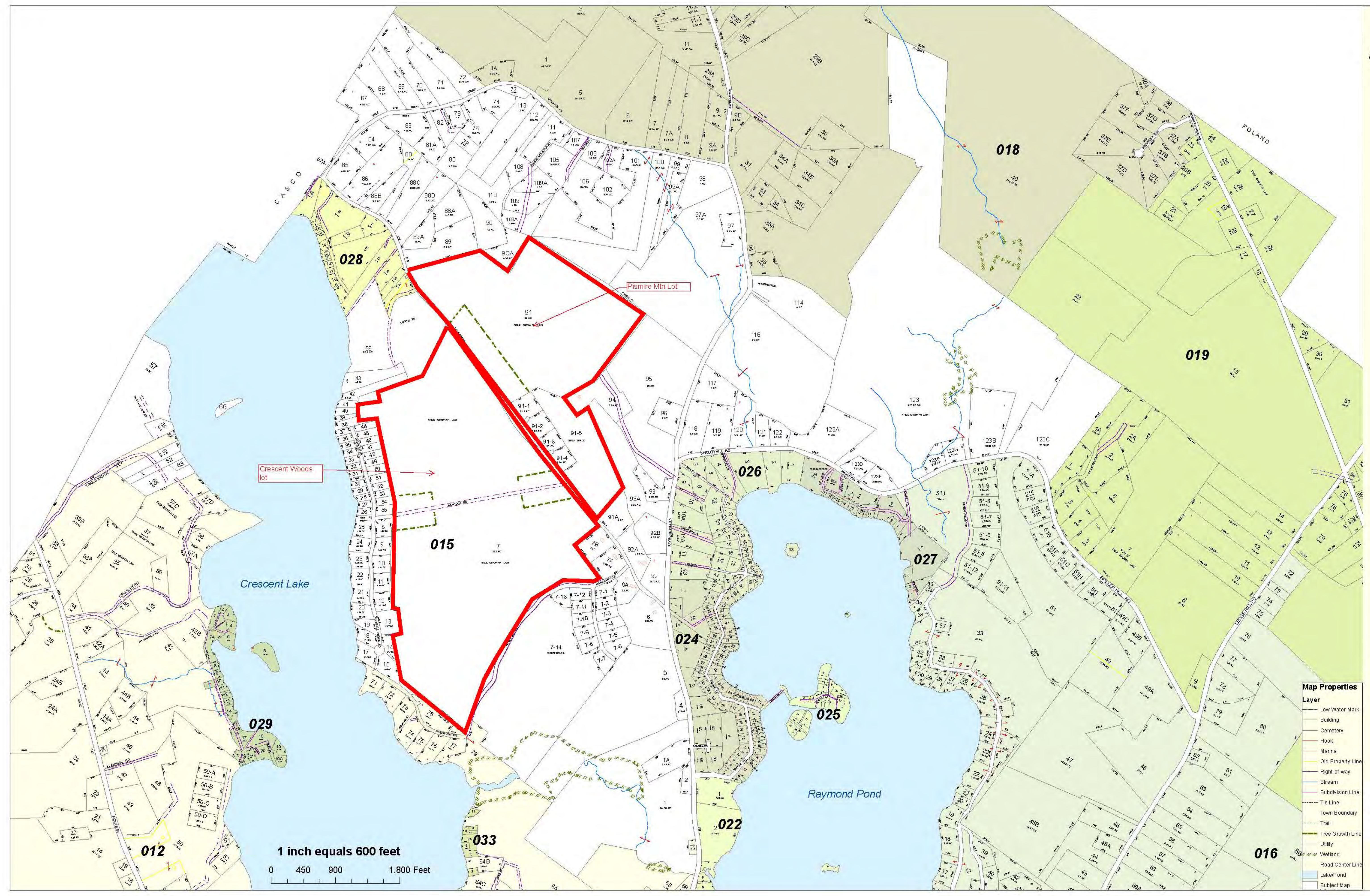


THIS MAP IS PREPARED FOR THE INVENTORY OF REAL PROPERTY WITHIN THE TOWN OF RAYMOND AND IS COMPILED FROM RECORDED DEEDS, PLATS, TAX MAPS, SURVEYS, PLANNING MAPS, AND OTHER PUBLIC RECORDS AND DATA. USERS OF THIS TAX MAP ARE HEREBY NOTIFIED THAT THE ABOVE-MENTIONED PUBLIC PRIMARY

INFORMATION SOURCES SHOULD BE CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED ON THIS MAP. THE TOWN OF RAYMOND AND ITS MAPPING CONTRACTORS ASSUME NO LEGAL RESPONSIBILITY FOR THE INFORMATION CONTAINED HEREIN.

TOWN OF RAYMOND
Cumberland County, Maine
Property Map

Sources:
 Raymond Assessor's Database
 Maine Office of GIS
 Prepared by:
 Town of Raymond GIS Department
 Eliza Trepanier, GIS Technician
 Effective Date: April 1, 2011



Crescent Woods lot

Pismire Mtn Lot

1 inch equals 600 feet
 0 450 900 1,800 Feet

- Map Properties**
- | Layer | Symbol |
|-------------------|--------------------|
| Low Water Mark | Blue line |
| Building | Black outline |
| Cemetery | Green cross-hatch |
| Hook | Red outline |
| Marina | Blue outline |
| Old Property Line | Yellow dashed line |
| Right-of-way | Red dashed line |
| Stream | Blue line |
| Subdivision Line | Black dashed line |
| Tie Line | Black dashed line |
| Town Boundary | Black dashed line |
| Trail | Black dashed line |
| Tree Growth Line | Green dashed line |
| Utility | Black dashed line |
| Wetland | Green wavy pattern |
| Road Center Line | Black dashed line |
| Lake/Pond | Blue fill |
| Subject Map | Red outline |

OPTION FOR THE PURCHASE OF REAL ESTATE

This OPTION AGREEMENT (the "Option") is made as of _____, 2013 (the "Effective Date"), by and between **HANCOCK LAND COMPANY, INC.** (together with its successors and assigns, "Seller"), and **LOON ECHO LAND TRUST, INC.**, a Maine nonprofit corporation (together with its successors and assigns, "Buyer").

WITNESSETH:

- 1. Option Period.** The Seller agrees that this Option will remain in effect until 5:00 p.m. on December 31, 2014, and after exercise by Buyer, until closing except for such covenants and warranties that survive closing. This Option shall be exercised by written notice to the Seller by personal delivery, or by posting at the address specified herein below by certified mail, return receipt requested. The Option period may be extended by the mutual agreement of the parties in writing, referencing this document.
- 2. Premises.** The Premises to be conveyed consists of seven unimproved lots or parcels of land situated in the Town of Raymond, County of Cumberland, State of Maine, situated westerly and easterly of Conesca Road. The Premises is identified as:

 - (a) all of Town of Raymond Tax Map 15, Lot 7, and
 - (b) all of Town of Raymond Tax Map 15, Lots 91, 91-1, 91-2, 91-3, 91-4 and 91-5, (together with all improvements located thereon and all easements and all rights, privileges, licenses and appurtenances thereto, all fixtures located thereon, all timber located thereon and all timber rights, riparian rights and mineral interests applicable thereto, and all right, title, and interest in and to all public and private ways and easements adjoining or serving the same, and all interests in water bodies and the beds of water bodies, on or adjacent to the described land described, hereinafter referred to as the "Premises").
- 3. Option Consideration.** Buyer shall pay Seller the sum of One Thousand Dollars (\$1,000) upon execution of this agreement (hereinafter referred to as the "Option Consideration"). The Option Consideration shall be credited toward the Purchase Price (as defined in Paragraph 4 herein) in the event Buyer exercises this Option and the transaction is consummated. In event that the Buyer notifies Seller that it is releasing this Option, or in the event that the Option Period expires without Buyer exercising the Option, the Seller may keep the Option Consideration.
- 4. Purchase Price.**

 - A. The purchase price for the Premises shall be One Thousand Four Hundred Fifty Dollars (\$1,450) per acre, rounded to the nearest complete acre, as determined by a standard boundary survey of the Premises (hereinafter the "Survey"). Buyer and Seller shall equally share the cost of the Survey.
 - B. The Purchase Price shall be paid by certified or bank check, by Buyer's attorney's trust account check, or by wire transfer at the time of delivery of the deed.
 - C. Buyer shall make its best efforts to obtain the Survey by no later than the exercise of the Option. Upon receipt of the Survey, Buyer shall promptly provide a copy to Seller.

5. Closing. Transfer of title, payment of the purchase price, and delivery of all documents necessary for the completion of the purchase of the Premises shall take place after all conditions referred to in Paragraphs 7, 8 and 10 hereof have been satisfied but no later than December 31, 2015, unless extended pursuant to Paragraph 8 or upon the mutual written agreement of the Buyer and Seller, at the offices of Buyer, or as otherwise agreed by the parties in writing.

6. Taxes and Costs at Closing.

(a) All taxes, assessments, and encumbrances, which became due and payable for all prior years, will be satisfied of record by the Seller at or before the closing, and all such taxes and assessments for the year of the closing (if any) will be prorated as of the date of closing. If the Seller fails to so pay, the Buyer may pay any such taxes, assessments, and encumbrances and deduct such payments from the purchase price. Buyer will pay any costs of title search or updates and title insurance, and the recording fee for the deed.

(b) Seller and Buyer will each pay one half of the Maine real estate transfer tax required by law.

(c) Seller shall provide evidence to Buyer at Closing that all tax bills and betterments have been paid.

7. Title. Upon execution of this Option, Seller shall provide the Buyer with a current abstract of title, title commitment, or owner's certificate of title, if available. Seller shall execute and deliver to Buyer, at Closing, a good and sufficient general warranty deed, under seal, conveying a good, insurable and marketable title of record to the Premises, including legal vehicular access, in accordance with the Standards of Title adopted by the Maine State Bar Association, together with all rights and hereditaments and appurtenances thereunto belonging, in fee simple, free and clear of all liens, encumbrances, or exceptions. Seller shall deliver full possession of the Premises to the Buyer at the Closing. Buyer shall make all title objections known to Seller contemporaneously with or prior to Buyer's exercise of the Option.

8. Buyer's Conditions to Closing.

(a) The Seller agrees that the Premises shall remain substantially in its natural, unaltered and undeveloped state, as it now is, and that the Seller will prevent and refrain from the removal of any vegetation, alteration of the surface, or placement of structures until closing, except for reasonable and customary upkeep to roads, boundaries, culverts, and other existing structures and surface alterations. Seller agrees that the risk of loss, damage, or condemnation of the Premises (or any part thereof) shall remain with Seller until the transfer of title.

(b) The Seller shall remove any known trash, rubbish, and debris from the Premises prior to Closing. If, after notice from Buyer, Seller shall fail to remove any such trash, rubbish, or debris, Buyer may remove or cause to be removed such trash, rubbish, or debris and subtract its costs from the Purchase Price due at the Closing.

(c) The Buyer shall have the right to enter upon the Premises at reasonable times for surveying, and other reasonable purposes related to this transaction. The Buyer shall have the right to conduct an environmental inspection and assessment of the Premises, which shall be to its satisfaction.

(d) If, at the time of the Closing, any of the conditions of Paragraph 7 or this Paragraph 8 are not met, or Seller cannot satisfy any warranty or representation in Paragraph 10, Buyer, at Buyer's sole option, may (i) waive any and all of these conditions and proceed to Closing; (ii) extend the Closing date another sixty (60) days or for such reasonable periods of time as may be necessary for Seller to satisfy the conditions; or (iii) terminate this Option, whether or not extended, in which event the Option Consideration shall be refunded and the obligations of the parties to one another shall cease.

9. Default. Subject to the satisfaction of the conditions contained in this Option and performance by Seller of Seller's obligations hereunder, if Buyer fails to perform hereunder, Seller may terminate this Option and Buyer shall forfeit the Option Consideration, which shall be retained by Seller as liquidated damages, and such liquidated damages shall be Seller's sole remedy. If Buyer's failure to perform is occasioned by Seller's failure to perform, Buyer may, at Buyer's option, employ all available legal and equitable remedies. If Seller shall fail to perform hereunder, Buyer may, at Buyer's option, seek specific performance of the terms of this Option under the laws of the State of Maine, or may terminate this Option, shall be entitled to a refund of the Option Consideration, and the obligations of the parties to one another shall cease.

10. Seller's Representations and Warranties. The Seller hereby warrants and represents to the Buyer the matters contained in the following subparagraphs to the best of Seller's knowledge, after reasonable inquiry, and Seller agrees to indemnify, defend and hold harmless the Buyer from any loss or liability resulting therefrom. Said representations, indemnities and warranties shall survive closing.

a. **Notices.** The Seller has not received any notices issued by any municipal or other public authority with regard to any work or improvements done or ordered by such authority to be done either before or after the date of this Option. The Seller has no reason to believe that any such notice will be issued after the date of this Option. The Seller shall be responsible for any public improvements, assessments, notices or orders received prior to closing.

b. **Title to the Premises.** The Seller is now (or will be at closing) the sole legal owner of the Premises in fee simple, and the Premises are not subject to any lease or to any other estate or to any outstanding option, interest, or agreement of sale.

c. **No Condemnation.** There are no condemnation proceedings pending with regard to any portion of the Premises and the Seller does not know of or have

reason to know of any proposed condemnation proceedings with regard to any portion of the Premises.

d. **No Persons in Possession.** Seller represents that the Premises are not subject to any lease or to any other possession or estate or to any option, right of refusal or contract of sale, and that no portion of the property shall be occupied by any person or entity under any oral or written lease, easement, license, other claim or contract or in any other manner at Closing.

e. **No Hazardous Substance.** To the best of Seller's knowledge and belief after due inquiry, no hazardous substance or toxic waste has been generated, treated, stored, used, disposed of or deposited in or on the Premises, and there is no hazardous substance or toxic waste in or on the Premises that may affect the Premises or any use thereof or that may support a claim or cause of action under the common law or under any federal, state or local environmental statute, regulation, ordinance or other environmental regulatory requirement, nor has any action been instituted for enforcement of same.

f. **Underground Storage Tanks.** To the best of Seller's knowledge and belief, after due inquiry, there have not been and there are not now any underground storage tanks located on or under the Premises or if there have been or are any such tanks located on the Premises, their location has been identified to the Buyer in writing, they have been properly registered with all appropriate authorities, they are in full compliance with all applicable statutes, ordinances and regulations, and they have not resulted in the release of any hazardous or toxic substance, material, or waste into the environment.

g. **Subsurface Waste Disposal.** There are no subsurface waste-water disposal systems on the Premises, or, if there are, the system has not malfunctioned within the one hundred eighty (180) days preceding the date hereof.

h. **Non-Foreign Persons.** The Seller is not a foreign person within the meaning of the Internal Revenue Code at 26 U.S.C. Section 1445 and regulations thereunder.

i. **Current Use Tax Programs.** Portions of the Premises are currently classified under the Maine Tree Growth Tax Law and the Open Space Tax Program.

j. **Compliance with Land Use Laws.** Seller represents that the Premises currently contains no structures except for stone walls, boundary markers and old fencing. The Seller represents that there has been no illegal division of land which requires or which will require municipal subdivision approval. Seller shall take no action prior to the Closing to render the above statements untrue.

k. **Compliance With Liquidation Harvesting Law.** Buyer has not conducted any forest products harvest that would render this transaction subject to the liquidation harvesting prohibitions of 12 M.R.S.A. §8868, sub-§6 or the regulations promulgated thereunder.

l. **No Broker's or Finders Fees.** Each party represents and warrants to the other that there are no claims for brokerage commissions or finder's fees incurred by reason of any action taken by that party with respect to this transaction. Each of the parties hereto will pay or discharge any and all claims or liabilities for brokerage commissions or finder's fees incurred by reason of any action taken by that party, or its agents with respect to this transaction.

In addition to the satisfaction of any other conditions in this Option, Buyer's obligation to purchase shall be specifically contingent upon the facts and warranties represented by Seller as being true are actually true on the date hereof and on the date of closing.

11. Affidavits. The Seller agrees at or prior to closing hereunder to furnish the Buyer with any incidental and necessary affidavits, including without limitation those that may be required by the title insurance company issuing a title insurance commitment for the premises.

12. Binding Effect. The terms and conditions of this Option shall apply to and bind the heirs, successors and assigns of the Seller, and the successors and assigns of Buyer.

13. Waiver. No provision of this Option may be waived, changed, or modified orally, but only by an agreement in writing signed by the party against whom the enforcement of any waiver, change, or modification is sought.

14. Notices. Any communications, requests, or notices required or appropriate to be given under this Option shall be in writing and mailed via U. S. Mail Certified or Registered Mail, Return Receipt Requested, or sent via a recognized commercial carrier, such as but not limited to Federal Express, which requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party and its attorney as follows:

Buyer:

Loon Echo Land Trust
Attention: Executive Director
8 Depot St. Suite 4
Bridgton, ME 04009

With a Copy to:

Robert H. Levin, Esq.

94 Beckett St., 2nd Floor
Portland, Maine 04101

Seller:

Hancock Land Company
P.O. Box 299
4 Edes Falls Road
Casco, ME 04015

With a copy to:

These addresses may be changed by notice as provided herein. Notices shall be deemed given when mailed as aforesaid, postage prepaid.

15. Capacity. Each party represents to the other that: Such party has full power and authority to perform its obligations hereunder and that any person or entity executing this Option by or on behalf of the representing party has the authority to act on behalf of and bind the representing party, and that any person or entity executing any closing documents by or on behalf of the representing party has been and will be duly authorized to act on behalf of the representing party, and that the performance of this Option will not be in violation of the representing party's charter or any law, ordinance, rule, regulation or order of any governmental body having jurisdiction, or the provisions of any agreements to which the representing party is a party or by the terms of which is bound and, at the Closing, each party shall furnish to the other party and to Buyer's title insurance company, if any, reasonably satisfactory evidence of such authority and approval.

16. Miscellaneous.

a. This Option constitutes the entire agreement between the parties, supersedes all prior negotiations and understandings among them and shall not be altered or amended except by written amendment signed by Seller and Buyer.

b. This Option shall be construed and enforced in accordance with and governed by the laws of the State of Maine.

c. If any terms, covenant or condition of the Option or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this

Option or the application of the term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Option shall be valid and be enforced to the fullest extent permitted by law.

d. Upon Buyer's request, Seller shall execute a Memorandum of Option Agreement, attached hereto and incorporated herein as **Exhibit A**, in recordable form for recording in the Cumberland County Registry of Deeds. Buyer may elect to record such Memorandum, in its sole discretion.

e. Regardless of whether the transactions contemplated pursuant to this Option are consummated, each party hereto, unless this Option expressly provides otherwise, shall pay all costs and expenses incurred by it and incident to the preparation and performance of this Option, and matters relating thereto, and such costs and expenses shall not be reimbursable by the other party hereto.

f. Buyer makes no representation or warranty whatsoever regarding the tax consequences of the transaction contemplated by this Option. Each party acknowledges and agrees that it has not received and is not relying upon tax or other advice from any other party hereto, and that it has and will consult its own independent tax and legal advisors.

g. This Option may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument. This Option may be executed and delivered by facsimile transmission, with the intention that such facsimile signature and delivery shall have the same effect as an original signature and actual delivery.

IN WITNESS WHEREOF, WE, the duly authorized representatives of **HANCOCK LAND COMPANY, INC.** and **LOON ECHO LAND TRUST, INC.**, have hereunto signed and sealed this Option as of the date indicated above.

SELLER

HANCOCK LAND COMPANY, INC.

By: Kevin Hancock, President

EIN#: _____

BUYER

LOON ECHO LAND TRUST, INC.

By: _____

President

Exhibit A

Memorandum of Option

This shall serve as notice to all parties of the existence of a certain Option Agreement, as set forth herein.

1. The name and address of the Optionor/Seller is **Hancock Land Company, Inc.** having a mailing address of PO Box 299, Casco, ME 04015.
2. The name and address of the Optionee/Buyer is **Loon Echo Land Trust, Inc.**, a Maine nonprofit corporation, whose mailing address is 8 Depot St., Suite 4, Bridgton, ME 04009.
3. The effective date of the Option Agreement is _____, 2013.
4. The description of the real property subject to the options granted in the Option Agreement: Certain lots or parcels of land located easterly and westerly of Conesca Road in the Town of Raymond, Cumberland County, Maine, all as more particularly described in the Option Agreement (the "Premises").
5. The term of the option granted in the Option Agreement commences upon the date hereof, and expires on December 31, 2014, unless exercised or extended.
6. During the term of the Option Agreement, Optionor grants to Optionee the right, under certain circumstances, to purchase the Premises.
7. Copies of said Option Agreement are on file at the offices of Optionor and Optionee.

This instrument, being intended to be a Memorandum of Option executed for the purpose of giving constructive notice of said Option Agreement, is not intended to affect in any way the rights and obligations of the parties to said Option Agreement.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Option as of _____, 2013.

WITNESS:

HANCOCK LAND COMPANY, INC.

By: Kevin Hancock, President

WITNESS:

LOON ECHO LAND TRUST, INC.

By: _____

President

STATE OF MAINE
CUMBERLAND, ss

_____, 2013

Personally appeared the above-named Kevin Hancock, President of Hancock Land Company, Inc. and acknowledged this instrument to be his free act and deed and the free act and deed of said corporation.

Before me,

name:

Notary Public

**The Raymond Community Forest Project Concept Proposal
to the Raymond Board of Selectmen
Presented by Raymond Conservation Commission and Loon Echo Land Trust
August 14, 2012**

Location:

The Raymond Community Forest Concept Project Proposal includes 347 +/- acres of forestland in North Raymond located on Conesca Road. On the northerly side of Conesca Road is the Pismire Mountain lot (Map 15, Lot 91, Tree Growth), with 125 +/- acres of mixed forestland that quickly gains elevation until it reaches the cliffs at the southerly side of the Pismire Mountain. On the southerly side of Conesca Road is the Crescent Woods lot (Map 15, Lot 7, Tree Growth) with 222 +/- acres of wooded terrain that gently slopes towards Crescent Lake. The Crescent Woods is bisected by Hancock Road with Rosewood Drive defining its southerly boundary.

Background:

The forestland has been owned by Hancock Land Company (HLC) since the 1940's and they are currently marketing the property for sale. In 2006/2007 the Raymond Conservation Commission (RCC) created the Open Space Plan. During this time RCC met with HLC to encourage conservation options and held a site walk with approximately 30 residents who expressed a great interest in having the property conserved. In 2007 HLC received Planning Board approval for the Rosewoods Heights 13 lot subdivision with 56 acres of open space that contains significant wildlife habitat associated with Bartlett Brook and its adjacent wetland. A full development proposal with over 70 lots was created for the remaining property, but was not acted upon due to the downturn in the economy.

Conservation Values:

The RCC Open Space Plan rates the property as having good wildlife habitat and the Pismire Mountain is designated as a "special place." Additional desirable conservation values include recreation, scenic viewing and water quality protection. This is one of four properties on the RCC's "wish list." LELT, the Trust for Public Land and the seven-town regional community's Lake Region Greenprint Plan rates the property as having priority acres for plant and animal habitat, working forests and providing recreation.

There is a motorized trail that leads from the east of the Pismire lot to the top of the cliff area. There is also a grown in, rough hiking trail leading from the base of the mountain to the top of the cliffs. Future hiking and walking trails are desired if the property is to be protected.

The property's proximity to Crescent Lake, and the desire to protect the lake's water quality is a large consideration of the Community Forest proposal. The lake drains into Panther Pond and Sebago Lake, the public drinking water source for the greater Portland community.

In summary, the community forest opportunities include providing:

- Extensive trail network offering easy to difficult terrain for pedestrian (and possibly snow machine) access;
- Exceptional view access from the top of Pismire Mountain;

- Protection of a substantial portion of the view shed of Pismire Mountain from many areas in Raymond including Crescent Lake;
- Long-term/permanent watershed protection for the quality of Crescent Lake and waters downstream;

Community Forest Proposal:

RCC and Loon Echo Land Trust (LELT) met on May 29, 2012 to discuss the potential for creating a Raymond Community Forest. RCC feels that the town ownership model is not highly desirable, as the town outsources its parks maintenance and may not want to own forestland. RCC believes that the town would be supportive of LELT owning the land for permanent conservation and public recreation and managing it in partnership with the town on behalf of the community. Currently LELT pays Tree Growth or Open Space property taxes on the lands it owns. Taxes are typically paid from an established endowment, and future timber harvests are necessary to fulfill an endowment that can support taxes and on-going maintenance, and if appropriate, other community projects or programs.

Currently LELT is appraising the property to learn if HLC will sell the land for the fair market value and if it is financially feasible to raise the funds needed for such a purchase. Earlier meetings between HLC and LELT were productive, and such an agreement boils down to the price that can be offered.

If the project is viable, Loon Echo Land Trust and the Town of Raymond will review and approve the project details in advance including working together to:

- Secure funds through grant writing, donation drives and town meeting appropriation;
- Hold public meetings to articulate the public benefits and to develop land protection and management goals;
- Developing and maintaining trails or other public amenities;
- Organizing or encouraging community and educational activities on the property.



View over Crescent Woods from
Pismire Mountain

Hi Danielle,

The Raymond Conservation Commission and Loon Echo Land Trust met in late-May and developed a concept proposal to present to the Raymond Board of Selectmen. The proposal is for a development of a “Community Forest” in Raymond on Conesca Road, including a portion of Pismire Mountain. We will have more information to share prior to the presentation.

Due to a project related deadline of August 8, RCC and LELT would like to present to the BOS prior to that date. If there happens to be a meeting scheduled in late July, that would be of interest, but I understand that that is a long shot since it’s not a regular meeting time and they are contemplating not meeting in July. August 7 is also of great interest.

John Rand is copied on this email as well.

We look forward to hearing back from you.

Thanks,

Carrie Walia
Executive Director
Loon Echo Land Trust
8 Depot St., Suite 4
Bridgton, ME 04009
(207) 647-4352
carrie@lelt.org
www.lelt.org



**Town of Raymond
Informational Packet
Regarding Placement of
Community Dock at
Raymond Veterans' Memorial Park**

**Town of Raymond
401 Webbs Mills Road
Raymond, Maine 04071
(207) 655-4742
www.raymondmaine.org**

Index

Page

Letter from Town Manager..... 3

Background.....4

Summary of Information..... 5

Memo from Public Works..... 6

Memo from Code Enforcement Officer.....7

Memo from Finance Director RE: Insurance costs.....8

Correspondence from Raymond Conservation Committee Chair.....10

Draft Milfoil Mitigation Plan from RWPA.....11

Appendices

Minutes from August 14, 2012 Selectmen's Meeting..... 21

Minutes from October 16, 2012 Selectmen's Meeting..... 28

Community Dock Proposal Presentation..... 32

Minutes from November 8, 2012 Interest Group Meeting..... 36



Don Willard
Town Manager
don.willard@raymondmaine.org

Town Office 655-4742
Fax 655-3024

Assessing Extension 25
Code Enforcement Extension 42

Fire/Rescue/Dispatch
(non-emergency) 655-7851

Public Works Garage
655-2018

December 18, 2012

Nick Hardy
Raymond Revitalization Committee
P.O. Box 1200
Raymond, ME 04071

RE: Proposed Raymond Community Dock

Dear Nick:

I am pleased to present to you with the materials compiled based on related talks for a proposed community dock at the Veterans' Memorial Park brought forward by the Revitalization Committee. I thank you for your patience with the process as we explored all of the different concerns raised with this project. Though the town staff has provided administrative support for this project and appreciate potential benefits to the public and private sectors, I also want to express what I know is our shared goal of ensuring the protection of Raymond's waterways as a highest priority.

I hope that you find this information helpful and please let me know if the Raymond Revitalization Committee needs any additional support as you move forward with your proposal to the Selectmen.

Sincerely,

Don Willard
Town Manager

Background

In the summer of 2012, the Code Enforcement Officer was approached by the Raymond Revitalization Committee about installing a donated dock on public property to encourage access and related business activity from boating traffic via Sebago Lake. The suggested location for the proposed dock was at the Raymond Veterans' Memorial Park located off of Route 302/Roosevelt Trail. It is reported that the subject area was already being utilized on a non-supported basis for this use.

The Code Enforcement Officer had indicated that because the property was Town-owned land, the project would need to receive authorization from the Board of Selectmen. At the August 14, 2012 Selectmen's meeting the Code Enforcement Officer made the Selectboard aware of the request. There were several citizens and representatives of interested party groups, that spoke in favor and against the proposal. It was decided that a formal plan and study would be required before the project should come before the Selectmen again.

On October 16, 2012, Nick Hardy of the Raymond Revitalization Committee presented information about the proposed dock, including information to address the concerns raised at the previous meeting. The Selectboard expressed some support for the idea, but stated that more information was required for a formal approval to be rendered. The Town Manager offered to gather an interested parties list in order to address the concerns raised and gather input from these parties.

Staff then worked to create a list of potential interested individuals and groups:

- ✓ Lakes Environmental Association (LEA)
- ✓ Maine Department of Environmental Protection (MDEP)
- ✓ Maine Department of Inland Fisheries and Wildlife (IF&W)
- ✓ Maine Department of Transportation (MDOT)
- ✓ Raymond Conservation Committee (RCC)
- ✓ Raymond Waterways Protective Association (RWPA)
- ✓ Raymond Veterans' Memorial Park Committee

As well as involved staff members:

- Town Manager
- Public Works Director
- Code Enforcement Officer
- Finance Director

Staff also compiled a list of concerns that were raised by the public at the meetings as well as forwarded to the Town Manager:

- Milfoil investigation, including level(s) and location(s) of infestation(s);
- Operational plan for possible mitigation;
- Fundraising plan for any mitigation including engaging private and non-profit entities;
- Exploration of environmental issues, including any impacts of proposed dock and related spread of milfoil;
- Cost of initially launching the dock, method of securing the dock, as well as cost/logistics of installing and removing every year;
- Additional cost to Town's insurance plan for dock to be included;
- Eventual replacement cost of the dock and estimate on useful lifespan;
- Cost and content of any new signage;

- Cost and design of walkway to the dock;
- Cost of rip rap for erosion control for dock and walkway;
- Cost estimate of all related town labor;
- Policing and trash pick-up- discussed possible temporary staffing solutions also using cameras to monitor site;
- Lighting of site, if deemed necessary;
- Temporary vs Permanent dock- cost and State permitting;
- Route 302 crosswalk improvements;
- Plan to control and regulate unwanted impacts on the Veterans' Park, including overnight parking;
- Plan to regulate or prohibit fishing from the proposed dock;
- Plan to limit/regulate time and/or number of tie ups; and,
- Ongoing discussions related to what organizations, stakeholders, and individuals/taxpayers to involve in study.

On November 8, 2012, a meeting was held (see minutes for attendance list) to discuss the concerns raised and site conditions of the proposed dock location. It was decided that Town Department Heads would deliver information concerning the town's involvement with the project including insurance costs, permitting, and installation/maintenance of the dock. This information would be included in a report to be delivered to the Raymond Revitalization Committee for their final proposal to the Selectmen. The consensus of the group was regardless of the future of the dock proposal that given the importance of the environmental health of Raymond's water bodies, that the level of public/private support to combat the spread of milfoil and maintain the health of the watersheds needed to be evaluated and likely increased.

Summary of Information

Following is information submitted by Town Department Heads and Organizations concerning the potential impacts of the proposed dock.

Public Works: Concerning the installation and erosion control measures and cost; cost of staff time for the initial launch of the dock and then its subsequent yearly launch and retrieval; and, replacment cost of the dock.

Code Enforcement: Permitting procedures involved on both state and local level and related costs.

Finance Director: Potential impact to town's insurance policy.

Conservation Commission: Addressing milfoil concerns and history of treating that area in the past.

Raymond Waterways Protective Association: Milfoil management plan and associated costs.

Appendices: Related materials and history involved in staff decision making



401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742
Fax 207.655.3024

Memorandum

Date: December 5, 2012

To: Don Willard, Town Manager

From: Nathan White, Public Works Director

Re: Community Dock Proposal

At the November 27, 2012 meeting regarding the proposed community dock at the Veterans' Memorial Park, information was requested regarding setup, maintenance and replacements costs. Below are the estimated figures based upon current costs, but I do not anticipate that these figures will be exceeded.

1. Site Preparation: This will include constructing a 4'(w) x 80'(l) path to direct traffic from the parking lot to the dock ramp; rip rap along the bank edge to reduce erosion at the dock site; ordering and installing aluminum poles to support the dock; and, ordering and installing new signage.
 - o Materials and labor for path: \$1,000.00
 - o Rip rap/erosion control: \$ 500.00
 - o Aluminum poles and labor to install: \$ 150.00
 - o New signage and labor to install: \$ 500.00
 - Estimated Total: \$2,150.00

2. Yearly Costs: This is the cost to launch, remove and maintain the dock annually.
 - o Launch: \$ 200.00
 - o Remove: \$ 200.00
 - Estimated yearly total: \$ 400.00

3. Replacement Cost: This is the estimate replacement cost for the 4'x16' dock and the 4'x12' ramp per Phil Michaud of Panther Pond Marina, the individual donating the dock.
 - o Replacement Cost: \$3,000.00



*401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742
Fax 207.655.3024*

Memorandum

Date: November 27, 2012

To: Don Willard, Town Manager

From: Chris Hanson, Code Enforcement Officer

Re: Proposed Community Dock

The permit requirements for the proposed Town Dock are:

1. Dock Permit Application filed with the Town Code Enforcement Office.
 - This would be for a Temporary Dock, so State approval would not be necessary.
 - All I need is the Selectman's approval and a plot plan showing the proposed location.
 - The Permit fee would be waived for the Town.

2. A Permit by Rule from the DEP would be required for work associated slope stabilization in the area where the Dock would be installed. These usually take 14 days. I have application's in my office. The fee for the application is \$70.00.



*401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742
Fax 207.655.3024*

Memorandum

Date: November 26, 2012

To: Don Willard, Town Manager

From: Nancy Yates, Finance Director

Re: Insurance for Community Dock Proposal

As you can see by the attached, I asked Jeff Vermette about the Dock Project back in July. He seemed to think there would be minimal additional cost to the Town.

----- Original Message -----

Subject: RE: Town of Raymond Insurance

Date: Wed, 18 Jul 2012 20:05:15 +0000

From: Jeff Vermette <jvermette@crossagency.com>

To: 'Nancy Yates'
<nancy.yates@raymondmaine.org>

To be honest with you Nancy, I don't think that there would be anything for this year in the way of cost, on the renewal next year it might be very minimal.

Your responsibility is to keep the dock in good repair, making sure that it is safe to traverse. The only way for you to be liable is if way falling down our not maintained properly and someone fell as a result of that. It should be posted that the Town assumes no liability if used it is at the person own risk.

Hope this answers your question.

Did you get the form I sent over to you to sign?

Jeff

-----Original Message-----

From: Nancy Yates [<mailto:nancy.yates@raymondmaine.org>]

Sent: Wednesday, July 18, 2012 3:46 PM

To: Jeff Vermette

Subject: Town of Raymond Insurance

Hi Jeff,

Don't know if you noticed the front page of last Friday's "Lakes Region Weekly" and the story about access to Raymond businesses from Panther Run (where the Veterans' Memorial Park is). IF the Town decided to put a dock there so that boaters could access the local businesses, could you give us an idea of the cost difference in our insurance? What would we be opening ourselves up to, greater than we already are with the picnic tables, etc?

Thanks,
Nancy



*401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742
Fax 207.655.3024*

Memorandum

Date: November 9, 2012

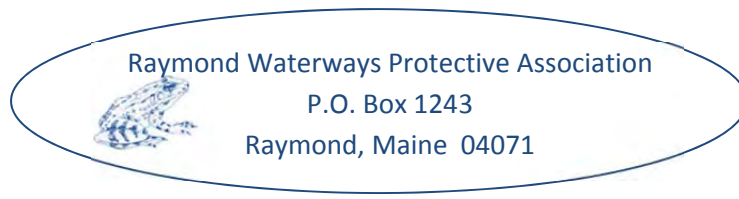
To: Don Willard, Town Manager (via email)

From: Chairman, John Rand, Raymond Conservation Commission

Re: Proposed Town Dock Facility at Veterans Memorial Park

Assuming any other issues with the project could be overcome (managing safe pedestrian crossing of Route 302 comes to mind), one approach for reducing the risk of spreading milfoil would be a well marked and maintained channel, requiring a May and mid season treatment with the Milly to clear all milfoil. It would likely need to include a cleared holding area just offshore of the dock where boats could wait as needed - with engines off -, until a slot at the dock opened up. Some level of inspector presence and/or fragment collection could be needed depending on the quality of channel maintenance. I recall that Panther Run Marina had their dock and channel space dredged about 8 winters ago, requiring DEP permitting. This knocked the variable leaf milfoil down for a bit, but from the sounds of it, not permanently.

LEA has implemented marking on the Songo to keep traffic clear of hotspots, Peter Lowell would be a good contact for a first hand report of the effectiveness of this method. Betty, I am sure, also has some valuable insight.



Milfoil Management Plan for

Jordan River/Jordan River Marina Condo Association/Panther Run Marina/Indian Point

Background

Variable-leaf milfoil is an aggressive plant that forms dense mats that clog waterways and crowd out native aquatic plants. It often chokes off the habitats of fish and other wildlife, and can create ideal breeding areas of mosquitoes. Milfoil's thick growth can also make lakes less usable for recreational purposes, including boating, swimming and fishing. Variable Leaf Milfoil is documented as growing densely in the Lower Jordan River/Panther Run Marina/Indian Point areas. It has also been found at Port Harbor Marina, Bayview, Turtle Cove, Mason Cove, Upper Jordan River, Frye Island, Dingley Islands, Songo River, Sebago Cove, Batchelder Brook, West Shore Road, Eel Cove, and Indian Island to name just a few Sebago Lake locations and its tributaries.

Since 2009, the Raymond Waterways Protective Association (RWPA) has supported activities to monitor and research milfoil growth in the Raymond area of the lake. The RWPA has also supported the inspection of boats coming into and leaving the lake to help prevent its spread to other local lakes.

Sebago Lake is the primary drinking water supply for 200,000 people in 11 communities. Sebago Lake is a 30,513-acre lake, the second largest lake in Maine, and is located in the Towns of Sebago, Naples, Casco, Raymond, Standish and Windham. The lake has a direct watershed of 171 square miles, a total watershed of 361 square miles and is part of the larger Casco Bay Watershed. The lake has approximately 99.7 miles of shoreline, most of which is privately owned. Currently, Sebago Lake's shoreline is heavily developed with over 2,300 seasonal and year round homes. Sebago Lake currently has 12 public boat launches, eight marinas and the Sebago Lake State Park. In addition, there are currently seven popular summer camps for boys and girls on Sebago Lake. The lake is highly valued as a year round recreational destination. The Maine Department of Inland Fisheries and Wildlife manages Sebago Lake for lake trout and landlocked salmon. Sebago Lake is the only Southern Maine Lake that supports an indigenous landlocked salmon population.

Purpose:

The purpose of this document is to establish a Milfoil Management Plan for the Jordan River/Jordan River Marina Condo Association/Indian Point Owners Association and Panther Run Marina area. The plan aims to outline activities that the RWPA and the community will need to take for the initial removal of milfoil and the future maintenance required in order to continue the recreational use of the lake we have all come to expect.

Because this is a natural system that is being considered for management, it is impossible to accurately predict a management course over five years that could be heavily dependent on uncontrolled natural circumstances (weather patterns, temperature, etc). This management plan should be considered a dynamic document that is geared to the adaptive management approaches considering actual field conditions that present themselves in this waterbody.

Milfoil Management Options for Variable Leaf Milfoil

Common Approaches:

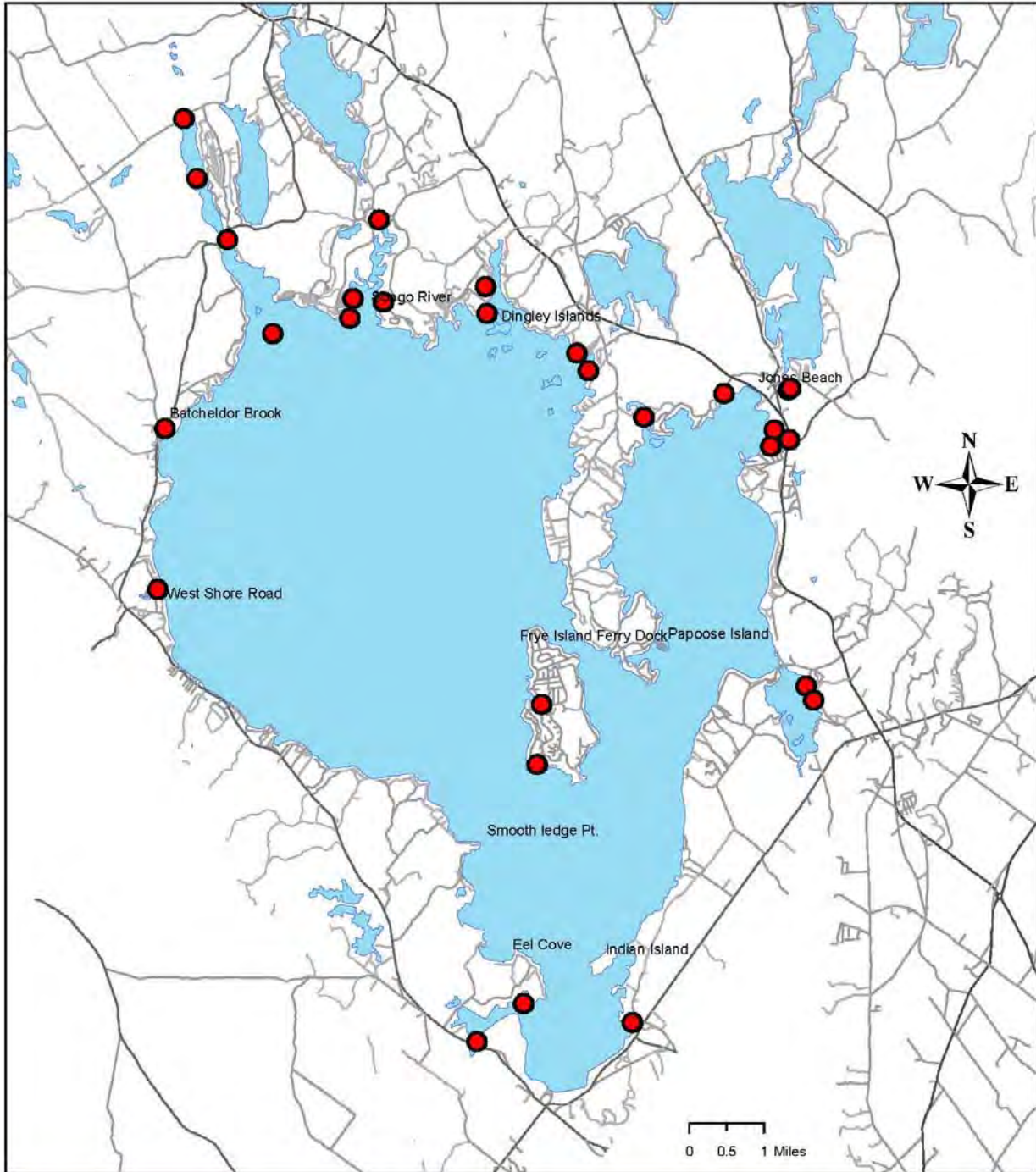
- **Removal by hand** - The process of diving and bagging milfoil infestations is one of the best ecological solutions, and requires workers to correctly distinguish Variable leaf milfoil from other aquatic species. It is labor intensive and care must be taken when removing plants to ensure the least amount of fragment spread. Surface support is also important and can assist in collecting any fragments that break away.
- **Diver Assisted Suction Harvester** – Essentially employs the hand removal technique but instead of collecting plants and bagging, the milfoil is fed into a tube which is then suctioned and loaded onto the boat into baskets or other containers.
- **Benthic Barriers** - Benthic barriers are covers that lie on the bottom of the lake for a period of time, blocking out the light and helping to control the growth of Milfoil. Experiments that other lakes have conducted have shown effective control of the weeds for the entire summer by placing barriers in the infested areas in early May or ice out and leaving them down for 60 days. This is also a labor intensive effort but the material costs are low and it is an effective method for small areas of high infestation that may be blocking swimming and boating areas. The RWPA has and continues to use the barriers in the Upper Jordan River with great success and does have a permit from the State of Maine to do so.
- The **combination** of the above has proven effective in the Songo River and other local water bodies. The RWPA will employ each of these techniques, considering each area individually to maximize best management practices.

Uncommon Approaches:

- **Harvesters/Mowers** - Milfoil mowing involves the cutting or mowing of the upper part of a heavily infested bed. Essentially, the pruning/mowing of the plant encourages denser root systems and never removes or kills the plant. The cost of a harvester/mower runs approximately \$150,000+ and this approach mows only the top and encourages the plant growth to resemble a carpet and to reproduce.
- **Herbicides** - Are not being considered or recommended in this plan due to several reasons including, the large size of the lake, the fact that this is a drinking water source, and non-effectiveness in other lake watersheds.

Infested Areas of the Lake

The major areas of current infestation are spread around the lake and include West Shore Road, Batcheldor Brook, Sebago Cove, Songo River, Dingley Islands, Kettle Cove, Frye Island, Turtle Cove, Mason Cove, Port Harbor Marine, Bayview Estates, Lower Jordan River which includes Indian Point, Panther Run Marina and Jordan River Marina Condo Association, Sebago Lake Basin, and a few additional areas within the Portland Water District Two Mile Limit No Bodily Contact. A map of the current locations of milfoil colonies is shown below:



2011 Milfoil Survey

- Variable leaf milfoil (*Myriophyllum heterophyllum*) rooted colony present

Throughout the year, the Portland Water District receives numerous reports of milfoil as well as other possible invasive plant infestations in Sebago Lake. Some reports turn out to be native “look alikes” while others are new colonies of variable leaf milfoil, previously unknown to the Water District. In 2011 no new colonies were reported.

Milfoil Management Plan

The objective of this Plan is to outline the activities that the RWPA and the community will need to take to continue to minimize the effect of heavy milfoil infestations that would prevent recreational use of the lake. Based on the invasive nature of variable leaf milfoil and the current state of plant growth in this area, it is urgent that milfoil management occurs now before it becomes uncontrollable.

- 1.) **Education & Outreach** - RWPA will continue to educate the community on the changes that are taking place on the lake as a result of Milfoil infestations. RWPA will work in partnership with Raymond Revitalization Committee Members, local condo and owner associations to coordinate the effort. RWPA will collaborate with Lakes Environmental Association in the planning of the Sebago Lake Milfoil Summit to be held on January 25, 2013 at St. Joseph's College in Standish. This will include information on the RWPA website, articles in the local papers, placing and maintaining the milfoil buoys, etc.
- 2.) **Protection** - RWPA will also continue to help protect other lakes and rivers in the area by supporting the prevention of milfoil to other waterbodies through the Courtesy Boat Inspector Program. The immediate threat is preventing the spread to any other lakes and rivers in the Raymond area that includes, Thomas Pond, Panther Pond, Crescent Lake, Raymond Pond, Notched Pond and the Tenney River. RWPA currently supports and participates in the Courtesy Boat Inspection (CBI) program by providing inspectors at Sebago Lake/Raymond Beach, Thomas Pond, Crescent Lake and Panther Pond launches.
- 3.) **Mitigation** - The RWPA has primarily been involved in the Education and Protection/Prevention activities listed above. Since 2010, the RWPA expanded that scope to help in mitigating the effects of heavy infestations with the startup of the Diver Assisted Suction Harvester (DASH) or the *Milfoiler*. In addition, the RWPA also continues to install benthic barriers in the Upper Jordan River which has seen great success.
 - a. The RWPA will begin a new effort to control milfoil in 2013 that will involve hiring a commercial dive company with experience in harvesting milfoil in the early season and will follow up with our own DASH to maintain the plant growth. This approach will require continuous and active follow up in the coming years to help suppress plant growth.
 - b. This effort will need to be well coordinated, long term and a multi-faceted community wide effort with financial support from the Town, the business community, associations and landowners alike. In addition, a substantial monitoring and reporting effort will be required by CBI's, marina owners, landowners, lake users, etc. Due to budget cuts at the federal and state level, grant funds for milfoil control programs has decreased and will likely continue to dwindle. RWPA will continue to submit grant applications to local foundations in hopes they are supportive of these types of efforts.

RWPA is committed to working with residents and the community to help mitigate local infestations in the following way:

- Residents on the lake who think they have a milfoil infestation can contact RWPA and request an inspection of their area to assure that it is in fact variable leaf milfoil and provide recommendations as to what actions can be taken.

- If the infestation is relatively small, affecting recreational use, the RWPA can assist residents with a milfoil mitigation plan through the use of Benthic Barriers or Hand Pulling.
 - Residents will be responsible for providing the materials for the barriers and to install and remove the barriers and RWPA will provide the instruction and coordination of construction.
 - RWPA will utilize the permit that has been granted by the State of Maine for the installation of Benthic Barriers and plant removal.
 - RWPA, in conjunction with MDEP, the Town, landowners, and marina owners will work to identify, mark and restrict boat traffic in some known infested areas to prevent spreading of milfoil.
-

ACTION PLAN

1) Technical Assistance/Plan Implementation:

- Provide technical assistance to the Town of Raymond, the Raymond Revitalization Committee, business owners, associations, and landowners regarding protection of our water resources with regard to the proposed boat dock installation at the Memorial Park area.

2) Lower Jordan River from Route 302/Indian Point/ Panther Run Marina:

A combined effort from a commercial dive company, the RWPA, local businesses, landowners and the town will be needed to combat the milfoil in this area.

- New England Milfoil - commercial dive company to spend 20 to 25 days for initial removal of milfoil in this area.
- RWPA will work with local business owners, landowners and the town to coordinate the mitigation process with New England Milfoil Company.
- RWPA to provide support to New England Milfoil during plant removal.
- RWPA to provide and place benthic barriers in the areas that are conducive to barriers.
- RWPA to conduct periodic surveys and maintenance/plant extraction. This will be necessary on an annual basis to ensure the density of plant growth is controlled.

3) Upper Jordan River down to Route 302:

- Complete updated survey to determine extent of milfoil from the Panther Pond dam to Route 302.
- Hire a crew to focus on constructing and placing benthic barriers in the river as we continue to work our way down towards Route 302.
- Remove existing barriers, inspect, repair and re-set.
- Purchase needed materials to construct benthic barriers.

4) Community Monitoring:

- RWPA will coordinate a community monitoring program or weed watcher effort. The community will complete opportunistic inspections and in general “keep an eye open” for new or recurring infestations.
- Community members will be encouraged to contact RWPA to report any new or recurring infestations.

5) Removal & Disposal:

- Details still need to be determined but options include:
 - Perhaps a local nursery or farm would want to compost?
 - Plant material will be off-loaded to a holding area.
 - Raymond Public Works will pick up and dispose of all plant material on a daily basis

Milfoil Management Plan Budget						
Lower Jordan River/Jordan River Marina Condo Association/Panther Run Marina/Indian Point						
Upper & Lower Jordan River – Benthic Barriers						
		A.	B.	C.	D.	E.
		NE Milfoil 2013	RWPA 2013	Total 2013	RWPA 2014	RWPA 2015
Contractual	New England Milfoil - 20 days	\$25,200				
RWPA Personnel						
	DASH Coordinator @\$15/hr, 8 hrs/wk, 3 wks		\$360		\$816	\$1,080
	Captain @\$12/hr, 35 hrs/wk, 3 wks		\$1,260		\$1,365	\$1,470
	2 crew @\$10/hr, 30 hrs/wk, 3 wks		\$900		\$900	\$900
	Diver @\$20/hr, 25 hrs/wk, 3 weeks		\$1,500		\$1,500	\$1,500
	Workers Comp/SSI		\$950		\$1,000	\$1,050
	Exe Dir – Education & Outreach		\$1200		\$1000	\$800
Boat-existing	Repairs/Maintenance		\$3,500		\$2,500	\$2,000
Equipment & Supplies						
	Diver Air System/Maintenance		\$4,500		\$500	\$500
Upper Jordan River						
	Benthic Barrier materials=rebar, shrink wrap or geotextile		\$750		\$150	\$150
	Staff/3 crew members/diver-pt		\$1,500		\$850	\$850
Total		\$25,200	\$16,420¹	\$41,620	\$10,581²	\$10,400

¹ The \$14,920 represents only the estimated costs for Jordan River area only. This does not include the other marinas, canals and coves within the Town of Raymond.

² Columns D & E only reflect RWPA cost and does not include the potential for hiring commercial dive team.

Key to Survey Maps on the following two pages:

“0” = No plant colonies found to “10” = dense plant population

Map 1 example:

Section 3A was surveyed and found to have: two areas of dense growth (#10's) and one with none (#0)

DRAFT

Map 1



Map 2



New England Milfoil
391 Center Conway Road
Brownfield, ME 04010



Estimate

Customer

Town of Raymond
401 Webbs Mills Road
Raymond, ME 04071
Attn: Betty Williams

Date	Estimate No.	Project			
11/12/12	174				
Item	Description		Quantity	Cost	Total
Lake Package	2 Certified Weed Control Divers, 1 Harvester Operator/Tender, DASH boat, Shuttle Boat		20	1,260.00	25,200.00

Total \$25,200.00



BOARD OF SELECTMEN
Minutes*
August 14, 2012

SELECTMEN'S MEETING

Present: Chairman Sam Gifford, Vice-Chair Lonnie Taylor, Parliamentarian Joe Bruno, and Charly Leavitt.

Absent: Mike Reynolds

Staff: Don Willard, Town Manager; Chris Hanson, Code Enforcement Officer; Nathan White, Public Works Director; Louise Lester, Town Clerk; and Danielle Loring, Recording Secretary.

Other:

1) Call to order. Chairman Sam Gifford called the meeting to order at 7:00pm and a quorum was declared.

2) Minutes of previous meeting dated:

- **June 19, 2012**

MOTION: Joe Bruno motioned to accept the minutes; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

3) PUBLIC HEARING

a) General Assistance Ordinance Appendices A-C 2011-12 Annual Update

Mr. Gifford explained the purpose of the public hearing and the process of amending the General Assistance Appendices. He opened the public hearing for comment and there was none. Mr. Gifford closed the public hearing at 7:02 pm.

MOTION: Joe Bruno motioned to accept new guidelines for General Assistance; seconded by Lonnie Taylor.

DISCUSSION: None

VOTE: UNANIMOUS APPROVAL (4/0)

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

**Item taken out of order

**b) Application for New Special Amusement License:
Doug Maher (11 Hale Road, Raymond)
A La Mexicana located at 1227 Roosevelt Trail**

Mr. Gifford explained the purpose of the public hearing and opened it the hearing for public comment and there was none. He closed the public hearing at 7:03 pm.

MOTION: Lonnie Taylor motioned to approve the special amusement license for Doug Maher at 11 Hale Road for A La Mexicana located at 1227 Roosevelt Trail; Joe Bruno.

DISCUSSION: Mr. Gifford corrected that the application was actually under Evelia Maher.

VOTE: UNANIMOUS APPROVAL (4/0)

4) Policy Review

Peddler's Ordinance- Chris Hanson, Code Enforcement Officer

Mr. Hanson explained that he had was trying to clarify some issues within the ordinance; one being the number of allowed licenses and the other being the process of obtaining a license. He explained that the Board had expressed before that they did not intend the Raymond Beach Management to use one of the two allowed Peddlers Licenses. However, he could not issue more than two because of the language in the ordinance. The other issue was that there had been complaints regarding peddlers setting up near established businesses.

Mr. Bruno suggested that the Board conduct a review of the ordinance. Ms. Lester commented that she felt that the purpose of the ordinance was to protect stationary retailers and Mr. Leavitt added that he also thought that it was to promote highway safety, but Mr. Hanson added that he had not had any complaints regarding safety hazards caused by peddlers. Mr. Bruno asked that staff conduct a search or neighboring towns' ordinances, paying particular attention to the number and cost of licenses.

5) New Business

a) Presentation of Panther Pond Phase II Erosion Control Grant- President Peggy Jensen, Panther Pond Association

President Peggy Jensen, Panther Pond Association, thanked the Town for their support for the 5 years over the time of the grant. She explained that the efforts helped stop tons of sediment from entering the lake. She added that Panther Pond Association was recognized by Cumberland County Sand Soils and Waters Association for their volunteer efforts and she explained that they wanted to maintain the progress through "mini" grant program as well as accomplish more.

b) Presentation by Raymond Conservation and Loon Echo Land Trust Concerning Proposed "Community Forest" Off of Conesca Road- Carrie Wallia (LELT) and John Rand (RCC)

Carrie Wallia, Loon Echo Land Trust, and John Rand, Raymond Conservation Commission, explained that they were working on a concept proposal to acquire land from Hancock Lumber to create a community forest. They were looking for the Town's support because it would give them the drive to continue forward with this project. This would be the third conserved land over 250 acres in Raymond. Ms. Wallia explained that they would look at income strategies to either make payments in lieu of taxes or timber sales. Mr. Leavitt suggested that they should look into place a cell phone tower in that location.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

**Item taken out of order

Mr. Rand continued that he did not want these lands to be viewed as locked away conserved lands and they would like public input through the Raymond Conservation Commission's website. He added that could come back again in 2-3 months to discuss appraisal that was scheduled to be done. Mr. Gifford stated that he would like to see more information before committing to anything. Mr. Bruno suggested reaching out to local associations to get more support from people in the area and he wanted to know how funding source will be replaced once taxes are not being paid.

Mr. Willard asked if they though the town had a good chance of receiving grant funds and Ms. Wallia replied that she believed so because they had a good track record.

c) Raymond Revitalization Committee Request for Dock at Panther Run- Chris Hanson, CEO

Mr. Hanson explained that he had received a request to put a dock off from the Veterans' Memorial Park so that boaters could access the commercial district. He explained that he was bringing this matter to their attention because he could not approve this request without town approval. He added that there were concerns about the affects of dock on traffic and the water quality.

Mr, Gifford wanted to know if there was already boat traffic and Mr. Hanson confirmed that there was from the marina. Dan Bernard stated that Panther Run, off the park, was already full of milfoil and that it would get chopped up while boats were idling. Mr. Gifford stated that he believed that they were going to be time limits on using the dock.

Ms. Lester asked if the Veterans' Memorial Committee had been contacted, because she felt that the park was a special area. Mr. Gifford confirmed that the he believed that they had been contacted and Wayne Holmquist confirmed that they had spoken with Chairman Howard Stiles and gotten his blessing.

Chairman Sam Gifford opened the meeting for public comment.

Mark Pilsworth, Raymond Condo Association, explained that the Association had spent thousands of dollars for milfoil ratification and that the area was a hot spot for problem areas. He felt that there are people with stakes in this matter not being consulted and that they were potentially allowing problem people from the beach to come into that area. He added that the people using the dock would contributing \$o help contribute to the solution.

Ben Severn, 4 Avery Lane and Raymond Waterways Protective Association, explained that milfoil was a big problem and was increasing. He stated that he would not want to interfere with increased business. However, the goal was to get a handle on marinas' issues and need a larger effort. He suggested asking the businesses to contribute funding to help clean up the area.

Adam Perron, Program Director at Lakes Environmental Association, explained that they were coordinating efforts to support the larger problems being coves of Sebago Lake and asked for the Board's consideration before moving forward with approval.

Kevin Faye explained that he was also concerned with milfoil and suggested that the Board needed to consider the impact of encouraging increased boat traffic.

Mr. Leavitt pointed out that their Chair was the founder of Raymond Revitalization Committee. He though that it was premature to come forward with a proposal and he commended Town Manager and CEO for keeping track of this issue. He commented that they had contacted Chairman Howard Stiles but committee needs to take a vote in order to issue a decision. He wanted to know if was a private issue, then why was

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**Item taken out of order

Panther Run Marina not running this project.

Mr. Holmquist stated that the Revitalization Committee consisted of volunteers that operated in a similar fashion to the chamber of commerce, which were interested in retail services only. He added that this would not put anymore boats in the water and will encourage little extra additional traffic for the good of the local businesses.

Mr. Bruno stated that he was concerned with the Veterans' Park and boat parking. He wanted to know how they would manage long term parking. He also felt that they needed to talk to DOT and set up pedestrian crossing on Route 302. He also added that they were going to need to go to Town Meeting to allow public property be used in this way. Mr. Leavitt added that he would like to see a more developed plan

Will Coppersimth. Fisherman's Catch, explained that he supported the project because he had had 26 boaters in the past week walk up to his business and he felt that there was potential.

**d) Consideration of Town Owned Wood Lot Harvesting (Egypt Road/Patricia Avenue)-
Greg Foster, Forester**

Forester Greg Foster, TimberState, explained that the concept of a timber sale came from his forest management plan as part of the Project Canopy Grant. He explained that he could mark the lot and come up with an estimated value and put a bid out to logging contractors.

Mr. Bruno commented that he liked idea of marking the lot a going to bid. Mr. Leavitt wanted it clarified that if the lot was marked and did not sell, Mr. Foster would charge an hourly rate for his time. Mr Foster responded that he would hold the contract over until opportunity to sell wood. There was a clause in the contract because people have decided not to sell after he put a lot of work into preparing the lot.

MOTION: Joe Bruno motioned to allow Greg Foster to mark the lot and move forward with the contract; seconded by Lonnie Taylor.

DISCUSSION: Mr. Leavitt commented that this had involved Mr. Foster making a proposal with negotiations from the Board. He did not agree with a sole source contract and this was not under Project Canopy anymore. He felt that the contract should go out to bid.

VOTE: MOTION CARRIED (3/1 [CL])

**e) Consideration of Town Report Memorial and Town Report Dedication Page- Louise
Lester, Town Clerk**

Louise Lester presented a list of individuals whom had passed during the last fiscal year as well as those whom had made significant contributions to the Town. The Board agreed that they wanted he choice to be a surprise. Ms. Lester would give extended bios via email and pole the Board for their choice.

Chairman Sam Gifford tabled this matter until the next meeting.

**f) Consideration of Support for Transportation Enhancement (TE) Grant Application-
Nathan White, Public Works Director**

Public Works Director Nathan White explained that they had worked on a grant application to install sidewalks in Town. Initially, the application had been to add sidewalks within two miles of a school but after the sitewalk it was determined that the area was too rural and they were encourage to apply for the village area of town, on Main Street. Mr. Leavitt asked if they were not hopeful about getting the grant,

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**Item taken out of order

based off a previous email. Mr. White responded that he believed that they had good chance because Dan Stewart from MDOT was very excited about the development that had already been done on Route 302, in terms of sidewalks.

MOTION: Joe Bruno motioned to move forward with the grant application; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

g) Consideration of New Road Names by Chris Hanson, Code Enforcement Officer
• **Kokatosi Camp Ground per E911 Requirements**

Mr. Hanson explained that this project had been going on for a while and that Kokatosi contained one main road and eight side roads. The proposed road names were: Bunny Loop; Porcupine Run; Moose Landing; Trot Alley; Critter Lane; Rooster Ridge; Leisure Lane; and Squirrel Square.

MOTION: Lonnie Taylor motioned to accept the eight roads put forth for new road names in Town of Raymond; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

• **Gordan Lane (by Mason Lane) per George Gordon**

Mr. Hanson explained that Mason Lane contained four residents, but half of the road was actually an easement that served two of the properties under the same ownership and were not intended for public access. The owner, Mr. Gordon, was requesting that that easement be named Gordon Lane.

George Gordon explained that these roads had historically been two roads, fire lane 2a, which would remain Mason Lane, and Firelane 2a-1, which is proposed to be converted to Gordon Lane.

MOTION: Joe Bruno motioned to accept the CEO's recommendation to name Firelane 2a-1 Gordon Lane; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

h) Executive Session pursuant to 1 MRSA § 405(6)(H): Meeting with CEO Regarding Pending Land Use Legal Matters

MOTION: Lonnie Taylor motioned to go into Executive Session pursuant to 1 MRSA Section 405(6)(H) for meeting with CEO and Town Attorney regarding pending Land Use legal matters; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

Chairman Sam Gifford announced that the Board was going into Executive Session at 8:49 pm.

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**Item taken out of order

MOTION: Joe Bruno motioned to come out of Executive Session; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (4/o)

Chairman Sam Gifford announced that the Board was coming out of Executive Session at 9:33 pm.

MOTION: Joe Bruno motioned to allow the CEO to issue a 2 week notice on August 28th to abate the issue of land use; if not abated, we author him to move forward with an injunction in court; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (4/o)

i) Consideration of Quit Claim Deeds as Submitted by Sue Carr, Deputy Tax Collector- Board of Selectmen

MOTION: Joe Bruno motioned to accept the recommendation of Deputy Tax Collector Sue Carr to file two quit claim deeds for Robert J. and Joanne Doherty; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

j) Consideration of Auditor Engagement Letter with Smith & Associates- Board of Selectmen

Mr. Willard explained that this was a matter of process, as required by Maine Law, and recommended for approval.

MOTION: Joe Bruno motioned to accept the audit by Smith and Associated, as has been done for many years; seconded by Charly Leavitt.

DISCUSSION: Mr. Leavitt expressed his appreciation for Town Manager's attention in this matter, in light of issues in Casco.

VOTE: UNANIMOUS APPROVAL (4/o)

k) Consideration of Appointment of Rolf Olsen as a Member of the Compensation Study Committee- Board of Selectmen

MOTION: Joe Bruno motioned to appoint Rolf Olsen to the Compensation Study Committee; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

l) Consideration and Approval of Planning, Economic Development & GIS Contracts (GPCOG/Sebago Technics)- Board of Selectmen

MOTION: Joe Bruno motioned to approve the contracts with GPCOG and Sebago Technics; seconded by Lonnie Taylor.

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**Item taken out of order

DISCUSSION: Mr. Leavitt wanted to know if, in the case of an application, if a portion of the planning fees were paid for by the applicant and Mr. Willard confirmed that they were paid for out of an escrow setup by the applicant.

VOTE: UNANIMOUS APPROVAL (4/0)

6) Old Business

a) Consideration of Changing Saturday Town Office Hours- Board of Selectmen

MOTION: Joe Bruno moved to table this matter until Selectmen Mike Reynolds returns; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

b) Consideration of Disposition for Tax Acquired Properties (TAP)- Board of Selectmen

Executive Assistant Danielle Loring summarized the status of the 2011 and 2012 list of tax acquired properties and the steps taken to relinquish taxes.

MOTION: Joe Bruno motioned to acquire the 2011 list of properties; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

MOTION: Joe Bruno motioned to send 30 day demand letters to the top half of 2012 list; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

Mr. Leavitt wanted to know what the policy was for making payment arrangements for delinquent taxes. Mr. Willard explained that it was based on a good faith effort and that there were no policies or perimeters because eventually they would get the taxes as well as penalties. Mr. Leavitt stated that he did not think that the payments plans were a fair representation of monies that could be paid, for example there was a business paying \$50 a month. Mr. Willard stated that they could come back with a summary and look into creating a policy.

7) Public Comment This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.

a) Charly Leavitt, Leavitt Road

He requested that the Chairman restore the Selectmen Communications to the agenda and incorporate into the bylaws so that it could not be removed again in the future.

Mr. Leavitt also stated that US Cellular has withdrawn its application for the wireless communication

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**Item taken out of order

facilities on Farm Road, but still have rights in perpetuity. He explained that the driving force was public safety and encouraged the Board to come up with plan to deal with issue for lack of coverage.

8) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- **September 11, 2012- Confirmed**

b) Crown Castle Perpetual Easement Update

Mr. Willard explained that they were in the process of negotiating with Crown Castle and had received the first draft and returned it with significant changes, which should not hold up the deal, given the nature of the changes. He added that once the negotiations were final, that the sale would still need to be approved at Town Meeting.

9) Fiscal Warrants – Payroll and Appropriation Warrants – August 14, 2012

MOTION: Lonnie Taylor motioned to accept the Payroll Expense Summary, dated August 14, 2012, in the amount of \$137,998.92; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

MOTION: Lonnie Taylor motioned to accept the Treasure's Warrant, old year warrant, in the amount of \$944.17; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

MOTION: Lonnie Taylor motioned to accept the Treasure's Warrant, dated August 14, 2012, in the amount of \$131,444.43; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

10) Adjournment.

MOTION: Joe Bruno motioned to adjourn; seconded by Charly Leavitt.

VOTE: UNANIMOUS APPROVAL (4/o)

Chairman Sam Gifford adjourned the meeting at 10:02 pm.

Danielle Loring
Recording Secretary

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**Item taken out of order



BOARD OF SELECTMEN
Minutes*
October 16, 2012

SELECTMEN'S MEETING

Present: Chairman Sam Gifford, Vice-Chair Lonnie Taylor, Charly Leavitt and Mike Reynolds

Absent: Joe Bruno

Staff: Don Willard, Town Manager; Chris Hanson, Code Enforcement Officer; and Danielle Loring, Recording Secretary.

Other: Martin Shuer, Nick Hardy, Sally Holt, Dana Desjardins, Mike McClellan, and Peter Leavitt.

1) Call to order: Chairman Sam Gifford called the meeting to order at 7:00pm and a quorum was declared.

2) Minutes of previous meeting dated:
• **September 11, 2012**

MOTION: Mike Reynolds motioned to accept the minutes; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: MOTION CARRIED (3/0/1 [ab LT])

****3) Public Comment**

****a) Martin Shuer, independent candidate from Windham:**

Mr. Shuer explained that he was running for the State Senate. One of his goals was that he wanted to be a bipartisan voice as a small business owner. He listed off endorsements and involvement in the local community/politics. He continued by giving his list of political goals and local endorsements/supporters.

Dana Desjardins, 64 River Road, wanted to know if the opposing candidates had been invited, and Mr. Willard responded that they had not because it was a public forum and anyone was welcome to speak. Mr. Gifford invited Mike McClellan to say something about his candidacy and he declined.

3) New Business.

a) Consideration of Library Storage Unit Located on Town Land- Sally Holt, Library Director

Library Director Sally Holt explained that she was asking for permission to install a 12 x 16 storage shed for community donated books, that are for sale through the summer and fall. The supplies for the shed would be donated by Kevin Hancock of Hancock Lumber. The Code Enforcement Officer has done a site visit and

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**Item taken out of order

has given preliminary approval for a permit.

Mr. Leavitt wanted to confirm that the Town owned the land but not the building, and Mr. Willard agreed because there was reverted language. Mr. Leavitt continued that Mrs. Holt did not need permission, but appreciated the transparency. He added that the Board would not give her permission to accept the donation because that was the Library's Board of Trustees responsibility.

Chris Hanson, Code Enforcement Officer, stated that the Board did need to give her permission to install the shed on Town-owned land, which in turn, would give him authority to issue the permit. Mr. Leavitt agreed.

MOTION: Lonnie Taylor motioned to allow the CEO to move forward in allowing the for the permit so that Hancock Lumber would donate the money for materials; seconded by Mike Reynolds.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

b) Proposal for Raymond Community Dock at Veterans' Memorial Park- Nick Hardy, Raymond Revitalization Committee

Nick Hardy, Raymond Revitalization (RRC), gave a presentation regarding the installation of a community dock located at Veterans' Memorial Park. He was asking for permission for the CEO to issue a dock permit to be launched in the Spring, 2013.

Mr. Reynolds wanted to know if there were permits required from the State, and Mr. Hanson responded that a Permit by Rule would be required for bank work before he would issue temporary dock permit. Mr. Willard added that there were no limitations with the land.

Mr. Gifford asked that Mr. Hardy elaborate on the milfoil issue. Mr. Hardy replied that there was no measurable milfoil in the immediate area but there was further out that was currently being abated. He continued that there was already significant traffic in that area because of the marina. He added that he did not think that it was within the Revitalization Committee's prevue to work on milfoil abatement and so they have consulted Raymond Waterways.

Mr. Gifford stated that that all the plans needed to be in place before the Board recommended the dock for approval at Town Meeting. Mr. Leavitt agreed and added that he was concerned with milfoil but it was the same concern that he had for all lakes. He continued that his primary concern was that the RRC had not established itself in a manner to be making such a proposal. He wanted to know if the Veterans' Memorial Committee had approved the proposal. He also did not understand why there was not a public/private partnership with the Panther Run Marina and why the government sector was getting involved. He did not think there was enough research or need for this project.

Mr. Reynolds stated that he was excited for the proposal and thought that it was a good idea. He was concerned with milfoil and the safety of the site.

Betty Williams, Raymond Waterways Protective Association (RWPA) Director, thought that there was always risked involved, and, if they are going to move forward, it needed to be done right. She added that RWPA was not for or against the project. She continued that the milfoil issue was currently being worked on in cooperation with Lakes Region Environmental Association (LEA) to come up with a plan and that on January 25, 2013, the Sebago Lake Milfoil Summit was being held (location was to be announced).

Mr. Reynolds stated that he wanted to see the project move forward and thought that it was in the best

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**Item taken out of order

interest of the Town to manage the project. He did not think that it needed to go before Town Meeting but would like input from the Veterans' Memorial Committee (VMC).

Mr Leavitt stated that there were no security or code issues being addressed. He thought that they had not even been able to managed Jones Beach effectively , and he did not feel that they should take on another project. He stated that the RRC was trying to separate themselves from the Town and did not understand why the Board were supplying resources to an unorganized group. Mr. Reynolds countered that Mr. Leavitt's issues were with the group and were not about the dock site. Mr. Leavitt responded that he did not feel that they were answering the questions being raised.

Mr. Gifford asked if the Board was ready to make any decisions, and Mr. Taylor responded that we was not because of the milfoil issue and security/policing of the site. He wanted to see how they were going to fund it. If the Board was not going to bring this issue to Town Meeting then they would need more information to be confident of their decision.

Mr. Hardy wanted to know what more they would need to present. Mr. Willard proposed that all the parties sit down to go over plan and that they would also need to meet with VMC as well as address milfoil issue. He felt that this was a great public-private partnership opportunity.

Mr. Desjardins commented and stated that Jones beach was built to allow sidewalk to access to commercial district. He felt that the Veterans' Memorial Park was a sacred place and felt that adding the dock was commercializing it.

Peter Leavitt, 2 Leavitt, stated that he thought that the policing issue needed to be addressed and wanted to see more milfoil abatement going on. He also wanted to know why the proposal was not for a permanent dock and recommended involving fishing groups as well.

c) Discussion Regarding Compensation Study Committee- Chairman Sam Gifford

Chairman Gifford explained that there were questions and concerns raised regarding the composition and charge of the Compensation Study Committee. He was making the decision to disbanding and reform the committee with the vote of the Board, which was not required.

Mr. Gifford read the charge of the ad hoc to Compensation Study Committee as to “gather and study current compensation numbers offered by neighboring and similarly sized towns; review and compare these pay scales and benefit numbers and present appropriate information to the Selectboard to be used in developing schedules and scales. The report will be totally objective. The new Committee is not charged in proposing pay scales or schedules.”

Mr. Gifford continued by listing the members asked to serve of the Committee:

- Rolf Olsen, BFC
- Marshall Bullock, BFC
- Robert Gosselin
- Brian Walker, BFC
- Denis Morse
- Mike Reynolds, BOS, and,
- Norma Richards

MOTION: Mike Reynolds motioned to accept the charge and composition of the Compensation Study Committee as presented; seconded by Lonnie Taylor.

DISCUSSION: Mr. Leavitt commented that he had been one of the individuals who had originally requested that the Board review the compensation and benefits offered to staff. He felt that that the private sector

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**Item taken out of order

should be included. He also felt that the code of ethics were being violated with the compensation of some of the members because of there affiliation with some departments or relationship to staff members. Mr. Gifford responded that the Committee will present objective results and the Board respond accordingly to them.

Mr. Reynolds thanked the Chair for clarifying charge and has faith that committee will complete its charge.

VOTE: MOTION CARRIED (3/1 [CL])

4) Old Business

a) Tax Acquired Property Update

Danielle Loring, Executive Assistant, updated the Board on the current status of the Tax Acquired Properties (TAP) and the efforts made by staff to obtain payments. She outlined the properties where payment arrangements were made and those that no response had been received, despite several efforts to reach out to the owners. Mr. Willard added that staff was looking for direction from the Board and was recommending to move forward with the next step in the TAP Policy.

Mr. Reynolds stated that he was surprised by how low some of the payment amounts were and how far behind some of the properties were. He felt that the they needed to be renegotiated.

MOTION: Mike Reynolds motioned to review the list of payments plans and, if not on a plan, then go to next step in the policy; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

- 5) **Public Comment** This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.

a) Peter Leavitt, 2 Leavitt Road:

Mr. P. Leavitt stated that at the last meeting there was an attack on Selectmen that should have been made a point of order. He observed Mr. Leavitt making inflammatory political rhetoric, and it elicited a similar response from the Town Manager. The Board should support the Chair and rule an "out of order call" and let the discussion the cease. He also did not feel that there should be banter back and forth between members.

b) Charly Leavitt, Leavitt Road:

Mr. C. Leavitt was requesting agenda items concerning a public safety issue with North Raymond Road. He had reviewed the history of the argument make for spot zoning to allow for the tower to be proposed and felt that, after the application had been withdraw, no efforts had been made to correct the "dead spot" in communication. He added that there was money in the Public Safety budget but still no plan has surfaced.

Mr. Willard agreed that the statements regarding a communication problem in that area were correct, but building the tower was beyond the Town's expenses and that they were hoping to co-locate when the private tower was being proposed. He continued that it looked as though the Town will have to negotiate and partner with the school, but that the dead spot issue had been addressed through other means and that, hopeful, that application has come forward soon.

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**Item taken out of order

Mr. Leavitt added that he felt that the community interest factor was made to avoid "spot zoning," which was illegal. Mr. Willard disagreed, conjecturing that people were voting on cell service as there primary reason for support.

Mr. P. Leavitt recommended satellite phones.

6) Town Manager Report and Communications.

a) Confirmed date for next regular meeting:

- **November 13, 2012**

b) Election November 6, 2012 at JSMS from 7:00am to 8:00pm

- **National and State Election**

7) Fiscal Warrants – October 16, 2012

- **Payroll Expense Summary Warrant**

MOTION: Lonnie Taylor motioned to approve the Payroll Expense Summary Warrant, dated 10/16/12, in the amount of \$117,328.51; seconded by Mike Reynolds.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

- **Treasurer's Warrant LT/ MR 4/0**

MOTION: Lonnie Taylor motioned to approve the Treasurer's Warrant, dated 10/16/2012, in the amount of \$1,253,110.35, which included the County Tax Payment of \$589,109.00 and a bond payment in the amount of \$520,028.14; seconded by Mike Reynolds.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

8) Adjournment:

MOTION: Mike Reynolds motioned to adjourn; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (4/0)

Chairman Sam Gifford adjourned the meeting at 8:16pm.

Danielle Loring
Recording Secretary

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**Item taken out of order

Raymond Revitalization Committee Request for Town Dock permit

Prepared by Nick Hardy
Raymond Revitalization Committee
nickatli@gmail.com

Proposal

- The Raymond Revitalization Committee would like to sponsor a town dock that will allow boaters on Sebago Lake easy access to local businesses.
- We are asking permission from the Selectmen to allow the town to issue a permit for this dock.

Raymond Waterways Protective Association

- Met with Executive Director Betty Williams and Board President Ben Severn on 9/17/12
- Interested in working with us on this project
 - Technical information → site preparation
 - Design consultation → site preparation
- Immediate Suggestion
 - Define path from parking lot to dock
- Millfoil Mitigation
 - We agreed that a long term project is needed for this particular area and discussed a variety of short and long term options

Details

- The dock will be located at the Veterans Memorial Park
 - Close to businesses
 - Existing signage
 - Existing pedestrian cross walk button
 - Temporary parking for potential pick-up vehicles

Details

- The dock has been donated by local business men
 - Bill Coppersmith – Fisherman’s Catch
 - Phil Michaud– Panther Run Marina
 - Walt Manchester – The Good Life Market

Details

- The dock has been inspected by the town and is adequate for the intended purpose
- Insurance will not increase for this year. There may be a small increase in future years.
 - Liability is covered by the town’s current plan
- Public Works will install the dock in the spring and remove and store it in the fall

The actual dock



The actual dock - measurements





Potential dock site





Signage needed

- A sign will be needed on or near the dock with rules
 - Two hour boat docking
 - No overnight docking
 - Four boat maximum at any given time



Community Dock Meeting Minutes

November 8, 2012
Broadcast Studio

Present: Don Willard, Town Manager; Nick Hardy, Raymond Revitalization Committee (RRC); Betty Williams, Raymond Waterways Protective Association (RWPA); Nathan White, Public Works Director (PWD); Chris Hanson, Code Enforcement Officer (CEO); Peggy & Neal Jensen, and Danielle Loring, Executive Assistant.

Don Willard began the meeting at 2:02 pm. He stated that the purpose was to review the concerns that were raised regarding the proposed community dock as part of the October 16, 2012 Selectmen's meeting. He asked that Mr. White start the meeting off by talking about the start-up costs, environmental impacts and involvement from the Public Works Department. Mr. White explained that the point where the dock met land would need to have erosion control measure implemented and they would need to make an erosion resistant walkway to the dock through the grass.

Mr. Willard told Mr. White that he wanted a memo outlining:

- Cost of initially launching the dock as well as installing and removing every year;
- replacement cost of the dock;
- cost of any new signage;
- cost of walkway;
- cost of rip rap for erosion control; and,
- cost estimate of related labor.

Mr. Hardy stated that the only signs that would need to be added would be “boats only” and “no overnight parking,” because all other signage was already in place. Mr. Willard suggested that they could use the same signage language that was used for Raymond Beach to promote consistency. Mr. White thought doing that would encourage the area to be used for more than just a docking area.

Mrs. Jensen wanted to know how the dock was going to be installed in the water, and Mr. White explained that four steel poles would be installed at the corners of the dock, to allow for it to “float” up and down, and it would attached to land via a walking plank.

Mr. Hardy wanted to know what the primary issues were and who would have to present them to the Selectboard. Both Mr. Hanson and Ms. Williams explained that policing and milfoil were the reoccurring themes and that Mr. Hardy, as proposal sponsor, would present the solution as a member of the Revitalization Committee (RRC). Mr. Willard explained that there were many docks in that area and he was not sure what impact another one would have, when private land owners were installing them regularly without the detailed plans that were being created for the proposed community dock. Mr. Hardy explained that he was confused by the idea of RRC being responsible for coming up with such a large scale mitigation plan, when that was not the charge of the Committee, especially since they were such a small group. Ms. Williams said that she felt it was RRC's responsibility, because they were the ones bringing forward the proposal. Mr. Hanson mentioned the fact that Selectman Taylor had voiced his concerns with milfoil and had suggested that there be some level of contribution from the businesses to ensure proper prevention, mitigation and maintenance levels were continued.

Ms. Williams explained that there was milfoil in the inlet where the dock was proposed and, by the time the dock was proposed to launch, the milfoil is expected to have spread to that area. She was currently working to finish a milfoil abatement plan. Mr. Willard stated that he would like to see the mitigation plan and liked the idea of funding contributions being made by those that benefit directly in the area. Mr. Hardy said that

he would explore the idea of RRC approaching business owners regarding making donations. Mr. Willard wanted to know how much funding they would need for the mitigation plan and Ms. Williams was not sure at that point and was expecting to have them within a week. Her plan included possibly hiring a professional company, such as New England Milfoil, to complete a massive removal at the beginning of the next season followed by a maintenance schedule to be completed by RWPA.

Mr. Hanson wanted to know if any of the local associations or marinas were contributing funding to RWPA, and Ms. Williams replied that Jordan River Condo Association had hired their own dive company, but did not contribute to RWPA, and that Jordan Bay Marina had contributed once, but now they were putting their funding toward Save Our Sebago- a group focused Sebago Lake water levels.

Mr. Willard stated that this was all very important information and outlined how they could compile it:

- PWD- memo on initial start up, maintenance and annual launch and retrieval procedure/costs;
- CEO- permitting that was required by State and Town;
- Nancy Yates, Finance Director- financial information regarding insurance;
- RRC- memo on efforts to include local business owners; and,
- RWPA- milfoil mitigation plan including financial need and efforts to obtain funding.

Mr. Hardy commented that, dock or no dock, milfoil mitigation was an important project that needed to be completed. Mr. Willard agreed and added that the dock was just an added feature which highlighted the longstanding issue of milfoil abatement/prevention.. Mr. White also added that he would like to tie in a complete erosion control project to go along the bank with RWPA assistance and Ms. Williams said that she would contact the Department of Environmental Protection (DEP) regarding permitting for that project.

Mr. Willard wanted to know if there was fishing that took place in that area and whether it should be restricted, and Mr. White replied that there were usually a few that chose that spot but felt that restricting it was problematic because the argument could be made that it is allowed at Raymond Beach. Mr. Willard then wanted to know about trash collection, and Mr. White stated that he would make sure that it would be collect as part of his routine with Raymond Beach, but, at some point, they were going to have to consider having someone down there for the summer to monitor and do pick up. He felt that he might have some funding available in building maintenance to cover hiring someone. Mr. Willard agreed with the idea because it was helping to take care of the Town's assets.

Mr. Willard asked about how they should handle policing, and Mr. White replied that it would require someone to be down there monitoring the site full time. Mr. Willard asked Mr. White if there would need to be additional lighting installed, and he replied that there was plenty of ambient lighting from the surrounding area. Mr. Hardy suggested that they implement a rule of “dawn to dusk,” and Mr. White responded that it was not consistent with the dock at Raymond Beach.

Ms. Williams asked if the Veterans' Memorial Committee had been involved, and Mr. Willard explained that once all the materials had been compiled, a presentation could be made and letter of position on the proposed dock issue could be solicited from them, but he felt that the Chairman was in support of the project. Mr. White commented that he thought that the park was only on the side of the monument and that the opposite side, where the dock was proposed, was a rest area.

There was discussion of the milfoil issues within Sebago Lake. Ms. Williams explained the obstacles the association faced because there was a shortage of funding and Sebago Lake was worse than anticipated. Mr. Willard suggested that the Town may possibly contribute more funding and he wanted to know if the direct benefactors of the lake had been solicited as well. Ms. Williams responded that there were going to be asking everyone in the are. She continued that they were exploring other options for harvesting as well, but the problem was that there had already been roots established. Mrs. Jensen added that it was a tough area to maintain because there were several little niches and coves. She added that it was hard to get people to understand that concept because harvesting in those areas were not a one time event.

Mr. Willard wanted to know why this proposal involved a temporary versus a permanent dock, and Mr.

Hanson responded that it was because a permanent dock was more expensive and the process involved getting a Natural Resources Protection Act (NRPA) permit.

Mr. Jensen explained that he was concerned with the proposal because it was increasing boat traffic for the area, which would likely increase the number of fragments. Mr. Willard explained that there were already a lot of docks in the area, and Mr. Jensen responded that each of those docks were assigned to one boat and this dock could attract any number of boats. Mr. Willard agreed but felt that individuals were going to use that cove regardless of the dock being there. Mr. Hanson agreed with Mr. Willard and added that the purpose of the dock was to reduce erosion that was occurring due to current use as well as increase convenience to get to the local businesses.

Mrs. Jensen asked if there was anyway to track the number of boats that were using the dock and Mr. Hardy suggested using a wildlife camera. Mr. Willard added that they could launch the dock on a trial basis. Mr. White commented that it should be for more than one year because the first year would not be indicative of use. Mrs. Jensen was concerned with the project not being worth Public Work's time, and Mr. White explained that it would be miniscule amount of time to get the dock in and out. Mr. Willard added that this project was consistent with the State's multi-modal initiative, which encouraged multiple means of transportation. Mr. Hardy also commented that the RRC's purpose is to support the business community by utilizing a natural asset.

Mrs. Jensen was just concerned with the recent lack of ongoing community commitment to be involved with the health of the waterways. Mr. Willard responded that this project maybe the initiative to become more involved.

The meeting ended at 2:42pm.

Danielle Loring
Recording Secretary

----- Original Message -----

Subject: RE: Community Dock Informational Packet

Date: Wed, 13 Feb 2013 18:06:47 +0000

From: Brautigam, Francis <Francis.Brautigam@maine.gov>

To: 'Danielle Loring' <danielle.loring@raymondmaine.org>

CC: Walker, Steve <Steve.Walker@maine.gov>, Pellerin, James
<James.Pellerin@maine.gov>

Danielle,

Thanks for the CC on the Town's proposed Dock. Based on the limited information you included in the email I would not anticipate any fishery concerns. Our focus of interest would be on activities that would interfere with salmon migration in the fall. These salmon migrate into the Jordan River from the lake and are captured in our fish trap located on Mill Street. These adult salmon supply all the salmon eggs that support our hatchery stocking programs in southern and central Maine. I'm sure you are probably keenly aware the water depths tend to be on the shallow side at the location of the dock, and boaters from the lake will need to navigate slowly down a narrow section of the lower Jordan River that is well developed with boat slips....could be some user conflicts to contend with. I would be willing to review any formal plans for fisheries concerns should you desire that input. Thanks again, Francis.

Francis Brautigam

Regional Fishery Biologist

Sebago Lake Region

358 Shaker Road

Gray, Maine 04039

207-657-2345, ext 112

**TOWN OF RAYMOND
WARRANT FOR THE ELECTION OF OFFICERS & REFERENDUM**

Tuesday, June 11, 2013

To: Nathan White, Resident of Raymond, or Town Constable in the County of Cumberland and State of Maine:

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, qualified by law to vote in Town affairs to meet at Jordan-Small Middle School gymnasium in said Town on Tuesday the eleventh day of June A.D. 2013 at 7:00 am then and there to act on the following articles:

ARTICLE 1 To elect a moderator to preside at said meeting.

ARTICLE 2 To elect all necessary Town Officers and vote on RSU #14 Referendum by secret ballot.

The polls for voting on Article 1 will open at 7:00 AM and close at 8:00 PM.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person who is not registered as a voter. A person who is not registered as a voter may not vote in any election.

Given under our hands this 14 day of May A.D. 2013.

_____	Joseph Bruno
_____	Samuel Gifford
_____	Charles Leavitt
_____	Michael Reynolds
_____	Lawrence Taylor

SELECTMEN OF RAYMOND

**WARRANT AND NOTICE OF ELECTION
CALLING REGIONAL SCHOOL UNIT NO. 14
BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. §1486)**

TO: Michael Duffy, a resident of Regional School Unit No. 14 (the “Regional School Unit”) composed of Raymond and Windham, State of Maine:

In the name of the State of Maine, you are hereby ordered to serve upon the Municipal Clerks of each of the municipalities within Regional School Union No. 14, namely, Raymond and Windham, an attested copy of this Warrant and Notice of Election. Service shall be in hand within three (3) days of the date of this Warrant and Notice of Election. The Municipal Clerks of the above municipalities shall immediately notify the respective municipal officers, who shall post the following Warrant and Notice of Election.

**TOWN OF RAYMOND
REGIONAL SCHOOL UNIT BUDGET VALIDATION REFERENDUM
WARRANT AND NOTICE OF ELECTION**

Cumberland ss.

State of Maine

TO Louise Lester, Town Clerk of Raymond: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this Warrant and Notice of Election.

TO THE VOTERS OF RAYMOND:

You are hereby notified that a Regional School Unit budget validation referendum election will be held in the Town of Raymond on Tuesday, June 11, 2013, at Jordan-Small Middle School, 423 Webbs Mills Road, Raymond, Maine, for the purpose of determining the following referendum articles:

Article 1A: To elect a Moderator to preside at said meeting.

Article 1: Do you favor approving the Regional School Unit No. 14 budget for the upcoming school year that was adopted at the latest Regional School Unit Budget Meeting?

Article 2: Do you wish to continue the Budget Validation Referendum process in Regional School Unit No. 14 for an additional three years?

The voting on Article 1 shall be by secret ballot referendum. The polls will be opened immediately after election of the Moderator following commencement of the meeting at 7:00 a.m. and closed at 8:00 p.m.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Given under our hand this day, May 8, 2013, at Windham, Maine.

Judith Keen-Joy
Diana Froisland
Maggie Yoneni
Curtis
Dawn B. Jones

Ann Peas
Elizabeth Fullinger
Kate Bix
Michael Duffy

A majority of the Regional School Unit No. 14 Board of Directors.

A true copy of the Warrant and Notice of Election, attest:

Michael Duffy
Michael Duffy, Resident
of Regional School Unit No. 14

Countersigned this _____ day of _____ 2013 at Raymond, Maine

A majority of the Municipal Officers of the Town of Raymond

A true copy of the Warrant and Notice of Election, attest:

Louise Lester, Town Clerk
Town of Raymond, Maine

**WARRANT TO CALL REGIONAL SCHOOL UNIT NO. 14
BUDGET MEETING
(20-A M.R.S.A. §1485)**

TO: Michael Duffy, a resident of Regional School Unit No. 14 (the "Regional School Unit") composed of Raymond and Windham, State of Maine.

In the name of the State of Maine, you are hereby required to notify the voters of each of the municipalities within Regional School Unit No. 14, namely, Raymond and Windham, that a Regional School Unit Budget Meeting will be held at Windham High School, 406 Gray Road, Windham, Maine at 6:30 P.M. on May 29, 2013 for the purpose of determining the Budget Meeting articles set forth below.

ARTICLE 1A: To elect a moderator to preside at the meeting.

**ARTICLES 1 THROUGH 11 AUTHORIZE EXPENDITURES IN COST
CENTER CATEGORIES**

ARTICLE 1: To see what sum the Regional School Unit will be authorized to expend for Regular Instruction.

Regional School Unit Board Recommends \$15,454,449.71

ARTICLE 2: To see what sum the Regional School Unit will be authorized to expend for Special Education.

Regional School Unit Board Recommends \$6,488,331.85

ARTICLE 3: To see what sum the Regional School Unit will be authorized to expend for Career and Technical Education.

Regional School Unit Board Recommends \$350,759.80

ARTICLE 4: To see what sum the Regional School Unit will be authorized to expend for Other Instruction.

Regional School Unit Board Recommends \$899,101.47

ARTICLE 5: To see what sum the Regional School Unit will be authorized to expend for Student and Staff Support.

Regional School Unit Board Recommends \$3,441,135.76

ARTICLE 6: To see what sum the Regional School Unit will be authorized to expend for System Administration.

Regional School Unit Board Recommends \$936,430.95

ARTICLE 7: To see what sum the Regional School Unit will be authorized to expend for School Administration.

Regional School Unit Board Recommends \$1,978,626.88

ARTICLE 8: To see what sum the Regional School Unit will be authorized to expend for Transportation and Buses.

Regional School Unit Board Recommends \$2,115,030.68

ARTICLE 9: To see what sum the Regional School Unit will be authorized to expend for Facilities Maintenance.

Regional School Unit Board Recommends \$4,569,651.59

ARTICLE 10: To see what sum the Regional School Unit will be authorized to expend for Debt Service and Other Commitments.

Regional School Unit Board Recommends \$3,177,356.05

ARTICLE 11: To see what sum the Regional School Unit will be authorized to expend for All Other Expenditures.

Regional School Unit Board Recommends \$280,000.00

**ARTICLES 12 THROUGH 14 RAISE FUNDS FOR THE
PROPOSED SCHOOL BUDGET**

ARTICLE 12: To see what sum the Regional School Unit 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 and to see what sum the Regional School Unit will raise and assess as each municipality'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. **Recommended amounts set forth below:**

Total Appropriated (by municipality):	Total raised (and Regional School Unit assessments by municipality):
Town of Raymond: \$6,977,428.76	Town of Raymond: \$6,737,807.77
Town of Windham: \$28,574,611.18	Town of Windham: \$14,535,147.50
School Regional School Unit Total Appropriated	School Regional School Unit Total Raised:
(Sum of above) \$35,552,039.94	(Sum of above) \$21,272,955.27

Explanation: The Regional School Unit'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 the Regional School Unit must raise and assess in order to receive the full amount of state dollars.

ARTICLE 13: To see what sum the Regional School Unit will raise and appropriate for the annual payments on debt service previously approved by the Regional School Unit voters for non-state-funded school construction projects and non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the

Regional School Unit's contribution to the total cost of funding public education from kindergarten to grade 12.

Regional School Unit Board Recommends \$796,394.06

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Regional School Unit's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the Regional School Unit voters.

ARTICLE 14: *(Written ballot required)* To see what sum the Regional School Unit will raise and appropriate in additional local funds (**Recommend \$2,602,440.74**), which exceeds the State's Essential Programs and Services allocation model by (**Recommend \$1,825,302.64**) for school purposes under the Maine Revised Statutes, Title 20-A, section 15690.

NOTE: The Regional School Unit Board recommends the amount (\$2,602,440.74) for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Serviced funding model by (\$1,825,302.64): To continue programs and services that are presently offered, that are not covered or not fully covered by the EPS allocation model, such as athletics and co-curricular activities, Advanced Placement courses, and remedial interventions and accommodations.

Explanation: The additional local funds are those locally raised funds over and above the Regional School Unit'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 Regional School Unit budget for educational programs.

ARTICLE 15 SUMMARIZES THE PROPOSED SCHOOL BUDGET

ARTICLE 15: To see what sum the Regional School Unit will authorize the Regional School Unit Board to expend for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the Regional School Unit'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.

Regional School Unit Board Recommends \$39,690,874.74

ARTICLE 16 AUTHORIZES EXPENDITURE OF GRANTS AND OTHER RECEIPTS

ARTICLE 16: Shall the Regional School Unit Board be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

**ARTICLE 17 AUTHORIZES THE ADULT EDUCATION PROGRAM AND
RAISES THE LOCAL SHARE**

ARTICLE 17: To see if Regional School Unit No. 14 will appropriate \$585,557.51 for adult education and raise \$274,675.01 as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

ARTICLE 18: Shall the Regional School Unit Board be authorized to transfer \$250,000 from unexpended balances at the end of the 2012 – 2013 fiscal year to the School Capital Reserve Fund and to expend \$250,000 from said reserve fund for the following purpose(s) in addition to amounts the voters have previously authorized to be expended from the School Capital Reserve Fund for this or other projects?

School

Description

Windham Primary School

Bus Loop Renovation upgrade

Given under our hand this day, May 8, 2013 at Windham, Maine.

Jessie O'Keefe-Joy
Diana Froisland
Maya Goreni
Curt St
Dawn Parker

Elizabeth Fullinger
Kate Bix
Michael Duffy

A majority of the Regional School Unit Board of Regional School Unit No. 14

A true copy of the Warrant, attest:

Michael Duffy
Michael Duffy, Resident
Regional School Unit No. 14

Maine Short Form Quit Claim Deed Without Covenant

THE INHABITANTS OF THE TOWN OF RAYMOND, a body politic located at Raymond, County of Cumberland and State of Maine, for consideration paid, releases to ALLEN GEORGE T, ALLEN SUSAN E in said County and State, a certain parcel of land situated in the Town of Raymond, County of Cumberland and State of Maine, being all and the same premises described at Map 15, Lot 89A.

The purpose of this conveyance is to release any interest which this grantor may have in and to the above premises by virtue of a lien filed for nonpayment of taxes on said parcel of land with particular reference being made to a lien filed against Map 15, Lot 89A, in the name of ALLEN GEORGE T, ALLEN SUSAN E and recorded in said Registry of Deeds.

BK 26335 PG 311 BK 27261 PG 111 BK 27989 PG 35
BK 28887 PG 7 BK 29837 PG 331

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF RAYMOND have caused this instrument to be sealed with its corporate seal and signed in its corporate name by SAMUEL GIFFORD, JOSEPH BRUNO, CHARLES LEAVITT, MIKE REYNOLDS, AND LAWRENCE TAYLOR, thereto duly authorized, this 14 day of MAY, 2013.

THE INHABITANTS OF THE TOWN OF RAYMOND

Witness to All

By: _____
SAMUEL GIFFORD, Selectman

JOSEPH BRUNO, Selectman

CHARLES LEAVITT, Selectman

MIKE REYNOLDS, Selectman

LAWRENCE TAYLOR, Selectman

STATE OF MAINE
CUMBERLAND, SS.

Personally appeared the above named Samuel Gifford, Joseph Bruno, Charles Leavitt, Mike Reynolds, and Lawrence Taylor aforesaid Selectmen, known to me, this 14 day of MAY, 2013 and acknowledged before me the foregoing instruments to be their free act and deed in their said capacity and the free act and deed of said Grantor Corporation.

Notary Public



*401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742
Fax 207.655.3024*

Memorandum

Date: May 10, 2013

To: Don Willard, Town Manager

From: Danielle Loring, Executive Assistant

Re: Vision Presentation

I will be doing a presentation on a new software package from Vision that will extend the current software from just Assessing to Code Enforcement as well. I am recommending that we purchase this extension because our current software package, PROCIS, is no longer meeting our needs and will require several, costly upgrades in order to keep it operating in the upcoming year. I have worked with CEO Chris Hanson, Contract Assessor Curt Lebel, Tech Committee Chair Laurie Forbes and Network Administrator Kevin Woodbrey and this seems like a viable solution that will realize many cost savings over the years as well as boost efficiency in the office.

Vision Software Expansion



Danielle Loring
Executive Assistant

Introduction

- Proposing a new software extension for Vision (assessing) that will cover Code Enforcement data entry.
- Current software for codes (PROCIS) is no longer meeting our needs and will require several updates in the upcoming year
- We have negotiated with Vision to get get a couple financial incentives and will have input in some of the functions as one of Maine's first "pioneer" towns

Summary

- Overview of Software
 - Functions
 - Cross Department Integration
 - Efficiencies
- Comparison to Existing
- Financial summary
- Conclusion

Overview

- Is an extension of current Vision software that communicates in real-time with assessing information.
- Has a web interface that can be used to apply for and track the status of a permit application as well as view related documents for a property.
- Can be linked with our Google Earth data in order to incorporate GIS and parcel data
- Unlimited number of log-ons for staff and the public, and the ability to define roles and limit access.
- Web interface works on a variety of OS which means that inspection reports can be completed in the field and viewed in the office as they are finished.

Cross Department Integration

- Code department will be able to access lots as they are created by the assessing department and owner transfers will occur in real-time.
- Building permits and associated details, including building plans and layouts, can be viewed by the assessor for site visits and inspections.
- Fire Department can also incorporate their associated permits, notices and documents as well as input inspection data.
- This software will allow for more communication across departments and give the public access to that information

Efficiencies

- NO MORE DOUBLE ENTRIES!!!
- Makes Code and Assessing information available 24/7 via web access
- "One stop" information highway by linking together Code data, Vision and GoogleEarth.
- Data is specific to our ordinances and State Codes and are linked into templates to write violation/approval letters
- Can be linked into our accounting database so that the Code Office can take payments and issue receipts.

Comparisons: Vision 6 v. PROCIS

- PROCIS does not have a web interface, does not intend to include, but this has been a goal that the Code office has been working toward.
- PROCIS is a basic query system whereas Vision allows user defined reports, but is based off of assessing data.
- Both store PB/ZBA and violation data, but Vision does it more seamlessly
- Vision has a fully staffed customer support staff that can work through issues within 4 hours, and PROCIS is reliant on a single person to resolve issues when available.

Financial Information

- Initial cost is \$15,000 but was able to get it reduced to \$12,500 as an existing client.
- Yearly licensing fee is \$3,000 but they are going to waive for FY2013-14.
- There are currently:
 - \$610 funds in the FY2012-13
 - \$1200 funds from the FY 2013-14
 - \$10,690 left to be raised.

Conclusion

- Vision software will allow for:
 - Increased productivity and streamline permitting process,
 - Increased communication and input across departments,
 - Information will become more readily accessible to the public and will be easier to use,
 - Increased efficiency within Code and Assessing departments due to better data entry techniques,
 - Signing on early means that we have more input in the features that are included in the program.

Questions?

- Thank you for your time.
