Commission Members:
Beth Rabbitt, John Clark, Marie Gray, Stephen Bensten, Helen Coyne, Alexis Lopez Del Vecchio, Ashley Burdick, William Elting, Victoria Pelletier (City Councilor), Donna Gartland, Jaime Parker (Chair), Kristen Fulmer, Robert Foster, Katie Mears
Staff: Alex Marshall (Parks Director), Jen DeRice (Assistant Parks Director), Jessica Teesdale (PRF SEA), Rachel Millette (Associate Corperate Counsel)

City of Portland
Parks Commission Agenda
February 1, 2024 at 5:00 PM
City Hall Kippy Richardson Conference Room 24 located on the ground level of City Hall

The Mission of the Portland Parks Commission is to advocate for the enhancement and stewardship of our parks and open spaces. Review and propose projects that impact parks and open spaces and recommend action. Foster collaboration among park users and the City. Promotes public access and enjoyment. Advocate for public and private funding for parks and open spaces. Enjoy Portland for Life.

MEETING ACCESS INFORMATION

The Parks Commission will conduct this meeting in-person from City Hall Kippy Richardson Conference Room 24 located on the ground level of City Hall. Public comments may only be submitted in person or in writing.To submit written public comment on an agenda item, email parkscommission@Portlandmaine.gov Submissions must be received by 12:00 pm the day before the Parks Commission meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

To view this meeting please visit the Livestream https://portlandme.portal.civicclerk.com/event/6739/media

I. Call to Order
II. General Citizen Comment Period
III. Agenda Items
  a. Acceptance of Meeting Minutes: January 4, 2024
  b. Parks Commission Role and Charter
    i. Charter Rules regarding workshops outside of meetings
    ii. Exploration of meeting dates and length
  c. Parks Operations Overview
  d. Communications and Updates
    i. Greenspace Gathering
    ii. Parks Report
    iii. Land Bank Commission Report

e. Commissioner requests for agenda items

IV. Adjournment

City of Portland | Parks, Recreation and Facilities Management
Ethan Hipple, *Director*
Alex Marshall, *Director of Parks*

Parks Commission January 2024 Meeting Minutes

Present Commission Members: Beth Rabbitt, John Clark, Helen Coyne, Alexis Lopez Del Vecchio, Ashley Burdick, Donna Gartland, Robert Foster, Katie Mears

Not Present: Marie Gray (attended via Zoom), Stephen Bentsen, Kristin Fulmer

Staff: Alex Marshall Parks Director, Ethan Hipple Jen DeRice Assistant Parks Director, Jessica Teesdale Senior Executive Assistant

I. Call to Order-

II. General Citizen Comment Period in person- 3 Citizens were present to offer comments

III. Agenda Items

a. Acceptance of Meeting Minutes: 12/7/2023-motion by John C. seconded by Alexis LDV. 7 in favor, 2 not in favor

b. New Business

i.Thomas Park- Presentation provided by Ethan Hipple. 2 citizens provided comments. Questions and general discussion by Commissioners- Motion to recommend Thomas Park acceptance made by Donna G., seconded by Katie M.

ii. Parks Commission Role and Charter-tabled

iii. Committee Assignments

Community Outreach Committee including Green Space Gathering- Appointments made: Donna G., William E., Helen C, Katie M., and Alexis LDV.

Annual Report and Inventory Committee- Appointments made: Jamie P. and Beth R.

Park Initiative Committee-Appointments made: John C.

Finance Development Committee-Appointments made: appointment tabled until further exploration into this committee has been completed.

Questions surrounding the structure of commissioner meetings.

c. Old Business

i. Annual Report on CC agenda 1/17/2024

ii. Encampment Statement submitted to Council

d. Communications and Updates

i. Parks Report-N/A

ii. Land Bank Commission Report-Rob F. provided an update on Land Bank Annual Report, The Land Bank Encampment statement to City Council, update on parcels.

iii. Green Space Gathering-Donna G provided an update on GSG topics. Date: May 2,2024 Location TBD

iv. Commissioner requests for Agenda Items

- **Parks Commission Role and Charter**
- **Charter Rules regarding workshops outside of meetings**
- **Greenspace Gathering**
- **Parks operations**
- **Committee Assignment Review**

Community Outreach Committee including Green Space Gathering-Appointments made: Donna G. William E., Helen C, Katie M., and Alexis LDV.

Annual Report and Inventory Committee- Appointments made: Jamie P. and Beth R.

Park Initiative Committee-Appointments made: John C.

Finance Development Committee-Appointments made: appointment tabled until further exploration into this committee has been completed.

Questions surrounding the structure of commissioner meetings.

IV. Adjournment-motion approved unanimously

Chapter 18 PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS*

***Cross reference(s)**--Sports, games prohibited in cemeteries, § 7-133; land use, Ch. 14; streets, sidewalks and other public places, Ch. 25.

State law reference(s)--Parks, trees and playgrounds, 30 M.R.S.A. § 3801 et seq.

Art. IA. In General, §§ 18-1--18-10
Art. IB. Dedication of Parks and Public Grounds, §§ 18-11--18-15
Art. II. Regulations for Parks and Public Grounds, §§ 18-16--18-65
Art. III. Public Landings, §§ 18-66--18-80
Art. IV. Airport Facilities, §§ 18-81--18-85
Art. V. Waterfront Facilities §§ 18-96--18-99

ARTICLE IA. IN GENERAL

Sec. 18-1. Reserved.
Sec. 18-2. Reserved.
Sec. 18-3. Reserved.
Sec. 18-4. Reserved.
Sec. 18-5. Reserved.
Sec. 18-6. Reserved.
Sec. 18-7. Reserved.
Sec. 18-8. Reserved.
Sec. 18-9. Reserved.

Sec. 18-10. Parks Commission.

(a) *Findings.* The City Council hereby finds that:

(1) Several city parks and public grounds including, but not limited to, Deering Oaks, Eastern Promenade, Western Promenade, Baxter Woods, Baxter Pines, Riverside Golf Course, Payson Park and Stroudwater Park are already all protected by and through deed covenants and restrictions;

(2) The city's cemeteries are already protected by Chapter Seven (7) of the Portland City Code;

(3) The Land Bank has protected twenty-six (26) properties for

conservation and preservation purposes;

(4) Therefore, in order to enhance these existing protections on the city's parks and public grounds, the city council hereby amends the city's parks ordinance as follows:

(b) *Established.* There shall be a commission composed of thirteen (13) members which shall be known as "Parks Commission," hereinafter referred to as the "commission."

(c) *Composition.* One (1) member of the city council, who is on the Transportation, Sustainability and Energy Committee, shall be appointed annually by the city council. One (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade; one (1) member representing Friends of Evergreen Cemetery; and one (1) member representing Portland Trails shall be appointed for three-year terms by the city council. Seven (7) members representing the public-at-large and one (1) member representing the Land Bank Commission shall be appointed for three-year terms by the city council. Such three-year terms shall be staggered so that no more than three (3) members representing the public-at-large are appointed in any one (1) year. All members shall serve until their successors are appointed, for a period, however, not to exceed sixty (60) days after expiration of the term. The commission may from time to time establish such subcommittees as it deems appropriate.

(d) *Duties.* The duties of the commission shall include:

(1) Soliciting, encouraging and accepting private contributions to the city, in cash or in kind, whether by gift, trust, or subject to conditions; provided any gift in kind and that the form of any trust or conditions has been approved by the city council or is ratified by the city council;

(2) Making recommendations to the city council as to the sale of dedicated parks and public grounds (as described in section 18-14 below) and disposition of trust funds held for parks, trails and open space;

(3) Maintaining inventories of parks, trails and open space needs as it determines to be desirable;

(4) Submitting an annual report to the city council regarding the state of the city's parks and public grounds and

making specific recommendations therein about suggested goals and improvements for the parks and public grounds;

(5) Encouraging educational programs, through the schools or otherwise, in forestry education or other relevant subjects it determines to be beneficial to the parks programs of the city;

(6) Undertaking such other activities as to enhance the parks, trails and open space programs of the city as it deems appropriate from time to time;

(7) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council; and

(8) Adopting reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment.

(Ord. No. 50-83, 6-20-83; Ord. No. 70-09/10, 10-5-09; Order 203-13/14, 5-28-2014; Ord. No. 116-14/15, 1-5-2015)

Cross reference(s)--City boards, commissions, committees, etc., § 2-31 et seq.

ARTICLE IB. DEDICATION OF PARKS AND PUBLIC GROUNDS

Sec. 18-11. Parks and Public Grounds Dedicated. The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;
Back Cove Park and Trail;
Barrow's Park/Baxter Sundial;
Bayside Park/Stone Street Playground;
Bayside Trail;
Baxter Pines;
Baxter Woods;
Noyes Park;
Bell Buoy Park:
Belmeade Park;
Boothby Square;
Boyd Street Gardens;
Bramhall Square;

Capisic Pond Park;
Caldwell Square;
Clark Street Park;
Congress Square (specifically the remaining 1/3 of Congress Square);
Clark Street Playground;
Deering Oaks Park;
Dougherty Field;
Eastern Promenade Park(including East End Beach and Trail);
Fessenden Park;
Fort Allen Park;
Fort Gorges;
Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park and Playground;
Heseltine Park;
Lincoln Park;
Longfellow Park;
Longfellow Square;
Lobsterman Park;
Marada Adams Playground;
Martin's Point Park;
Monument Square;
Munjoy South Playground;
Nason's Corner Park;
Payson Park;
Peppermint Park;
Pedro Field;
Pleasant Street Park and Playground;
Post Office Park;
Quaker Park;
Riverside Golf Course;
Riverton Trolley Park;
South Street Playground;
Stroudwater Park (Waldo Street and Westbrook Street);
Taylor Street Park;
Tommy's Park;
Trinity Park;
Western Promenade Park; and
Winslow Park.

(Order 203-13/14, 5-28-2014; Order 89-21/22, 3-7-2022)

Sec. 18-12. Use and Maintenance of Parks and Public Grounds. The City shall retain all parks and public grounds dedicated in section 18-11 predominantly in their natural, scenic, open and/or intended condition. Notwithstanding the foregoing, this provision shall not

prevent the City from the following:

(a) Improving or maintaining dedicated parks and public grounds in a manner consistent with the design of the park or public ground or approved master plan;

(b) Using dedicated parks or public grounds for any of the following:

(1) Athletic contests;
(2) Playgrounds and/or recreational structures;
(3) Outdoor restaurant seating;
(4) Outdoor markets;
(5) Outdoor performance spaces or performances;
(6) Signs and other advertising;
(7) Food trucks or vendors; and/or
(8) Festivals; or

(c) Granting permits, licenses or leases (no more than one (1) year or less in length) for the use, maintenance and/or improvement of dedicated parks or public grounds.
(Order 203-13/14, 5-28-2014)

Sec. 18-13. Inalienability of Parks and Public Grounds. Except as authorized in sections 18-12 and 18-14, dedicated parks and public grounds may not be removed from the list in section 18-11, or used, sold and/or permanently disposed of for non-recreational purposes.
(Order 203-13/14, 5-28-2014)

Sec. 18-14. Disposition of Parks and Public Grounds. Any request to a council committee or the city council to add or remove a dedicated park or public ground from the list in section 18-11, sell or otherwise permanently dispose of a dedicated park or public ground for non-recreational purposes, or establish a use and/or improvement other than those listed in 18-12, shall be reviewed by the parks commission who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.
(Order 203-13/14, 5-28-2014)

Sec. 18-15. Reserved.

ARTICLE II. REGULATIONS FOR PARKS AND PUBLIC GROUNDS

Sec. 18-16. Scope.

The provisions of this article shall apply to any of the parks or public grounds belonging to or under the control of the city.
(Code 1968, § 501.1)

Sec. 18-17. Trucks prohibited.

No vehicle either loaded or unloaded, used for the transportation of freight, materials or other like commodities shall be allowed on any of the roadways of the parks or public grounds, except with the prior written consent of the parks authority; provided, however, that such vehicle owned or employed by the city may be permitted in the parks or public grounds for the purpose of maintenance or repair work.
(Code 1968, § 501.1)

Cross reference(s)--Traffic and motor vehicles, Ch. 28.

Sec. 18-18. Loitering in parks.

Except as provided below for Tommy's Park and Post Office Park, no person shall stop, loiter, be or remain in any of the parks of the city or in any of the paths, drives, streets, boulevards or roadways of the parks between the hours of 10:00 p.m. and 6:30 a.m. of the day immediately following, except for the purpose of traveling across or through such parks; nor shall any person park an automobile and remain therein between the hours of 10:00 p.m. and 6:30 a.m. of the day immediately following on any of the drives, streets, boulevards, promenades or roadways within the parks of the city, unless said person or persons has the prior written authorization of the city manager to be in said park or parks or their drives, streets, boulevards, promenades or roadways during the aforementioned hours.

No person shall stop, loiter, be or remain in Tommy's Park or Post Office Park or in any of the paths of these two parks between the hours of 1 a.m. and 6:30 a.m. on any given day, except for the purpose of traveling across or through such parks.
(Code 1968, § 711.20; Ord. No. 11-84, 6-6-84; Ord. No. 197-00, 5-1-00)

Cross reference(s)--Loitering generally, § 17-1.

Sec. 18-19. Operation of motor vehicles.

(a) No person shall operate a vehicle of any description in any of the parks or public grounds at a rate of speed in excess of such special speed regulations as shall be posted at the entrance of the parks or public grounds; nor shall any such vehicle be driven on or over any part of such parks or public grounds except on or over duly designated roadways; nor shall any such vehicle be operated on any such roadways in the parks or public grounds by those learning to operate such vehicles, except on any such roadways or parts thereof as may be designated for such purpose by the parks authority.

(b) No person shall stop, stand, park or operate a vehicle of any description in Deering Oaks Park in violation of traffic regulations adopted by order of the city council. Upon adoption of any such order, the parks authority, through the city traffic engineer, shall post the traffic regulations in Deering Oaks Park in accordance with such order, or as such order may be later amended. All violations of this subsection (b) shall be enforced in the same manner as violations of the traffic schedule are enforced pursuant to chapter 28 of this Code.
(Code 1968, § 501.2; Ord. No. 226-94, 2-28-94)

Cross reference(s)--Traffic and motor vehicles, Ch. 28.

Sec. 18-20. Operation of buses.

No vehicle engaged in the conveyance of passengers over regular routes shall be operated on any roadways or parts thereof except those that may be designated for such purposes by the parks authority.
(Code 1968, § 501.4)

Cross reference(s)--Traffic and motor vehicles, Ch. 28; vehicles for hire, Ch. 30.

Sec. 18-21. Vandalism prohibited.

No person shall in any manner cut, mar, deface, injure or destroy any growth, structures, fences or other erections in or upon any of the parks or public grounds.
(Code 1968, § 501.5)

Sec. 18-22. Littering prohibited.

No person shall deposit or leave refuse of any kind in or upon any of the parks or public grounds except in containers specifically provided for such refuse.

(Code 1968, § 501.6)

Cross reference(s)--Garbage, wastes and junk, Ch. 12.

Sec. 18-23. Waters regulated.

No person shall swim, bathe or wade in any fountain, pond or stream located in or upon the parks or public grounds except as specifically permitted by the parks authority, and no person shall send or throw any animal or thing in or upon the waters, or disturb or annoy any water fowl, or place any boat upon the waters, except as specifically permitted by the parks authority.
(Code 1968, § 501.7)

Sec. 18-24. Skating and sliding.

Skating or sliding shall not be permitted in any parks or public grounds, or on any waters in such parks or public grounds, unless specifically authorized by the parks authority.
(Code 1968, § 501.8)

Sec. 18-25. Mobile food service establishments.

No person shall operate a mobile food service establishment in any park or on any public grounds except in accordance with the provisions of this section.

(a) *Permit authority.* The city manager or his designee is authorized to issue revocable, nontransferable permits for the operation of licensed mobile food service establishments in any park or on any public grounds, including but not limited to recreation areas and playing fields. Said permits may be subject to such terms and conditions as the city manager or his designee deems advisable, including restrictions on the time, place and manner of operation; however, no such permit shall be issued or remain valid without the holder's maintaining adequate public liability and other insurance coverage protecting the city at all times.

(b) *Permit fees.* The fees for issuance of permits authorized under this section shall be the same as provided in section 25-27 for street and sidewalk occupancy permits.

(c) *Revocation; trespass.* Permits authorized under this section may be revoked at any time by the city manager or

his designee upon actual notice to the holder. Any person who remains on or returns to any park or public grounds for the purpose of operating a mobile food service establishment without a valid permit issued under this section shall be liable for trespass.

(d) *Exceptions.* This section shall not apply to the operation of mobile food service establishments in any park or on any public grounds by or in conjunction with the sponsor of any festival, celebration or other special event authorized by the city council.

(Ord. No. 655-84, § 1, 5-30-84)

Sec. 18-26. Reserved.
Sec. 18-27. Reserved.
Sec. 18-28. Reserved.
Sec. 18-29. Reserved.
Sec. 18-30. Reserved.
Sec. 18-31. Reserved.
Sec. 18-32. Reserved.
Sec. 18-33. Reserved.
Sec. 18-34. Reserved.
Sec. 18-35. Reserved.
Sec. 18-36. Reserved.
Sec. 18-37. Reserved.
Sec. 18-38. Reserved.
Sec. 18-39. Reserved.

Sec. 18-40. Permit required.

(a) Any person who desires to conduct or sponsor an event at a park or public ground of the city in which it could reasonably be assumed that twenty-five (25) or more persons might gather or participate shall first apply for and obtain a permit from the permitting authority as defined in section 18-41. The application for a permit shall be filed with the appropriate permitting authority no later than thirty (30) days prior to the proposed event.

(b) An application for a permit shall be accepted by the permitting authority no earlier than eighteen (18) months prior to the proposed event.

(c) Applications for permits filed less than thirty (30) days prior to the proposed event shall be subject to a late fee which

shall be established by order of the city council.

(d) Events sponsored or conducted by the city shall be exempt from permitting requirements.

(e) Athletic events regulated by the recreation department are exempt from this requirement.

(f) The council shall define by order the parks and public grounds to which this permit requirement shall apply, and such order shall be kept on file in the office of recreation.*
(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

*** Editor's note** – The list below was passed by Council Order 257-91 on 2-20-91, and amended by Council Order 54 passed on 9-19-05.

ORDERED, that the following parks and public grounds shall be subject to the permitting requirements of Section 18-40 of the Portland City Code:

Back Cove Park
Baxter Woods
Bayside Park
Bell Buoy Park
Belmeade Park
Boothby Square
Capisic Pond Park
Congress Square
Deering Oaks Park
Dougherty Field
Eastern Promenade
Fessenden Park
Fort Allen Park
Fort Sumner Park
Ganley Plaza
Harbor View Park
Lincoln Park
Lobsterman Park
Longfellow Square
Marginal Way Field
Monument Square
Noyes Park
Payson Park
Pleasant Street Park
Post Office Park
Presumpscot Park
Public school facilities and grounds
Subject to agreement with the
Portland School Dept.
Riverton Park
Stroudwater Park
Tommy's Park
Western Promenade

Sec. 18-41. Permitting authority; regulations.

(a) The director of parks and recreation or his designee shall be the permitting authority for events in which it could reasonably be assumed that twenty-five (25) or more persons might gather or participate.

(b) The city council shall be the permitting authority for

events in which it could reasonably be assumed that two thousand (2,000) or more persons might gather or participate; or any event which is proposed to last longer than three (3) consecutive days, regardless of the number of persons anticipated to gather or participate.

(c) The parks and recreation department may promulgate from time to time such reasonable rules and regulations as may be required to implement this ordinance.

(d) The rules shall be enacted in the same manner as the rules for solid waste disposal are promulgated, prescribed in section 12-105(b) and (b.1) of this code, with the exception that the rules will go into effect twenty (20) days after enactment by the director unless stayed by action of the city council. Proposed rules shall be delivered to the council as a communication prior to the enactment.
(Ord. No. 203-91, 1-23-91; Ord. No. 56 05/06, 9-19-05)

Sec. 18-42. Permit application.

A person seeking issuance of a permit hereunder shall file an application with the parks and recreation department. The application shall state:

(a) The name and address of the applicant;

(b) The name and address of the person, corporation or association sponsoring and/or conducting the activity;

(c) The day and hours for which the permit is desired;

(d) The park or portion thereof for which such a permit is desired;

(e) An estimate of the anticipated attendance or patronage; and

(f) Any other information which the superintendent shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.
(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

Sec. 18-43. Parks commission review.

Within five (5) days of receipt of the complete application

for a permit, the permitting authority shall provide a copy of the complete application to the chairperson of the parks commission for review. The commission shall have the opportunity to render an opinion within seven (7) days of the receipt of the complete application on the issuance of the permit, which opinion shall be advisory in nature. A copy of the advisory opinion of the commission shall be provided to the applicant.
(Ord. No. 203-91, 1-23-91; Ord. No. 70-09/10, 10-5-09)

Sec. 18-44. Standards for issuance.

(a) The permitting authority shall issue a permit if it finds:

(1) The proposed event or activity shall not endanger the health and safety of all persons who visit the park;

(2) Adequate parking facilities exist and are available to accommodate the proposed event or activity in the park;

(3) Adequate sanitary facilities exist and are available to accommodate the proposed event;

(4) The event or activity shall not cause damage from destruction or overuse to or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the park;

(5) The proposed event or activity would not unreasonably disturb persons who occupy land which is adjacent to such park; and

(6) The park or portion thereof desired has not been reserved for other use at the day and hour required in the application.

(b) When issuing the permit, the permitting authority may designate the specific area within the park or the park system where the event shall be permitted to take place, based upon the foregoing criteria.
(Ord. No. 203-91, 1-23-91)

Sec. 18-45. Duties of permittee.

(a) The permittee shall be responsible for designating a person who shall be in charge of the conduct of the event or

activity and who shall be on the park grounds while the event or activity is being conducted.

(b) The permittee shall be responsible for keeping the park clean and free from debris.

(c) Where structures are to be erected in the park, the permittee shall be responsible for complying with building code requirements including, but not limited to, section 626.0 of the building code dealing with temporary structures.

(d) For events where more than two thousand (2,000) individuals are anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars ($2,000.00). Such bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.

Activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, are exempt from subparagraph (d) if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the exclusive use of the space, whether or not the event or activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The department’s determination of the need for exclusive use shall be final.

(e) The permittee shall procure and furnish evidence to the city of public liability insurance and automobile liability insurance coverage in amounts not less than four hundred thousand dollars ($400,000.00) per person, for bodily injury, death, and property damage, protecting the permittee and the city from such claims.

Activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, are exempt from subparagraph (e) if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the exclusive use of the space, whether or not the event or activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The department's determination of the need for exclusive use shall be final.
(Ord. No. 203-91, 1-23-91; Ord. No. 308-01/02, 7-15-02; Ord. No. 56-05/06, 9-19-05)

Sec. 18-46. Deposit to cover cost to the city.

In addition to the bond required under section 18-45, upon notification from the director of parks and recreation, the applicant shall deposit with the director of finance a cash deposit sufficient to cover the cost to the city, as estimated by the director of parks and recreation and/or director of public works, for repair of damages to the park and for its restoration, and sufficient to pay the expense, as estimated by the director of parks and recreation, of any city employees required to supervise, inspect, setup and cleanup related to the conduct of the event or activity.
(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

Sec. 18-47. Repair and restoration of park by the city.

In the event of damage to real or personal property in the park, the city shall cause the repair and restoration of the park to be skillfully and properly done in a timely manner and shall keep an account of the expense thereof, and in such case, the permittee shall pay the city an amount equal to the whole of the expense incurred by the city.
(Ord. No. 203-91, 1-23-91)

Sec. 18-48. Permit fees.

Fees for the issuance of permits authorized under section 18-40 shall be established by order of the city council and kept on file in the office of recreation.

The fees established pursuant to this section or any other fees for city services shall not apply to activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the event or activity exclusive use of the space, whether or not the activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The department's determination of the need for exclusive use shall be final.
(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

Sec. 18-49. Appeals.

(a) Any person who is aggrieved by the failure of the director of parks and recreation or his or her designee to issue a permit may appeal the same to the city manager by written request filed with the office of the city manager within five (5) days from the receipt of the decision of the permitting authority. The city manager shall designate himself or any agent or employee to act as a hearing officer in the appeal. The hearing officer shall provide the applicant the opportunity to be heard regarding the issuance of the permit. The hearing officer shall issue a written decision within five (5) days of the close of the hearing.

(b) Any person who is aggrieved by the decision of a hearing officer or the failure of the city council to issue a permit may appeal to superior court, pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure.
(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

Sec. 18-50. Outdoor dining in city parks.

Any person who desires to utilize city park space for the

purposes of conducting outdoor dining operations, including, but not limited to the placement of tables and chairs in park space for purposes of such dining operations, must obtain a permit from the Department of Parks and Recreation for such operations in accordance with chapter 25, article II, division 2, sections 25-26 et seq. (Ord. No. 223-01/02, § 1, 5-6-02; Ord. No. 93-07/08, 3-3-08)

Sec. 18-51. Reserved.
Sec. 18-52. Reserved.
Sec. 18-53. Reserved.
Sec. 18-54. Reserved.
Sec. 18-55. Reserved.
Sec. 18-56. Reserved.
Sec. 18-57. Reserved.
Sec. 18-58. Reserved.
Sec. 18-59. Reserved.
Sec. 18-60. Reserved.
Sec. 18-61. Reserved.
Sec. 18-62. Reserved.
Sec. 18-63. Reserved.
Sec. 18-64. Reserved.
Sec. 18-65. Reserved.

ARTICLE III. PUBLIC LANDINGS

Sec. 18-66. Stopping regulated.

(a) All public landings owned and/or managed by the city shall be posted to indicate the limits on the usage of the landing, including time limits. No person shall stop, dock or tie up any boat or vessel at the ends of or alongside of any public landing owned and/or managed by the city for any purpose or length of time in violation of the limitations posted.

(b) No person shall stop, dock or tie up any boat or vessel at the ends of or alongside of any public landing or portion thereof owned and/or managed by the city that is posted and/or marked in a manner that indicates that the landing is for public safety vessels only.
(Code 1968, § 702.1; Ord. No. 602-71, 12-20-71; Ord. No. 68-88, 7-18-88; Ord. No. 287-07/08, 6-16-08)

Sec. 18-67. Enforcement.

(a) It shall be the duty of the city manager, or his or her designee, to provide for the enforcement of the provisions of this article. Failure to comply with the posted time and usage limitations at any public landing owned and/or managed by the city shall constitute a violation and shall be punishable by affine as provided in section 1-15.

(b) In addition to issuing citations for violations of this article, such officers as may be designated by the city manager are hereby authorized to order any boat or vessel stopped, docked or tied up in violation of the provisions of this article to be removed. If such boat or vessel shall not be promptly removed after notice to the owner or person in charge thereof to remove, or if the owner cannot be readily found for the purpose of such notice, such officers shall cause the same to be removed to some suitable place at the expense of the owner of such boat or vessel.

(c) Any person violating any provision of this article, other than section 18-66(b), shall have the option in lieu of going to court of paying a waiver fee of twenty-five dollars ($25.00) prior to their scheduled court appearance date listed on the summons.

(d) The city manager or his or her designee shall have the authority to promulgate rules or regulations, including time and usage limitations for the public landings, not inconsistent with the provisions of this article, the charter, or with the laws or regulations of the state or the United States of America, which rules shall govern and control the use of any public landing owned and/or managed by the city. Such rules shall be kept on file in the city manager’s office.
(Code 1968, § 702.2; Ord. No. 372-91, 5-20-91; Ord. No. 287-07/08, 6-16-08)

Sec. 18-68. Fees.

Fees for the use of any public landing owned and/or managed by the city shall be established by order of the city council and kept on file in the city manager’s office.
(Ord. No. 372-91, 5-20-91; Ord. No. 287-07/08, 6-16-08)

Sec. 18-69. Reserved.
Sec. 18-70. Reserved.
Sec. 18-71. Reserved.
Sec. 18-72. Reserved.
Sec. 18-73. Reserved.
Sec. 18-74. Reserved.
Sec. 18-75. Reserved.

Sec. 18-76. Reserved.
Sec. 18-77. Reserved.
Sec. 18-78. Reserved.
Sec. 18-79. Reserved.
Sec. 18-80. Reserved.

ARTICLE IV. AIRPORT FACILITIES

Sec. 18-81. Responsibility of airport director.

The airport director shall have the responsibility for the direction and control of aviation and all other activities, whether commercial or noncommercial, at the Portland International Jetport. He or she shall have responsibility for the care, maintenance and control of all property comprising the Jetport, including all fixtures, equipment, runways, roadways, ramps, and of all property owned by the city contiguous to the Jetport.
(Code 1968, § 503.1; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80; Ord. No. 124-89, § 2, 10-2-89; Ord. No. 57-91, 7-15-91; Ord. No. 174-09/10, 3-15-10)

Sec. 18-82. Off-airport motor vehicle rental businesses operating on the Portland International Jetport.

(a) *Purpose.* This section is enacted for the purpose of reasonably regulating the business use of public airport facilities by private motor vehicle rental companies which are located off airport property; preserving good order and peace at the airport; providing for the public health, safety and welfare; helping to defray the costs of constructing, operating, maintaining and improving the public airport facilities through the imposition of reasonable user fees; and regulating the use of public facilities in the furtherance of private commercial activities.

(b) *Definitions.*

Airport customer is any person who arrives at the airport by aircraft and is transported from the airport to the location of an off-airport motor vehicle rental business in its courtesy vehicle.

Courtesy vehicle is a motor vehicle which carries permittee's airport customers to or from the airport.

Off-airport motor vehicle rental business is an individual,

corporation, partnership, or other entity or person offering and providing to the public rental motor vehicles, including without limitation, automobiles and other four-wheel passenger vehicles, for hire, to be driven by the lessee.

Permittee is an individual, corporation, partnership, or other entity or person operating at, entering on or exiting from airport property under a permit issued by the director of waterfront and transportation facilities pursuant to subsection (c) below. Permittee includes the officers, employees, agents or anyone acting on behalf of or with permission of permittee.

(c) *Permit required.* No person engaging in an off-airport motor vehicle rental business shall operate at, enter upon or use airport property for the purpose of providing pickup or dropoff service for airport customers except under an executed, written contract with the city specifically permitting the operation of such services at the airport. Without limiting the authority granted elsewhere in this article, the airport director is authorized to enter into off-airport business permit agreements which authorize such permittees to conduct certain business operations on airport property in exchange for the payment of a reasonable user fee. Said agreements shall provide for the payment of annual user fees based upon a percentage of the gross revenues from its airport customers, as follows:

(1) Effective July 1, 1995, through June 30, 1998, or the date upon which occupancy is allowed to all successful bidders, whichever is later:

a. Zero percent on the first two hundred thousand dollars ($200,000.00) in gross revenues; and

b. Four (4) percent on the gross revenues above two hundred thousand dollars ($200,000.00).

(2) Effective July 1, 1998, or the date upon which occupancy is allowed to all successful bidders, whichever is later:

a. Zero percent on the first two hundred thousand dollars ($200,000.00) in gross revenues; and

b. Six (6) percent on the gross revenues above two hundred thousand dollars ($200,000.00).

(d) *Rules and regulations.* The airport director may issue

such rules and regulations as may be necessary to implement this section, such rules and regulations to be issued pursuant to section 18-83. Permittees shall comply with all existing applicable airport rules and regulations, as they may be amended from time to time, including without limitation, mandatory minimum insurance requirements.
(Ord. No. 164-95, § 1, 2-6-95; Ord. No. 174-09/10, 3-15-10)

Sec. 18-83. Rules and regulations authorized.

(a) The airport director shall have the authority to prescribe reasonable rules and regulations not inconsistent with this article, the Charter or contractual obligations of the city or with the laws or regulations of the state or the United States of America to effectuate the responsibilities and duties set forth in section 18-81. Such rules and regulations, when duly promulgated in accordance with the provisions of this article, shall govern, control and establish conditions applicable to the activities of all lessees, licensees, business invitees, and all other persons physically present at the aforesaid properties. Such rules and regulations may include a schedule of reasonable commercial charges, which may be revised from time to time, payable to the city, for the privilege of transacting business other than by lease or contract, at or upon the Portland International Jetport. Such charges may include a percentage of either gross or net revenue derived from commercial activities at the Jetport. Rules, regulations and schedules of fees shall be promulgated by the airport director. He or she shall transmit copies of such proposed rules or regulations or fees to the city manager and to the clerk of the city and shall within one (1) day thereafter display a notice at a prominent place in the Portland International Jetport to the effect that a rule or rules or regulations covering certain specified types of activity, or affecting certain classes of persons, is being proposed, that such rule or regulation will be effective fifteen (15) business days from the date appearing on the notice unless otherwise ordered by the city manager, that written comments or objection should be filed with the city manager no later than ten (10) business days from the date of the notice; and that the full text of the proposed rule or rules or regulations may be seen at the office of the airport director or at the office of the city clerk during normal business hours during the ten-day period. Required notice for such rule or regulation will also be posted on the city of Portland website.

(b) At the end of the fifteen-day period provided above, if the city manager has not disapproved such proposed rule or rules or

regulations, the rule or rules or regulations shall be then effective, but if the city manager shall have noted his or her disapproval of it, the rule or rules or regulations shall not take effect. Once a rule or regulation has taken effect as provided hereinbefore, it shall continue in full force and effect until changed by subsequent rule or regulation until, and to the extent that it later conflicts with an applicable statute, ordinance or rule or regulation. In emergency situations, as declared by the city manager with reference to this article, any rule or regulation so designated shall be effective immediately upon being displayed at the Portland International Jetport. Such emergency rule or regulation shall terminate at the expiration of sixty (60) days or upon a declaration of the end of the emergency, whichever occurs first, unless it has then been made effective in accordance with the procedure set forth above for new rules and regulations. Notice of such rule or regulation will also be posted on the City of Portland website.

(c) All rules or regulations shall be kept in the possession of the airport director and shall be available for inspection during all normal business hours.

(Code 1968, §§ 503.2, 503.3; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80; Ord. No. 124-89, § 3, 10-2-89; Ord. No. 174-09/10, 3-15-10)

Sec. 18-84. Violations.

(a) Any person violating this article or any rule or regulation made hereunder, including violations of a rule or regulation requiring payment of a charge to do business at the Jetport premises described herein, shall be ordered to leave the premises by the airport director, his or her duly authorized deputy, any authorized security officer, or by any peace officer of the state. The person so ordered shall immediately leave the premises. Any person failing to obey such an order shall be deemed a trespasser and shall be removed from the premises forthwith. No person charged with the enforcement of this article and acting for the city in the discharge of his or her duties as set forth in this article shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts or duties.

(b) Any violation of this article, or any rule or regulation made pursuant hereto, other than a rule or regulation requiring payment of a charge to do business on the city property, shall be punishable by a fine as provided in section 1-15.

(Code 1968, §§ 503.4, 503.5; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80;

Ord. No. 174-09/10, 3-15-10)

Sec. 18-85. Enforcement.

The airport director, his or her authorized representative, and any authorized law enforcement officer may, prior to commencement of court action, issue a notice of violation to any person charged with a violation of this article or any rule or regulation made pursuant hereto. Such notice shall be in a form approved by the city manager and shall provide a method to be established from time to time by order of the city council by which a person charged with a violation of this article or any such rule or regulation may waive court action with respect to the violation by payment of a specified fee within a stated period of time.
(Ord. No. 307-82, § 503.7, 1-4-82; Ord. No. 174-09/10, 3-15-10)

Sec. 18-86. Reserved.
Sec. 18-87. Reserved.
Sec. 18-88. Reserved.
Sec. 18-89. Reserved.
Sec. 18-90. Reserved.
Sec. 18-91. Reserved.
Sec. 18-92. Reserved.
Sec. 18-93. Reserved.
Sec. 18-94. Reserved.
Sec. 18-95. Reserved.

ARTICLE V. WATERFRONT FACILITIES

Sec. 18-96. Responsibility for waterfront facilities.

Except as otherwise provided by lease, the city manger, or his or her designee, shall have the responsibility for the director and control of all activities, whether commercial or noncommercial, at the International Marine Terminal, the Fish Pier, the Maine State Pier and the Ocean Gateway Facility. He or she shall have the responsibility for the care, maintenance and control of all property comprising the International Marine Terminal, Fish Pier, the Maine State Pier and the Ocean Gateway Facility, including all fixtures, equipment, runways, roadways, ramps, slips, dolphins and of all property owned by the city contiguous to such properties.
(Ord. No. 174-09/10, 3-15-10)

Sec. 18-97. Rules and regulations authorized.

(a) The city manager, or his or her designee, shall have the authority to prescribe reasonable rules and regulations not inconsistent with this article, the Charter or contractual obligations of the city or with the laws or regulations of the state or the United States of America to effectuate the responsibilities and duties set forth in section 18-96. Such rules and regulations, when duly promulgated in accordance with the provisions of this article, shall govern, control and establish conditions applicable to the activities of all lessees, licensees, business invitees, and all other persons physically present at the aforesaid properties. Such rules may include a schedule of reasonable commercial charges, which may be revised from time to time, payable to the city, for the privilege of transacting business other than by lease or contract, at or upon the International Marine Terminal, Fish Pier, the Maine State Pier and/or the Ocean Gateway facility. Such charges may include a percentage of either gross or net revenue derived from commercial activities at each of the premises. Rules, regulations and schedules of fees shall be promulgated by the city manager or his/her designee. He or she shall transmit copies of such proposed rules and regulations or fees to the clerk of the city and shall within one (1) day thereafter display a notice at the affected facility or facilities and in city hall to the effect that a rule or rules or regulations covering certain specified types of activity, or affecting certain classes of persons, is being proposed, that such rule or regulation will be effective fifteen (15) business days from the date appearing on the notice unless otherwise ordered by the city manager, that written comments or objection should be filed with the city manager no later than ten (10) business days from the date of the notice; and that the full t ext of the proposed rule or rules or regulations may be seen at the office of the city clerk during normal business hours during the ten-day period. Notice of such rule or regulations, the rule or rules or regulations shall be then effective, but if the city manager shall have noted his or her disapproval of it, the rule or rules or regulations shall not take effect. Once a rule or regulation has taken effect as provided hereinbefore, it shall continue in full force and effect until changed by subsequent rule or regulation or until, and to the extent that it later conflicts with an applicable statute, ordinance or rule or regulation. In emergency situations, as declared by the city manager with reference to his article, any rule or regulation so designated shall be effective immediately upon being displayed at the affected facility or facilities. Such emergency rule or regulation shall terminate at the expiration of sixty (60) days or upon a declaration of the end of

the emergency, whichever occurs first, unless it has then been made effective in accordance with the procedure set forth above for new rules and regulations. Required notice for such rule or regulation will also be posted on the City of Portland website.

(c) All rules or regulations shall be kept in the possession of the city manager or his or her designee and shall be available for inspection during all normal business hours. (Ord. No. 174-09/10, 3-15-10)

Sec. 18-98. Violations.

(a) Any person violating this article or any rule or regulation made hereunder, including violations of a rule or regulation requiring payment of a charge to do business at the premises described herein, shall be ordered to leave the premises by the city manager, his or her duly authorized deputy, any authorized security officer, or by any peace officer of the state. The person so ordered shall immediately leave the premises. Any person failing to obey such an order shall be deemed a trespasser and shall be removed from the premises forthwith. No person charged with the enforcement of this article and acting for the city in the discharge of his or her duties as set forth in this article shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts or duties.

(b) Any violation of this article, or any rule or regulation made pursuant thereto, other than a rule or regulation requiring payment of a charge to do business on the city property, shall b e punishable by a fine as provided in section 1-15.

Sec. 18-99. Enforcement.

The city manager, or his or her authorized representative, and any authorized law enforcement officer may, prior to commencement of court action, issue a notice of violation to any person charged with a violation nof t his article or any rule or regulation made pursuant hereto. Such notice shall be in a form approved by the city manager and shall provide a method to be established from time to time by order of the city council by which a person charged with a violation of this article or any such rule or regulation may waive court action with respect to the violation by payment of a specified fee within a stated period of time.

(Ord. No. 174-09/10, 3-15-10)

***Editor's Note—**Pursuant to Order 174-09/10, passed on March 15, 2010 the amendments made to Article V are effective retroactively to May 19, 2008.

---

§402. Definitions

1. Conditional approval. Approval of an application or granting of a license, certificate or any other type of permit upon conditions not otherwise specifically required by the statute, ordinance or regulation pursuant to which the approval or granting is issued.

[PL 1975, c. 758 (NEW).]

1-A. Legislative subcommittee. "Legislative subcommittee" means 3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee.

[PL 1991, c. 773, §1 (NEW).]

2. Public proceedings. The term "public proceedings" as used in this subchapter means the transactions of any functions affecting any or all citizens of the State by any of the following:

A. The Legislature of Maine and its committees and subcommittees; [PL 1975, c. 758 (NEW).]

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees; [PL 1989, c. 878, Pt. A, §1 (RPR); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; [PL 1991, c. 848, §1 (AMD).]

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1995, c. 608, §1 (AMD).]

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; [PL 2009, c. 334, §1 (AMD).]

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve

or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and [PL 2009, c. 334, §2 (AMD).]

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

(1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and

(2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach. [PL 2009, c. 334, §3 (NEW).]

[PL 2009, c. 334, §§1-3 (AMD).]

3. Public records. The term "public records" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except:

A. Records that have been designated confidential by statute; [PL 1975, c. 758 (NEW).]

B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding; [PL 1975, c. 758 (NEW).]

C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over; [PL 1991, c. 773, §2 (AMD).]

C-1. Information contained in a communication between a constituent and an elected official if the information:

(1) Is of a personal nature, consisting of:

(a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(b) Credit or financial information;

(c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family; or

(d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or

(2) Would be confidential if it were in the possession of another public agency or official; [PL 2019, c. 667, Pt. A, §1 (AMD).]

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; [PL 1989, c. 358, §4 (AMD).]

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System when the subject matter is confidential or otherwise protected from disclosure by statute, other law, legal precedent or privilege recognized by the courts of this State. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B (../1/title1sec402.html); [PL 2019, c. 667, Pt. B, §1 (AMD).]

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1991, c. 448, §1 (AMD).]

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1991, c. 448, §1 (AMD).]

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; [PL 1995, c. 608, §4 (AMD).]

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; [PL 1999, c. 96, §1 (AMD).]

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F (../1/title1sec402.html), or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed in a public meeting of the advisory organization; [PL 2019, c. 667, Pt. B, §2 (AMD).]

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services. This paragraph does not apply to records governed by Title 20-A, section 6001 (../20-A/title20-Asec6001.html) and does not supersede Title 20-A, section 6001-A (../20-A/title20-Asec6001-A.html); [PL 2019, c. 667, Pt. A, §2 (AMD).]

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; [PL 2003, c. 614, §1 (AMD).]

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software, including records or information maintained to ensure government operations and technology continuity and to facilitate disaster recovery. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; [PL 2019, c. 667, Pt. A, §3 (AMD).]

N. Social security numbers; [PL 2011, c. 320, Pt. E, §1 (AMD).]

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means personal address, telephone number, facsimile number, e-mail address, cellular telephone number, pager number and username, password and uniform resource locator for a personal social media account as defined in Title 26, section 615, subsection 4 (../26/title26sec615.html); and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1 (../14/title14sec8102.html), except that "public employee" does not include elected officials; [PL 2019, c. 667, Pt. B, §3 (AMD).]

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; [PL 2011, c. 149, §1 (AMD).]

REVISOR'S NOTE: (Paragraph P as enacted by PL 2009, c. 339, §3 is REALLOCATED TO TITLE 1, SECTION 402, SUBSECTION 3, PARAGRAPH Q)

Q. (REALLOCATED FROM T. 1, §402, sub-§3, ¶P) Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials or the Department of Corrections under conditions that protect the information from further disclosure; [PL 2015, c. 335, §1 (AMD).]

R. [PL 2017, c. 163, §1 (RP).]

S. E-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive notifications, updates and cancellations that are issued from the political subdivision or its elected officers to an individual or individuals that request or regularly accept these noninteractive communications; [PL 2015, c. 161, §1 (AMD).]

T. Records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources; [PL 2017, c. 118, §1 (AMD).]

U. Records provided by a railroad company describing hazardous materials transported by the railroad company in this State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those routes that are in the possession of a state or local emergency management entity or law enforcement agency, fire department or other first responder, except that records related to a discharge of hazardous materials transported by a railroad company that poses a threat to public health, safety and welfare are subject to public disclosure after that discharge. For the purposes of this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of Federal Regulations, Section 105.5; and [PL 2019, c. 667, Pt. B, §4 (AMD).]

V. Participant application materials and other personal information obtained or maintained by a municipality or other public entity in administering a community well-being check program, except that a participant's personal information, including health information, may be made available to first responders only as necessary to implement the program. For the purposes of this paragraph, "community well-being check program" means a voluntary program that involves daily, or regular, contact with a participant and, when contact cannot be established, sends first responders to the participant's residence to check on the participant's well-being. [PL 2017, c. 118, §3 (NEW).]

[PL 2019, c. 667, Pt. A, §§1-3 (AMD); PL 2019, c. 667, Pt. B, §§1-4 (AMD).]

3-A. Public records further defined. "Public records" also includes the following criminal justice agency records:

A. Records relating to prisoner furloughs to the extent they pertain to a prisoner's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8 (../16/title16sec703.html), address of furlough and dates of furlough; [PL 2013, c. 267, Pt. B, §1 (AMD).]

B. Records relating to out-of-state adult probationer or parolee supervision to the extent they pertain to a probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8 (../16/title16sec703.html), address of residence and dates of supervision; and [PL 2013, c. 267, Pt. B, §1 (AMD).]

C. Records to the extent they pertain to a prisoner's, adult probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8 (../16/title16sec703.html), and current address or location, unless the Commissioner of Corrections determines that it would be detrimental to the welfare of a client to disclose the information. [PL 2013, c. 267, Pt. B, §1 (AMD).]

[PL 2013, c. 267, Pt. B, §1 (AMD).]

4. Public records of interscholastic athletic organizations. Any records or minutes of meetings under subsection 2, paragraph G (../1/title1sec402.html) are public records.

[PL 2009, c. 334, §4 (NEW).]

5. Public access officer. "Public access officer" means the person designated pursuant to section 413, subsection 1 (../1/title1sec413.html).

[PL 2011, c. 662, §3 (NEW).]

6. Reasonable office hours. "Reasonable office hours" includes all regular office hours of an agency or official.

[PL 2011, c. 662, §3 (NEW).]

SECTION HISTORY
PL 1973, c. 433, §1 (AMD). PL 1975, c. 243 (RPR). PL 1975, c. 483, §2 (AMD). PL 1975, c. 758 (RPR). PL 1977, c. 164, §§1,2 (AMD). PL 1977, c. 696, §9 (AMD). PL 1985, c. 695, §§1,2 (AMD). PL 1985, c. 779, §§1,2 (AMD). PL 1987, c. 20, §1 (AMD). PL 1987, c. 402, §A1 (AMD). PL 1987, c. 477, §1 (AMD). PL 1989, c. 358, §§1-4 (AMD). PL 1989, c. 443, §§1,2 (AMD). PL 1989, c. 878, §§A1,2 (AMD). PL 1991, c. 448, §§1,2 (AMD). PL 1991, c. 773, §§1,2 (AMD). PL 1991, c. 848, §1 (AMD). PL 1995, c. 608, §§1-5 (AMD). PL 1997, c. 714, §1 (AMD). PL 1999, c. 96, §§1-3 (AMD). PL 2001, c. 477, §1 (AMD). PL 2001, c. 675, §§1-3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 392, §§1-3 (AMD). PL 2003, c. 614, §§1-3 (AMD). PL 2005, c. 381, §§1-3 (AMD). PL 2007, c. 597, §1 (AMD). RR 2009, c. 1, §§1-3 (COR). PL 2009, c. 176, §§1-3 (AMD). PL 2009, c. 334, §§1-4 (AMD). PL 2009, c. 339, §§1-3 (AMD). PL 2011, c. 149, §§1-3 (AMD). PL 2011, c. 264, §1 (AMD). PL 2011, c. 320, Pt. E, §1 (AMD). PL 2011, c. 662, §§2, 3 (AMD). PL 2013, c. 267, Pt. B, §1 (AMD). PL 2013, c. 339, §§1-3 (AMD). PL 2013, c. 518, §§1-3 (AMD). PL 2015, c. 161, §§1-3 (AMD). PL 2015, c. 335, §1 (AMD). PL 2017, c. 118, §§1-3 (AMD). PL 2017, c. 163, §1 (AMD). PL 2019, c. 667, Pt. A, §§1-3 (AMD). PL 2019, c. 667, Pt. B, §§1-4 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

Data for this page extracted on 11/02/2023 15:47:43.

§406. Public notice

Public notice shall be given for all public proceedings as defined in section 402 (../1/title1sec402.html), if these proceedings are a meeting of a body or agency consisting of 3 or more persons. This notice shall be given in ample time to allow public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned. In the event of an emergency meeting, local representatives of the media shall be notified of the meeting, whenever practical, the notification to include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding.

[PL 1987, c. 477, §4 (AMD).]

SECTION HISTORY
PL 1975, c. 483, §6 (AMD). PL 1975, c. 758 (RPR). PL 1987, c. 477, §4 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

Data for this page extracted on 11/02/2023 15:47:43.

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Alex Marshall, Parks Director

Memorandum

TO: Parks Commission and Land Bank Commission
FROM: Alex Marshall, Parks Director, Parks, Recreation and Facilities Department
SUBJECT: Parks Division Update
DATE: January/February 2024

Parks Division Staffing

- Total Budgeted positions in Parks Division: 33
- Vacancies:
    - Athletic Facilities Supervisor

Citywide Unhoused Report

As a result of the City clearing Harbor View Memorial Park of a 60 tent encampment, 40 individuals took shelter at the Homeless Services Center on Riverside Street. There were roughly 40-50 occupied tents in the park at the time of this cleanup. Since the removal of the Harbor View Encampment, there has been a consistent range of 39-41 tents located citywide. With the low numbers living outside we have also seen consistent numbers at the Homeless Services Center each night. A note to capture in this report is the rat infestation that occurred due to the encampment at Harbor View Memorial Park. There was significant disturbance to neighboring properties and significant expense to the City to mitigate the infestation.

Stroudwater Bridge Project Funding Update

The Stroudwater Bridge Project to connect UNUM property on the south side of the Stroudwater River to the Stroudwater Preserve Development on the North Side of the River is working through a few stages currently. The design and engineering is almost complete and permitting has been initiated. Updated cost estimates will be in hand shortly to determine the extent of fundraising still needed to execute the project. Currently, there has been roughly $210,000 raised for the project via a $120,000 grant from the States Recreational Trails Program, a $50,000 donation from Portland Trails, a $31,385 contribution from Stroudwater Developers LLC, and $7,500 in online donations from various neighbors and interested parties.

CIP Update

The Departmental CIP Priority List has been sent to the City Manager for review with the Finance Director. Below is what was submitted:

1.	Title IX Construction for Payson Park	$300,000
2.	Riverton Pool	$1,500,000
3.	Deering Oaks Pond - Stacked Wall Reconstruction Phase 1	$1,900,000
4.	Back Cove Re-pave Tukey's Bridge Approach	$295,000
5.	Eastern Promenade Food Truck Court Electricity	$50,000

6.	Ice Arena Chiller Refurbishment	$200,000
7.	Reiche Playground Replacement	$500,000
8.	Stone Street Playground Design & Engineering	$40,000
9.	Riverton Gym Floor Replacement	$150,000
10.	Golf Course Improvements	$50,000
11.	Improvements at 212 Canco Road	$150,000
12.	Lincoln Park Fence - Pearl Street	$200,000
13.	Evergreen Cemetery and Forest City Cemetery Road Reconstruction	$100,000
14.	Barricades for Outdoor Events	$140,000
15.	Merrill Auditorium Orchestra Pit Lift	$275,000
16.	Western Promenade Valley Street Stone Retaining Wall Repair/Rebuild	$115,000
	Total =	**$5,965,000**

Stroudwater and Clark Street Playgrounds

The Stroudwater Playground at Stroudwater Village Park, located off Westbrook Street, has a small playground that has lived a good life. Our Playground's Team has removed the structure and have built a replacement play element to be installed this Spring. Simultaneously, the Team is replicating the structure from Stroudwater Village Park for a new structure at Clark Street Playground which will also be installed this coming Spring. These are two incredibly valuable pocket park playgrounds that will have a facelift for 2024.

Park Projects and Department Updates

Staff are working on the following Park Improvement projects:

- Deering Oaks Park ADA Walkway improvements: Phase three providing ADA access to the wading ravine was completed this past Summer. Phase 4, which is the sidewalk along Tennis Court Drive, is under design development currently in hopes of breaking ground in the Summer or Fall of 2024.
- Fitzpatrick Drainage Improvements: Drawings are complete. An RFP is ready to be advertised.
- Preble Street Field & Stormwater Project: Final design and landscaping plans have been finalized. There have been some construction delays that will push the installation of the field back to the Fall of 2024 with field play to begin in the Spring or Summer of 2025.
- Riverton Preserve: Recreation improvement plans are in progress and will consist primarily of a trail network with other improvements. This project is intended to fulfill LWCF conversion requirements, and final approval of the improvement plan rests with the state and National Park Service, which has a public engagement process.
- Lower Western Prom Park Improvements: Final design improvements have been made and we have secured the additional funding via CDBG to execute the project later in 2024.
- Longfellow Elementary School Playground: Parks Staff are working with a design consultant on the construction drawings and bid documents for a Winter/Spring 2024 bid and Summer/Fall

2024 construction.