



CITY OF BANGOR

Government Operations Committee

Wednesday, October 5, 2026

73 Harlow Street, Council Chambers

***Immediately following Business & Economic Development
Committee***

AGENDA

1. Proposed Amendment to Special Amusement Permit Policy
2. Order: Order: Authorizing subcontract with Northern Light Mayo for substance use and tobacco prevention services as part of the Maine Prevention Network
3. Resolve: Authorizing the City Manager to Accept and Appropriate \$823,851 for the Nourish ME Rural Nutrition Education Program from the University of New England for Fiscal Years 2027 and 2028
4. Opioid Settlement Funds
5. Warming Center Update - *no materials*
6. Homelessness Crisis Protocol policy review and discussion
7. Councilor Requested Items for Consideration (Councilor Fish)
8. Voting Delegates for Maine Municipal Associations annual convention and business meeting



CITY OF BANGOR

To: Government Operations Committee
From: Lisa Goodwin, City Clerk
Date: September 1, 2026
Re: Proposed Amendment to Special Amusement Permit Process

This memo outlines a proposed change to the City's special amusement permit process. The amendment eliminates the requirement for a public hearing unless one or more City departments do not grant approval of the application. This change aligns our ordinance with current state law, which no longer requires a public hearing for special amusement permits.

The current ordinance requires a public hearing before the City Council for all special amusement permit applications. State law has since been updated to remove the public hearing requirement. The proposed amendment streamlines the process by allowing the City Clerk to grant the permit upon approval from the Code Enforcement Officer, the Chief of Police, the Fire Chief and the Treasury Department. A public hearing would be held only if one or more of these departments did not grant approval, ensuring City Council involvement when safety, compliance or enforcement issues are identified.

In addition to improving efficiency, this amendment provides a financial benefit to applicants. Since a public hearing will no longer be automatically required, applicants will not need to pay the yearly advertising fee for the public hearing notice - which ranges from \$126 to \$150 – unless a department declines to grant approval.



CITY COUNCIL ACTION

Council Meeting Date:

Item No:

Responsible Dept: Clerk

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 61, Article II, Special Amusement Permits, §§ 61-18, 61-19 and 61-22, by Altering the Public Hearing Requirement

Summary

This Ordinance would amend Chapter 61, Article II, Special Amusement Permits, Sections 61-19 and 61-22, by altering the public hearing requirement. The amendment eliminates the requirement for a public hearing unless one or more City departments do not grant approval of the application. This change aligns our ordinance with current state law, which no longer requires a public hearing for special amusement permits.

The current ordinance requires a public hearing before the City Council for all special amusement permit applications. State law has since been updated to remove the public hearing requirement. The proposed amendment streamlines the process by allowing the City Clerk to grant the permit upon approval from the Code Enforcement Officer, the Chief of Police, the Fire Chief and the Treasury Department. A public hearing would be held only if one or more of these departments did not grant approval, ensuring City Council involvement when safety, compliance or enforcement issues are identified.

In addition to improving efficiency, this amendment provides a financial benefit to applicants. Since a public hearing will no longer be automatically required, applicants will not need to pay the yearly advertising fee for the public hearing notice - which ranges from \$126 to \$150 – unless a department declines to grant approval.

Committee Action

Committee: Government Operations Committee

Meeting Date:

Action:

For:

Against:

Previous Council Actions

City Manager_____
City Solicitor_____
Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date:

Assigned to Councilor:

ORDINANCE, Amending Chapter 61, Article II, Special Amusement Permits, §§ 61-18, 61-19 and 61-22, by Altering the Public Hearing Requirement

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Chapter 61, Article II, of the Code of the City of Bangor is amended as follows:

...

§ 61-18. Permit fee. [Amended 10-22-1990 by Ord. No. 90-343; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The permit fee for a special amusement permit shall be as prescribed in the Schedule of Fees adopted pursuant to Chapter 109, Fees, of this Code, plus the cost of advertising for a public hearing, if necessary, under § 61-19 below.

§ 61-19. Public hearing. [Amended 9-14-1998 by Ord. No. 98-339]

Within 15 days of receiving the permit application, the Code Enforcement Officer, the Chief of Police and the Fire Chief shall review and either approve or deny the application. If the application receives approval from all departments, the City Clerk shall grant the special amusement permit. If approval is not received from the Code Enforcement Officer, the Chief of Police and the Fire Chief within 15 days of receiving the permit application, ~~Prior to granting a special amusement permit and after review by the Code Enforcement Officer, the Health Officer, the Chief of Police and the Fire Chief,~~ the City Council shall hold a public hearing after reasonable notice of the same has been given to the applicant and has been advertised, at the applicant's expense, in a newspaper of general circulation in the City at least seven days in advance. At the public hearing, the testimony of any interested parties shall be heard.

§ 61-20. Issuance of permit.

- A. After the public hearing, the City Council shall grant the special amusement permit requested unless the issuance of the permit would be detrimental to the public health, safety or welfare or would violate any applicable state law or City ordinance.
- B. Restrictions. In approving such a permit, the City Council may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspects of the proposed amusement, including the location and size of the premises, the facilities that may be required for the permitted activities on those premises and the hours during which the permitted activities will be allowed.

§ 61-21. Notice of decision.

Any licensee requesting a special amusement permit shall be notified, in writing, of the City Council's decision no later than 15 days from the date of its decision. In the event that a licensee is denied a permit or restrictions are imposed upon the permit, the licensee shall be provided, in writing, with the reasons for the denial or a list of the restrictions. A licensee may not reapply for the same permit within 30 days.

§ 61-22. Duration of permit.

A special amusement permit shall be valid only for the license year of the existing liquor license.

....

Additions are underlined, deletions ~~struck through~~.

**CITY COUNCIL ACTION**

10/14/2026

Council Meeting Date: 10/14/2026

Item No:

Responsible Dept: Health & Community Services

Requested Action: **Order**

Map/Lot: N/A

Title, Order

Authorizing the City Manager to Execute a Subcontract with Northern Light Mayo Hospital in the Amount of \$468,197 to Provide Prevention Services in Piscataquis County as Part of the State of Maine's Maine Prevention Network

Summary

This order will authorize the City Manager to execute a subcontract with Northern Light Mayo Hospital in the amount of \$468,197 to provide substance use and tobacco prevention services, and healthy eating active living promotion services in Piscataquis County as part of the Maine Prevention Network for FY 27 and 28.

Bangor Public Health and Community Services is the lead agency for the project and provides substance use and tobacco prevention services, and health eating active living promotion services, in Penobscot County. Northern Light Mayo Hospital has been contracted to provide prevention services in Piscataquis County since January 1, 2023.

Resolve 26-236 authorizing the City Manager to accept and appropriate the Maine Prevention Network funding for FY27 and FY28 was approved on July 13, 2026. The Maine Prevention Network is a ten-year project that began January 1, 2023.

This MOU will begin on July 1, 2026 and end on June 30, 2028.

Committee Action

Committee: Government Operations Committee

Action: Recommend for passage

Meeting Date: 10/05/2026

For:

Against:

Staff Comments & Approvals

CR 26-236

City Manager_____
City Solicitor_____
Finance Director**Introduced for:** Consent



CITY OF BANGOR ORDER

10/14/2026

Date: 10/14/2026

Item No:

Assigned to Councilor:

Authorizing the City Manager to Execute a Subcontract with Northern Light Mayo Hospital in the Amount of \$468,197 to Provide Prevention Services in Piscataquis County as Part of the State of Maine's Maine Prevention Network

Be it Ordered by the City Council of the City of Bangor that, the City Manager is authorized to execute a subcontract with Northern Light Mayo Hospital in the amount of \$468,197 to provide prevention services in Piscataquis County as part of the state of Maine's Maine Prevention Network.



CITY COUNCIL ACTION

10/12/2026

Council Meeting Date: 10/12/2026

Item No:

Responsible Dept: Health & Community Services

Requested Action: ~~Resolve~~

Map/Lot: N/A

Title, Resolve

Accepting and Appropriating \$823,851 for the Nourish ME Rural Nutrition Education Program From the University of New England

Summary

This Resolve will accept and appropriate \$823,851 from the University of New England (UNE) to implement the Nourish ME nutrition education program in fiscal years 2027 and 2028 in Penobscot and Piscataquis counties.

Maine's Rural Health Transformation Program provides the funds for the Nourish ME program statewide, which focuses on reducing the burden of chronic illness through nutrition.

Bangor Public Health and Community Services implemented SNAP Ed programming from 2012 - 2025. Federal funding for the SNAP Education program was ended nationally on February 28, 2026. In response, Maine DHHS dedicated new federal Rural Health Transformation Program funding to nutrition education. UNE is the implementing agency for the program.

Funding is for a five-year program with year one funding beginning May 1, 2026. This funding allows an important program to continue operating despite the loss of federal funding.

In FY25, Bangor Public Health and Community Services SNAP Ed nutrition educators provided nutrition education to 3,057 youth in 25 schools, and 266 adults in Penobscot and Piscataquis counties. The program helped teach participants how to stretch food dollars and make healthy choices.

As a result of this program, statewide:

45% of adults increased eating vegetables

27% of adults increased use of a grocery list

53% of teens increased use of nutrition facts labels

17% of youth increased physical activity

Committee Action

Committee: Government Operations Committee

Action:

Meeting Date: 10/05/2026

For:

Against:

Previous Council Actions

Resolve 26-119

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

10/12/2026

Date: 10/12/2026

Item No:

Assigned to Councilor:

Accepting and Appropriating \$823,851 for the Nourish ME Rural Nutrition Education Program From the University of New England

Be it Resolved by the City Council of the City of Bangor, that the City Manager is authorized to accept and appropriate \$823,851 in funding from the University of New England for the Nourish ME nutrition education program and execute related contract(s).



CITY OF BANGOR

Jennifer Gunderman, Director
Public Health & Community Services
Phone: 207-992-4550
Jennifer.gunderman@bangormaine.gov

To: City Council

From: Jennifer Gunderman, Director Public Health and Community Services

Date: October 2, 2026

RE: Opioid Settlement Funds

The following memo provides considerations for allocation of City of Bangor's Opioid Settlement Funds.

- There are a number of models for determining the methodology for disbursement of funds. Examples in Maine include:
 - Augusta has an Opioid Settlement Funds Advisory Committee. This framework was used a model for Bangor's Opioid Settlement Fund Committee. The process included an application process and funding the top scoring proposals. <https://www.augustamaine.gov/osftf-application>
 - Rockland conducted community workshops and a Request for Proposal process. Selected proposals were voted on by the community. [Ad Hoc Opioid Settlement Participatory Budget Committee | Rockland, ME](#)
 - Portland worked with City Departments including their local health department (Portland Public Health) to develop staff recommendations for using the funds. Recommendations were presented to Portland Health and Human Services & Public Safety Committee. These recommendations were ultimately passed by Portland City Council.
 - Bangor Public Health and Community Services recommends a combination of models. A working group facilitated by BPH&CS could conduct a community workshop to identify priority strategies. Using that information, BPH&CS provides recommendations approved by the working group to City Council on specific funding strategies. An RFP is conducted as needed and appropriate.
 - Information on Maine Opioid Settlement Fund allocations can be found at [The MOSS Center](#)
- Johns Hopkins provides guidance to state and local governments. They identify the following nine core abatement strategies: <https://opioidprinciples.jhsph.edu/wp-content/uploads/2022/04/Primer-on-Spending-Funds.pdf>
 - Broaden access to naloxone
 - Increase use of medications to treat opioid use disorder
 - Provide treatment and supports during pregnancy and the postpartum period
 - Expand services for neonatal opioid withdrawal syndrome
 - Fund warm hand-off programs and recovery services
 - Improve treatment in jails and prisons
 - Enrich prevention strategies
 - Expand harm reduction programs with focus on youth (school and family based)
 - Support data collection and research
- Bangor may want to prioritize investment in longitudinal programs with significant impact. In other words, putting more funding into less projects for more than one year. Staff are seeking direction from Council and will be present to answer questions.

Memo

To: Government Operations Committee
From: Police Chief Mark Hathaway
CC: Carollynn Lear, City Manager
Date: September 30, 2026
RE: City of Bangor Homeless Crisis Protocol

In 2021, the State enacted Title 17-A, Section 18 ([click here for link to statute](#)), which required the Attorney General and every local law enforcement agency to enact a homeless crisis protocol that includes access and referral to crisis services, mental health and substance use disorder professionals, emergency and transitional housing and case management services.

Additionally, the statute requires that a law enforcement officer who responds to a call regarding or encountering a person who is committing, or has committed, a listed offense shall inquire whether the person has a home or lacks a home. If the person lacks a home, the law enforcement officer shall respond to the person using the homelessness crisis protocol adopted by the officer's law enforcement agency.

The protocol adopted by a law enforcement agency may, but is not required to, conform to the protocol adopted by the Attorney General. We chose to mirror the recommended language, similar to many other communities, and adopted the policy in 2022 and revised in 2024. The current Homeless Crisis Protocol is attached and is due for review.

For additional context, we have also included the materials from the Government Operations Committee meeting back in 2022 when it was first enacted, as well as policies from other communities around the state in case that is helpful.

BANGOR POLICE DEPARTMENT
POLICY
General Order

HOMELESSNESS CRISIS PROTOCOL

This policy is effective April 1, 2024 and amends or supersedes all previous policies on this subject.

I. PURPOSE:

The purpose of this policy is to establish procedures that will guide interactions between Bangor Police Department personnel and those who are experiencing homelessness or living without shelter.

II. POLICY:

It is the policy of the Bangor Police Department that all personnel provide service to those who are experiencing homelessness or living without shelter while ensuring their rights and dignity as required by 17-A M.R.S. § 18.

III. DEFINITIONS:

Homeless Person - A person who is experiencing homelessness that lacks a fixed, regular, and adequate nighttime residence.

Law Enforcement Agency - Any state, county, municipality, or other political unit within the territory belonging to the State or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the function of government that employs law enforcement officers.

Law Enforcement Officer - Any person who is vested by the law with the authority to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

Listed Offenses - as follows:

The provision of the crime of **Criminal Trespass** that violates 17-A M.R.S. § 402 (1)(C) – a person is guilty of a criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any place from which that person may lawfully be excluded and that is posted in accordance with (the law) or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; *or* criminal trespass in violation of 17-A M.R.S. § 402 (1)(F) – a person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters or remains in a cemetery or burial ground at any time between half hour after sunset or half hour before sunrise the following day, unless that person enters or remains during hours in which visitors are permitted to enter or remain by municipal ordinance or, in the case of a privately owned or operated cemetery, as posted.

The provision of the crime of **Disorderly Conduct** that violates 17-A M.R.S. § 501A (1)(A) – a person is guilty of disorderly conduct if, in a public

place, the person intentionally or recklessly annoys others by intentionally (1) making loud and unreasonable noises; (2) activates a device, or exposing a substance, that releases noxious and offensive odors; or (3) engaging in fighting without being licensed or privileged to do so.

The provision of the crime of **Indecent Conduct** that violates 17-A M.R.S. § 854 that is based on urinating in public.

The provision of the crime of **Possession of a Scheduled Drug** in violation of 17-A M.R.S. c.45 that is based on using the scheduled drug.

The provision of the crime of **Public Drinking** in violation of 17 M.R.S. § 2003-A(2) – a person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a noticed posted conspicuously in the public place by the owner or authorized person that forbids the drinking in the public place or after being forbidden to do so personally by a law enforcement officer unless the person has been permitted to do so by the owner or authorized person.

IV. **PROCEDURE:**

1. Law Enforcement Response

a) A police officer who responds to a call or otherwise encounters a person who is committing or has committed a listed offense shall inquire whether that person has a home or lacks a home. If the person lacks a home the police officer will determine the most appropriate course of action, if indeed the person has engaged in any of the listed offenses, as outlined in this policy, based on presented facts.

b) Diversion from the criminal justice system is the desired course of action when encountering a person experiencing homelessness who is engaged in any of the listed offenses.

2. Law Enforcement Action

c) A police officer who encounters a person engaged in behavior outlined in the listed offenses section of this policy will determine the best course of action to maintain public order. It is the policy of this police department that police officers shall consider that a referral to service, even if previously denied, may be the most appropriate and preferred action, based on presented facts, in lieu of citation or arrest.

d) A police officer will provide the department referral card (gray card) to all persons who present as lacking a home or shelter and may directly connect the persons to outreach providers.

e) A police officer will provide the department referral card (gray card) to all persons who present as lacking a home or shelter.

f) A police officer who believes that a person may require mental health intervention will refer that person to the department Mental Health Community Liaison (MHCL) or, when appropriate, transport the person to a facility that can provide mental health care and treatment. *Refer to policy 2-25.*

g) Police officers recognize that each situation presents factors that will require an assessment to determine the most appropriate level of response. The assessment should include, but is not limited to:

- Availability of Services;
- Potential or likelihood of continued disruption of public order;
- History of police contacts and/or community complaints;
- Acceptance of services: and
- Impact on community if law enforcement action is not taken.

h) Law enforcement action, such as an arrest or the issuance of a citation, may not be the preferred approach in some circumstances but may be determined to be an appropriate action based on presented facts and circumstances to protect and maintain public order.

j) Any and all actions will be appropriately documented. *Refer to policy I-5.*

V. REFERRAL CARD:

a) An example of the referral card, referenced in section IV, which outlines available crisis, mental health, substance abuse, medical and emergency sheltering services, is attached to this policy.

b) All police officers will have a sufficient number of referral cards available to provide to any person who identifies as lacking a home or shelter.

c) The referral card will be updated as necessary for the purpose of providing relevant and factual information.

VI. REVIEW:

This policy requires review, at a minimum, every twenty-four months. The review will include relevant stakeholders for the purpose of determining policy effectiveness.

Approved: March 27, 2024
Effective: April 1, 2024

Mark J. Hathaway
Chief of Police



**CITY OF BANGOR
POLICE DEPARTMENT**

BANGOR AREA RESOURCES

CRISIS SERVICES 24 HOUR HOTLINE:
1.888.568.1112

CITY OF BANGOR PUBLIC HEALTH:
General Assistance (GA)
• 103 Texas Ave Suite A, Bangor, ME, 04401
• 207-992-4528, 24/7

**HOMELESS OUTREACH
CASEMANAGEMENT:**

City of Bangor
• 103 Texas Ave Suite A, Bangor, ME, 04401
• 207-356-2502, Mon-Fri 8:00AM-4:30PM

Community Health & Counseling Services (PATH)
• 42 Cedar St, Bangor, ME, 04401
• 207-947-0366, Mon-Fri 8:00AM-4:30PM

Veterans Case Management (Preble Street)
• 115 Main St, 4th floor, Bangor, ME 04401
• 207-956-6556

Military & Veteran Services (Easterseals)
• 15 Cross St, Suite 17, Bangor, ME 04401
• 207-828-0754, Option 2

MENTAL HEALTH SERVICES:

Community Health and Counseling Services

• 42 Cedar St, Bangor, ME 04401
• 207-947-0366, 8:00AM-5:00PM, Mon-Fri

Together Place (Peer Run Recovery Center)
• 2nd St, Bangor, ME 04401
• 207-941-2897, 8:00AM-4:00PM, Mon-Fri

Northern Light Acadia Hospital
• 268 Stillwater Ave, Bangor, ME 04401
• 800-640-1211/207-941-2897, 7 days a week

SUBSTANCE ABUSE SERVICES:

Bangor Area Recovery Network (BARN)
• 142 Center St, Brewer, ME 04412
• 207-561-9444, 10:00AM-9:00PM, 7 days a week

Wellspring (Recovery Center/Detox)
• 253 Hammond St #255, Bangor, ME 04401
• 207-941-1612, 8:00AM-4:00PM, Mon-Fri

Fresh Start Inc. (Recovery Residence)

• 51 4th St, Bangor, ME 04401
• 207-307-1292, 7 days a week

Better Life Partner (Medication Assisted Treatment with same day access)
• 866-679-0831, no insurance needed, 7 days a week

Together Place (Peer Run Recovery Center)
• 2nd St, Bangor, ME 04401
• 207-941-2897, 8:00AM-4:00PM, Mon-Fri

Overdose Prevention Through Intensive Outreach Naloxone & Safety (OPTIONS) Treatment & Recovery Services
• 207-659-1857 or email:
aperkins@chcs-me.org

Health Equity Alliance (HEAL)
• 304 Hancock St Suite 3B, Bangor, ME, 04401
• 207-990-3626 Mon, Tues, Thurs, Fri 10:00AM-5:00PM

PCHC: Bridge Clinic (Medication-assisted treatment)
• 992 Union Street Suite 3
• (207)-404-8330
Mon-Fri 7:00AM-5:00PM

MEDICAL EMERGENCY DEPARTMENTS:

St. Joseph Healthcare
• 360 Broadway St, Bangor, ME, 04401
• 207-907-1000

Northern Light Eastern Maine Medical Center
• 489 State St, Bangor, ME, 04401
• 207-973-7000

SHELTERS:

Bangor Area Homeless
• 263 Main St, Bangor, ME, 04401
• 207-947-0092, 7 days a week

Hope House
• 179 Corporate Drive, Bangor, ME, 04401
• 207-217-6713, 7 days a week

Shepherd's Godparent House (Mothers and Children)
• Bangor, ME, 04401
• 207-949-2273

Partners For Peace (Domestic Violence Shelter)
• 1-800-863-9909, 7 days a week

Shaw House (Youth Shelter)
• 136 Union St, Bangor, ME, 04401
• 207-941-2874

FOOD, CLOTHING, & SHOWERS:

The Salvation Army of Bangor
Soup Kitchen: Mon-Fri 11:45am-1pm
• 65 South Park St, Bangor, ME, 04401
• 207-941-2990

Manna Ministries Food Bank & Soup Kitchen
Pantry: Mon – Weds – Fri 3pm-4pm Provides bag of groceries sufficient for 3 to 4 meals 1 visit per week.
Hot meals: Mon-Fri 4pm-5p.
• 126 Union St, Bangor, ME, 04401
• 207-852-5635

Brick Church
FREE CLOTHING and SHOWERS:
Tuesday and Thursday 10am – 2pm
• 126 Union St, Bangor, ME, 04401
• 207-852-5635

Bangor Area Homeless Shelter
Pantry: Tue and Thurs 1pm-4pm; visitors are limited to 1 visit every 14 days.
Soup Kitchen: Mon-Sun 11am-1pm
• 263 Main St, Bangor, ME, 04401
• 207-947-0092

Hope House Health
• 179 Corporate Drive, Bangor, ME, 04401
• 207-217-6713 by appointment; call for assistance

**For additional resources visit 211maine.org
or call 211 from a Maine phone number**



BANGOR POLICE DEPARTMENT

240 Main Street
Bangor, Maine 04401
207-947-7382
Fax 207-945-6824

TO: Members of the City Council

FR: Mark Hathaway

RE: Homelessness Crisis Protocol

DT: March 24, 2022

The Maine Attorney General distributed guidance, as directed by the Legislature, mandating police agencies develop a protocol outlining methods of addressing persons experiencing homelessness who engage in public behavior that may be a violation of certain laws.

The intent of the Legislature, as explained by the Attorney General, in adopting *An Act to Require the Use of Homelessness Crisis Protocols for Low Enforcement* is to provide a response, other than entry into the criminal justice system, by citation or arrest, for those who are experiencing homelessness and engage in low-level criminal infractions. The preferred approach is to provide referral service options rather than citation or arrest.

The Attorney General guidance identifies the low level criminal behavior that must be considered for the preferred method of referral rather than citation or arrest. That list is included in the new protocol under *listed offenses*.

The police department, through use of the City Homeless Outreach Coordinator, Mental Health Community Liaisons (as part of a partnership with Northern Light Acadia Hospital) and police officers skilled in crisis intervention, currently engages those experiencing homelessness with a general goal of providing an option of services, aid, referral or emergency sheltering alternatives. The required protocol seemingly aligns some of our current practices.

The Attorney General's guidance was posted on March 1. Police agencies must post a protocol, and train all staff, by April 1. It will be our intent to complete all training and have the protocol active as of the mandated date.

The purpose of this memorandum is to: 1) inform members of the City Council; 2) have a discussion on this topic during a public meeting; 3) post the protocol for public review.

The protocol (policy) will be effective as of April 1, 2022.

Thank you

AUBURN POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

	Effective Date 04/23/2022	Number 41M
Subject Homelessness Protocol		
Distribution All Staff		

I. Purpose

The purpose of this policy is to provide guidance for all employees to ensure the fair and equitable treatment of homeless persons.

II. Policy

The policy of the Auburn Police Department is to treat all people in a manner that protects their rights and dignity, while providing appropriate law enforcement services to the entire community. The Auburn Police Department recognizes that in situations involving the homeless population, it is desired and preferable that diversion from the criminal justice system in listed offenses is accomplished and to make referrals to organizations that provide services to homeless persons, and as always, refrain from violating an individual's constitutional rights.

III. Definitions

Homeless person: a person who lacks a fixed, regular, and adequate nighttime residence.

Listed offense:

- a. The provisions of the crime of Criminal Trespass that violate of 17-A M.R.S. § 402(1)(C) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any place from which that person may lawfully be excluded and that is posted in accordance with [the law] or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; or criminal trespass in violation of 17-A M.R.S. § 402(1)(F) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters or remains in a cemetery or burial ground at any time between 1/2 hour after sunset and 1/2 hour before sunrise the following day, unless that person enters or remains during hours in which visitors are permitted to enter or remain by municipal ordinance or, in the case of a privately owned and operated cemetery, by posting.
- b. The provision of the crime of Disorderly Conduct that violates 17-A M.R.S. § 501-A(1)(A) - A person is guilty of disorderly conduct if, in a public place, the person intentionally or recklessly causes annoyance to others by intentionally (1) making loud and unreasonable noises; (2) activating a device, or exposing a substance, that releases noxious and offensive odors; or (3) engaging in fighting, without being licensed or privileged to do so.
- c. The provision of the crime of Indecent Conduct that violates 17-A M.R.S. § 854 that is based on urinating in public.
- d. The provisions of the crime of possession of a scheduled drug in violation of 17-A M.R.S. c. 45 that is based on using the scheduled drug; or
- e. Public drinking in violation of 17 M.R.S. § 2003-A(2) - A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a law enforcement officer unless the person has been given permission to do so by the owner or authorized person.

IV. Procedures

1. An officer who responds to a call or otherwise encounters a person who is committing or has committed a listed offense shall inquire whether the person has a home or lacks a home. If the person lacks a home, the officer shall:
 - a. Issue warnings if the person is committing a listed offense unless the officer feels that the warning will be ineffective and enforcement action is necessary. (IE Multiple warnings already issued for listed offense in the same location, offense is a felony).
 - b. Refer the person to Homelessness Resources in the area by giving them the Community Resources Guide.
2. The officer will note in the offense/arrest report regarding the enforcement action that the referral to resources was made.

Per Order of: _____

Jason D. Moen, Chief of Police

OFFICER

POLICE

AUBURN



ORONO POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Protect with Vigilance & Serve with Compassion and Excellence

Subject:	Homeless Diversion Response	Policy #	O-58
Effective Date:	May 22, 2025	Review Cycle:	2 Year
Distribution:	All Sworn Personnel	# Of pages:	8
MLEAP:	N/A		
	<i>Rescinds All Previous Policies Related to This Current Policy</i>		MCJA Required Policy
Issuing Authority:	Chief of Police Daniel Merrill		

I. POLICY

It is the policy of the Orono Police Department to be sensitive to the homeless population by protecting their rights, dignity, and personal property while providing appropriate law enforcement services to the entire community. The agency recognizes that in law enforcement situations involving homeless persons, it is preferable to make referrals to organizations that provide services to the homeless and to refrain from initiating contacts that interrupt the innocent activity and may violate an individual's constitutional rights.

The intent of the Legislature in adopting *An Act to Require the Use of the Homelessness Crisis Protocol (Appendix #1)* by Law Enforcement Agencies is to provide a response other than traditional entry into the criminal justice system for homeless persons whose public behavior constitutes certain low-level violations of law. Citing or arresting homeless persons for these low-level or quality of life infractions or life-sustaining activities are emotionally and physically traumatizing, as well as disruptive to progress toward ending homelessness. Public order may be best served through the promotion of referrals to available services, even when services have been previously declined.

This procedure is the preferred approach, with citation or arrest being the last resort. However, recognizing that each situation is likely to present unique factors that will inform the level of response required, the protocol does not constitute the exclusive means by which relevant situations must be managed nor does it discourage the application of judicious discretion based on the totality of a given situation.

II. PURPOSE

This directive establishes the Orono Police Department's policy regarding interactions with homeless persons

III. DEFINITIONS

Homeless Person: An individual who lacks a fixed, regular, and adequate nighttime residence; a stable residence; or any residence at all, or has a primary nighttime residency that is:

- a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations.
- b. An institution that provides a temporary residence for individuals intended to be institutionalized.
- c. A private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Law Enforcement Agency: Any state, county, municipality, or another political unit within the territory belonging to the state or any department, agency, or subdivision of any of the foregoing, or any corporation or other associate carrying out the functions of government that employs law enforcement officers.

Law Enforcement Officer: Any person who is vested by law with the authority to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

Listed Offense:

- a. The provisions of the crime of **Criminal Trespass** that violates 17-A M.R.S. § 402(1)(C) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any place from which that person may lawfully be excluded and that is posted in accordance with [the law] or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; or criminal trespass in violation of 17-A M.R.S. § 402(1)(F) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters or remains in a cemetery or burial ground at any time between 1/2 hour after sunset and 1/2 hour before sunrise the following day, unless that person enters or remains during hours in which visitors are permitted to enter or remain by municipal ordinance or, in the case of a privately owned and operated cemetery, by posting.
- b. The provisions of the crime of **Disorderly Conduct** that violates 17-A M.R.S. § 501-A(1)(A) - A person is guilty of disorderly conduct if, in a public place, the person intentionally or recklessly annoys others by intentionally (1) making loud and unreasonable noises; (2) activating a device, or exposing a substance, that releases noxious and offensive odors; or (3) engaging in fighting, without being licensed or privileged to do so.
- c. The provision of the crime of **Indecent Conduct** that violates 17-A M.R.S. § 854 that is based on urinating in public.
- d. The provisions of the crime of possession of a scheduled drug in violation of 17-A M.R.S. chapter 45 that is based on using the scheduled drug.
- e. The provision of the crime of **Public drinking** in violation of 17 M.R.S. § 2003-A(2) - A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a law enforcement officer unless the person has been permitted to do so by the owner or authorized person.

IV. PROCEDURE

- 1. The primary decision-maker for diverting individuals from the criminal justice system is the officer in the field under the clear criteria outlined in this policy. The Orono Police Department expects that diversion from the criminal justice system will be practiced for appropriate individuals experiencing homelessness who are accused of having committed crimes such as the listed offense above.

2. Diversion Factors:

- a. Adults who have a known history of alcohol, drug, or mental health-related needs and are a factor in being homeless may be eligible for diversion. Homeless individuals may be referred to community resources when an individual has committed any of the following offense(s) listed above under the following conditions:
 - 1) Any offense under 17-A M.R.S. Chapter 45 where there is no clear evidence beyond quantity/weight of drugs alone that the individual is engaged in trafficking or furnishing of drugs.
 - 2) Non-Violent Crime(s) when the following criteria are present:
 - i. The complainant/victim is willing to decline prosecution, if applicable, to allow the offender to proceed with diversion processes; and
 - ii. The individual committed an offense(s) where there is a nexus to alcohol, drug, homelessness, or mental health-related need, which can be based on, but not limited to, the following:
 - a) Police reports, arrest records, criminal histories, etc., indicating that the individual was engaged in such activity; or
 - b) Direct observation by law enforcement of the individual engaged in such activity; or
 - c) Law enforcement has a reliable basis of information to believe that the individual is engaged in such activity, such as information provided by another first responder, a professional, or a witness.

3. Circumstances and Assistance

A member of the Orono Police Department who responds to a call or otherwise encounters a person who is committing or has committed a listed offense shall inquire whether the person has a home or lacks a home. If the person lacks a home, the employee shall respond to the person.

- a. Assistance - Officers may approach a homeless person to advise of the assistance of shelters and services which are currently available. The officer may call for the assistance community support systems when they are available, to help with appropriate placement. The homeless person may or may not accept the assistance or referral or may even walk away from the area before help arrives. Officers may transport homeless persons to a shelter when they accept such a referral. The homeless individual will be searched for weapons and/or contraband before being transported.
- b. Homeless Encampments - The removal of illegal encampments of homeless persons is the responsibility of the owner of the property, whether it is public or private. Law enforcement action may be taken in instances of trespassing, illegal dumping, criminal investigations, etc. When requested, officers may stand by to keep the peace, but will not participate in the removal and/or destruction of personal items from such encampments or prevent the homeless from retrieving belongings from the area without a legitimate reason. Whenever possible, officers should encourage property owners to give posted notice of the pending activity prior to the clean-up. Officers may request the assistance of city or county clean-up crews on public property (i.e., rapid response).

- c. Arrest Situations - Diversion from the criminal justice system is desired and preferred when encountering a homeless person engaged in the "listed offenses" or other public disorder crimes. If an arrest must be made, the arrest of all persons, including those defined as homeless, will comply with appropriate statutes, ordinances, codes, and department policies and procedures. Officer discretion will determine whether a physical arrest is to be made in the same manner as any other person who is not homeless. If the decision is made not to arrest, officers are encouraged to utilize referrals to local community support services, appropriate homeless shelters, or social service providers. It must be recognized that such a referral is contingent on the voluntary agreement of the homeless person to accept the referral.
- d. Personal Property - The personal property of homeless persons will be respected. Officers may allow homeless persons to take a limited number of personal items with them when arrested on a criminal matter. If it is necessary for an officer to collect such items when a criminal arrest is made, consideration must be given to officer safety in handling the items as well as the health and safety of those who may meet the property in the property room. Items that may be considered personal property and brought with homeless persons include radios, audio and video equipment, medication, personal papers, photographs, books, and other reading materials, luggage, backpacks or other storage containers, clothing, shoes, toiletries and cosmetics, clocks and watches, eyeglasses, bedrolls, and blankets and pillows (if not damp or soiled with urine or fecal matter). If necessary to dispose of such items for health and safety reasons, a notation will be made in an Offense Report (or Arrest Report, as appropriate) describing why such property was not allowed.

Refuse or items that represent a health and safety hazard may be disposed of immediately. Wet or damp property (rain, dew, or sprinkler), soiled items (food, urine, or fecal matter), and perishables will not be impounded. Such items include, but are not limited to, paper refuse, food remains, empty glasses, bottles or cans, towels, bedrolls, and blankets and pillows (only if soiled with urine or fecal matter).

V. EXCLUSION CRITERIA FOR DIVERSION:

1. Individuals who are homeless shall be considered *ineligible* for diversion if, at the time of initial contact, the officer has knowledge the individual meets any of the following criteria:
 - a. Active arrest warrant.
 - b. The individual exploits minors or others.
 - c. There is probable cause to believe the individual committed a violent offense.
 - d. There is probable cause to believe the individual violated an order of protection.
 - e. There is probable cause to believe the individual committed a domestic violence offense.
 - f. There is probable cause to believe the individual committed a sex offense.
 - g. The individual is currently under the supervision of probation or parole.
 - h. The individual needs acute emergency care and is taken to a hospital for treatment.
 - i. The victim of the crime, if applicable, is opposed to the diversion.
 - j. There is probable cause to believe that the individual committed or the individual has been convicted of any felony offense(s), that would fall under the definition of "Violent Offenses" within this policy within the past five years.

VIII. COMMUNITY SUPPORT RESOURCES

Officers should be familiar with local and state resources to assist individuals experiencing homelessness and other factors associated with homelessness. Below are only some of the national and state resources officers should also be familiar with.

1. Maine Housing Authority Emergency Shelters <https://www.mainehousing.org/programs-services/homeless/emergency-shelters>
2. 211 Maine <https://211maine.org/>
3. HUD Exchange <https://www.hudexchange.info/housing-and-homeless-assistance/>
4. Department of Health and Human Services <https://www.maine.gov/dhhs/obh/support-services/housing-services>
5. National Alliance to End Homeless <https://endhomelessness.org/>
6. National Homeless Organization <https://nationalhomeless.org/>
7. Bangor Area Homeless Shelter <https://www.bangorareashelter.org/>

**PORTLAND POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

	Subject:	HOMELESS CRISIS PROTOCOL	Policy #:	40N
	Distribution:	Internal/External	Effective:	12/18/2022
	By Order of:	Chief of Police	Revised:	

I. Purpose

The purpose of this policy is to comply with the Maine Attorney General Homelessness Crisis Protocol as mandated by 17-A MRSA §18.

II. Policy

Recognizing that many individuals who commit low level, quality of life offenses are in need of services, it has long been the policy and practice of the Portland Police Department to utilize social services and medical facilities in lieu of law enforcement action wherever appropriate and practicable. This policy codifies that long term practice and adds the administrative requirements of the Maine Attorney General Homelessness Crisis Protocol.

III. Definitions

- A. **Crisis/Outreach Worker:** A medical or behavioral health provider who specializes in crisis intervention and services. For purposes of this policy, all members of the Behavioral Health Unit are considered to be crisis/outreach workers.
- B. **Homeless Person:** a person who lacks a fixed, regular, and adequate nighttime residence. For purposes of this policy, long term stayers at the City Shelter are considered homeless persons.
- C. **Homeless Referral Card:** A preprinted note card with contact information for local crisis services, mental health and substance use disorder professionals, emergency and transitional housing, and case management services.
- D. **Listed Offenses:**
 - 1. **Criminal Trespass in violation of**
17-A § 402(1)(C): A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any place from which that person may lawfully be excluded and that is posted in accordance with [the law] or in a manner designed to exclude intruders or

17-A § 402(1)(F): A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters or remains in a cemetery or burial ground at any time between a ½ hour after sunset and a ½ hour before sunrise the following day, unless that person enters or remains during hours in which visitors are permitted to enter or remain by municipal ordinance or, in the case of a privately owned and operated cemetery, by posting.

2. **Disorderly conduct in violation of 17-A MRS §501(1)(A):** A person is guilty of disorderly conduct if, in a public place, the person intentionally or recklessly causes annoyance to others by intentionally (1) making loud and unreasonable noises; (2) activating a device, or exposing a substance, that releases noxious and offensive odors; or (3) engaging in fighting, without being licensed or privileged to do so.
3. **Indecent Conduct in violation of 17-A MRS §854 that is based on urinating in public;**
4. **Possession of a Scheduled Drug in violation of 17-A MRS c.45 that is based on using the scheduled drug; or**
5. **Public Drinking in violation of 17 MRS §2003-A(2):** a person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a Law Enforcement Officer, unless the person has been given permission to do so by the owner or authorized person.

IV. Procedures:

- A. Citing or arresting homeless persons for low-level or quality of life infractions may be necessary to resolve an immediate problem, however it rarely provides a long-term positive impact on public safety. In many cases, the homeless person and the community may be better served through referral to services in lieu of law enforcement action.
- B. While diversion from the criminal justice system is desired and preferred, officers must evaluate the unique circumstances of each situation to determine the most appropriate course of action.
- C. An officer who responds to a call or otherwise encounters a person who is committing or has committed a Listed Offense, shall inquire whether the person has a home or lacks a home. If the person lacks a home, the officer shall assess the situation to determine if diversion is appropriate. That assessment should include, but is not limited to:
 1. Availability of services;
 2. Willingness of the individual to accept services;
 3. Willingness of the service provider to accept the individual;
 4. Immediate history of police contacts and/or community complaints;
 5. Impact of diversion on the community to include other homeless individuals; and
 6. Likelihood of continued disruption of public order if law enforcement action is not taken.
 7. If an officer determines that diversion is appropriate and the individual is in need of immediate services, they should attempt to facilitate transport of the individual to a service provider (Milestones, City of Portland Shelter, etc) or medical facility as required or request that a crisis or outreach provider be dispatched to the scene, if available.

8. If diversion is appropriate, but the individual does not require immediate services, the officer shall document the contact in CAD as a disposition and provide the individual with a Homeless Services Referral Card prior to clearing.
9. If an officer determines that law enforcement action is necessary given the circumstances at hand, they shall summons or arrest the individual and provide a Homeless Services Referral Card.

V. Administration

A. The Behavioral Health Coordinator will:

1. Maintain the Homeless Services Referral Card to ensure that the information contained on the card is complete and accurate; and
2. Conduct ongoing assessment of the availability of services to include a written report to the Chief annually in January



WINDHAM POLICE DEPARTMENT

Standard Operating Procedures

Integrity-Compassion-Community

Subject:	Homeless Diversion Response	Policy #	O-58
Effective Date:	November 12, 2023	Review Cycle:	2 Year
Distribution:	All Sworn Personnel	# Of pages:	8
MLEAP:	N/A		
	<i>Rescinds All Previous Policies Related to This Current Policy</i>		
Issuing Authority:	Chief of Police Kevin Schofield		

I. POLICY

It is the policy of the Windham Police Department to be sensitive to the homeless population by protecting their rights, dignity, and personal property while providing appropriate law enforcement services to the entire community. The agency recognizes that in law enforcement situations involving homeless persons, it is preferable to make referrals to organizations that provide services to the homeless and to refrain from initiating contacts that interrupt the innocent activity and may violate an individual's constitutional rights.

The intent of the Legislature in adopting *An Act to Require the Use of the Homelessness Crisis Protocol (Appendix #1)* by Law Enforcement Agencies is to provide a response other than traditional entry into the criminal justice system for homeless persons whose public behavior constitutes certain low-level violations of law. Citing or arresting homeless persons for these low-level or quality of life infractions or life-sustaining activities are emotionally and physically traumatizing, as well as disruptive to progress toward ending homelessness. Public order may be best served through the promotion of referrals to available services, even when services have been previously declined.

This procedure is the preferred approach, with citation or arrest being the last resort. However, recognizing that each situation is likely to present unique factors that will inform the level of response required, the protocol does not constitute the exclusive means by which relevant situations must be managed nor does it discourage the application of judicious discretion based on the totality of a given situation.

II. PURPOSE

This directive establishes the Windham Police Department's policy regarding interactions with homeless persons

III. DEFINITIONS

Homeless Person: An individual who lacks a fixed, regular, and adequate nighttime residence; a stable residence; or any residence at all, or has a primary nighttime residency that is:

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Listed Offense:

- a. The provisions of the crime of **Criminal Trespass** that violates 17-A M.R.S. § 402(1)(C) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any place from which that person may lawfully be excluded and that is posted in accordance with [the law] or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; *or* criminal trespass in violation of 17-A M.R.S. § 402(1)(F) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters or remains in a cemetery or burial ground at any time between 1/2 hour after sunset and 1/2 hour before sunrise the following day, unless that person enters or remains during hours in which visitors are permitted to enter or remain by municipal ordinance or, in the case of a privately owned and operated cemetery, by posting.
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- c. The provision of the crime of **Indecent Conduct** that violates 17-A M.R.S. § 854 that is based on urinating in public.
- d. The provisions of the crime of possession of a scheduled drug in violation of 17-A M.R.S. chapter 45 that is based on using the scheduled drug.
- e. The provision of the crime of **Public drinking** in violation of 17 M.R.S. § 2003-A(2) - A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a officer unless the person has been permitted to do so by the owner or authorized person.

IV. PROCEDURE

- 1. The primary decision-maker for diverting individuals from the criminal justice system is the officer in the field under the clear criteria outlined in this policy. The Windham Police Department expects that diversion from the criminal justice system will be practiced for appropriate

individuals experiencing homelessness who are accused of having committed crimes such as the listed offense above.

2. Diversion Factors:

a. Adults who have a known history of alcohol, drug, or mental health-related needs and are a factor in being homeless may be eligible for diversion. Homeless individuals may be referred to community resources when an individual has committed any of the following offense(s) listed above under the following conditions:

1) Any offense under 17-A M.R.S. Chapter 45 where there is no clear evidence beyond quantity/weight of drugs alone that the individual is engaged in trafficking or furnishing of drugs.

2) Non-Violent Crime(s) when the following criteria are present:

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- ii. The individual committed an offense(s) where there is a nexus to alcohol, drug, homelessness, or mental health-related need, which can be based on, but not limited to, the following:
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 - b) Direct observation by law enforcement of the individual engaged in such activity; or
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- 1. Individuals who are homeless shall be considered *ineligible* for diversion if, at the time of initial contact, the officer has knowledge the individual meets any of the following criteria:
 - a. Active arrest warrant.
 - b. The individual exploits minors or others.
 - c. There is probable cause to believe the individual committed a violent offense.
 - d. There is probable cause to believe the individual violated an order of protection.
 - e. There is probable cause to believe the individual committed a domestic violence offense.
 - f. There is probable cause to believe the individual committed a sex offense.
 - g. The individual is currently under the supervision of probation or parole.
 - h. The individual needs acute emergency care and is taken to a hospital for treatment.
 - i. The victim of the crime, if applicable, is opposed to the diversion.
 - j. There is probable cause to believe that the individual committed or the individual has been convicted of any felony offense(s), that would fall under the definition of "Violent Offenses" within this policy within the past five years.

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City of Brewer Police Department Standard Operating Procedures

Subject:	Homeless Diversion Response	Policy #	O-58
Effective Date:	March 9, 2026	Review Cycle:	2 Year
Distribution:	All Sworn Personnel	# Of pages:	8
MLEAP:	N/A		
	<i>Rescinds All Previous Policies Related to This Current Policy</i>		
Issuing Authority:	Chief of Police Christopher Martin		

I. POLICY

It is the policy of the Brewer Police Department to be sensitive to the homeless population by protecting their rights, dignity, and personal property while providing appropriate law enforcement services to the entire community. The agency recognizes that in law enforcement situations involving homeless persons, it is preferable to make referrals to organizations that provide services to the homeless and to refrain from initiating contacts that interrupt the innocent activity and may violate an individual's constitutional rights.

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II. PURPOSE

This directive establishes the Brewer Police Department's policy regarding interactions with homeless persons.

III. DEFINITIONS

1. **Homeless Person:** An individual who lacks a fixed, regular, and adequate nighttime residence, a stable residence, or any residence at all, or has a primary nighttime residency that is:
 - a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations.
 - b. An institution that provides a temporary residence for individuals intended to be institutionalized.

- c. A private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.
2. **Law Enforcement Agency:** Any state, county, municipality, or another political unit within the territory belonging to the State or any department, agency, or subdivision of any of the foregoing, or any corporation or other associate carrying out the functions of government that employs law enforcement officers. **Law Enforcement Officer:** Any person who is vested by law with the authority to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.
3. **Listed Offense:**
- a. The provisions of the crime of **Criminal Trespass** that violates 17-A M.R.S. § 402(1)(C) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any place from which that person may lawfully be excluded and that is posted in accordance with [the law] or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; *or* criminal trespass in violation of 17-A M.R.S. § 402(1)(F) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters or remains in a cemetery or burial ground at any time between 1/2 hour after sunset and 1/2 hour before sunrise the following day, unless that person enters or remains during hours in which visitors are permitted to enter or remain by municipal ordinance or, in the case of a privately owned and operated cemetery, by posting.
 - b. The provision of the crime of **Disorderly Conduct** that violates 17-A M.R.S. § 501-A(1)(A) - A person is guilty of disorderly conduct if, in a public place, the person intentionally or recklessly annoys others by intentionally (1) making loud and unreasonable noises; (2) activating a device, or exposing a substance, that releases noxious and offensive odors; or (3) engaging in fighting, without being licensed or privileged to do so.
 - c. The provision of the crime of **Indecent Conduct** that violates 17-A M.R.S. § 854 that is based on urinating in public.
 - d. The provisions of the crime of possession of a scheduled drug in violation of 17-A M.R.S. c. 45 that is based on using the scheduled drug; or
 - e. **Public drinking** in violation of 17 M.R.S. § 2003-A(2) - A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a law enforcement officer unless the person has been permitted to do so by the owner or authorized person.

IV. PROCEDURE

- 1. The primary decision-maker for diverting individuals from the criminal justice system is the officer in the field under the clear criteria outlined in this policy. The Brewer Police Department expects that diversion from the criminal justice system will be practiced for appropriate individuals experiencing homelessness who are accused of having committed crimes such as the listed offense above. The Department also recognizes that officers are charged with maintaining public order and public safety in unique and challenging situations where the need for enforcement action may be necessary.
- 2. Diversion Factors:
 - a. Adults who have a known history of alcohol, drug, or mental health-related needs and are a factor in being homeless may be eligible for diversion. Homeless individuals may be referred

to community resources when an individual has committed any of the following offense(s) listed above under the following conditions:

- 1) Any offense under 17-A M.R.S. Chapter 45 where there is no clear evidence beyond quantity/weight of drugs alone that the individual is engaged in trafficking or furnishing of drugs.
- 2) Non-Violent Crime(s) when the following criteria are present:
 - i. The complainant/victim is willing to decline prosecution, if applicable, to allow the offender to proceed with diversion processes; and
 - ii. The individual committed an offense(s) where there is a nexus to alcohol, drug, homelessness, or mental health-related need, which can be based on, but not limited to, the following:
 - a) Police reports, arrest records, criminal histories, etc., indicating that the individual was engaged in such activity; or
 - b) Direct observation by law enforcement of the individual engaged in such activity; or
 - c) Law enforcement has a reliable basis of information to believe that the individual is engaged in such activity, such as information provided by another first responder, a professional, or a witness.

3. Circumstances and Assistance

A member of the Brewer Police Department who responds to a call or otherwise encounters a person who is committing or has committed a listed offense shall inquire whether the person has a home or lacks a home. If the person lacks a home, the employee shall respond to the person.

- a. Assistance - Officers may approach a homeless person to advise of the assistance of shelters and services which are currently available. The officer may call for the assistance community support systems when they are available, to help with appropriate placement. The homeless person may or may not accept the assistance or referral or may even walk away from the area before help arrives. Officers may transport homeless persons to a shelter when they accept such a referral. The homeless individual will be searched for weapons and/or contraband before being transported.
- b. Homeless Encampments - The removal of illegal encampments of homeless persons is the responsibility of the owner of the property, whether it is public or private. Law enforcement action may be taken in instances of trespassing, illegal dumping, criminal investigations, etc. When requested, officers may stand by to keep the peace but will not participate in the removal and/or destruction of personal items from such encampments or prevent the homeless from retrieving belongings from the area without a legitimate reason. Whenever possible, officers should encourage property owners to give posted notice of the pending activity prior to the clean-up. Officers may request the assistance of city or county clean-up crews on public property (i.e., rapid response).
- c. Arrest Situations - Diversion from the criminal justice system is desired and preferred when encountering a homeless person engaged in the "listed offenses" or other public disorder crimes. If an arrest must be made, the arrest of all persons, including those defined as homeless, will comply with appropriate statutes, ordinances, codes, and department policies and procedures. Officer discretion will determine whether a physical arrest is to be made in the same manner as any other person who is not homeless. If the decision is made not to arrest, officers are encouraged to utilize referrals to local community support services, appropriate homeless shelters, or social service providers. It must be recognized that such a

referral is contingent on the voluntary agreement of the homeless person to accept the referral.

- d. Personal Property - The personal property of homeless persons will be respected. Officers may allow homeless persons to take a limited number of personal items with them when arrested on a criminal matter. If necessary for an officer to collect such items when a criminal arrest is made, consideration must be given to officer safety in handling the items as well as the health and safety of those who may meet the property in the property room. Items that may be considered personal property and brought with homeless persons include radios, audio, and video equipment, medication, personal papers, photographs, books, and other reading materials, luggage, backpacks or other storage containers, clothing, shoes, toiletries, and cosmetics, clocks and watches, eyeglasses, bedrolls, and blankets and pillows (if not damp or soiled with urine or fecal matter). If necessary to dispose of such items for health and safety reasons, a notation will be made in an Offense Report (or Arrest Report, as appropriate) describing why such property was not allowed.

Refuse or items that represent a health and safety hazard may be disposed of immediately. Wet or damp property (rain, dew, or sprinkler), soiled items (food, urine, or fecal matter), and perishables will not be impounded. Such items include, but are not limited to, paper refuse, food remains, empty glasses, bottles or cans, towels, bedrolls, and blankets and pillows (only if soiled with urine or fecal matter).

V. EXCLUSION CRITERIA FOR DIVERSION:

1. Individuals who are homeless shall be considered *ineligible* for diversion if, at the time of initial contact, the officer has knowledge the individual meets any of the following criteria:
 - a. Active arrest warrant.
 - b. The individual exploits minors or others.
 - c. There is probable cause to believe the individual committed a violent offense.
 - d. There is probable cause to believe the individual violated an order of protection.
 - e. There is probable cause to believe the individual committed a domestic violence offense.
 - f. There is probable cause to believe the individual committed a sex offense.
 - g. The individual is currently under the supervision of probation or parole.
 - h. The individual needs acute emergency care and is taken to a hospital for treatment.
 - i. The victim of the crime, if applicable, is opposed to the diversion.
 - j. There is probable cause to believe that the individual committed or the individual has been convicted of any felony offense(s), that would fall under the definition of "Violent Offenses" within this policy within the past five years

VI. REFERRALS AND DATA COLLECTION

1. **REFERALLS:** Officers are encouraged to provide information on appropriate available social services to persons experiencing homelessness. Patrol cars will be stocked with the following Maine 211 and Penobscot County Overdose Response Team information cards for this purpose.
 - i. The Brewer Police Department has a signed MOU with the Penobscot County Options program. Officers aware of individuals with a drug addiction are encouraged to make a referral to the OPTIONS program directly or by requesting a referral be made by the BPD reception desk during business hours.
2. **DATA COLLECTION:**
 - i. Officers shall include a circumstance code of "HOME" in all reports involving incidents with a nexus to homelessness.

- ii. Officers shall include a "REFE" in all incidents where a referral to a social service agency or similar organization was made and a description of the referral will be outlined in the report narrative.
- iii. The Brewer Police Department has a signed MOU with the OPTIONS program in Penobscot County. In all cases where an individual is

VII. COMMUNITY SUPPORT RESOURCES

Officers should be familiar with local and state resources to assist individuals experiencing homelessness and other factors associated with homelessness. Below are only some of the national and state resources officers should also be familiar with.

211 Maine (cards stocked in patrol cars)

Penobscot County Overdose Response Team (cards stocked in patrol cars)

OPTIONS (Penobscot County)

Maine Housing Authority Emergency Shelters <https://www.mainehousing.org/programs-services/homeless/emergency-shelters>

HUD Exchange <https://www.hudexchange.info/housing-and-homeless-assistance/>

Department of Health and Human Services <https://www.maine.gov/dhhs/obh/support-services/housing-services>

National Alliance to End Homeless <https://endhomelessness.org/>

National Homeless Organization <https://nationalhomeless.org/>



OFFICE OF THE ATTORNEY GENERAL

HOMELESSNESS CRISIS PROTOCOL

I. Purpose

This protocol is issued to all law enforcement agencies by the Attorney General to comply with the requirement of 17-A M.R.S. §18 [PL 2021, c. 393, §1] that the Attorney General adopt a model homelessness crisis protocol.

II. Declaration of Public Policy

The intent of the Legislature in adopting *An Act to Require the Use of Homelessness Crisis Protocols by Law Enforcement Agencies* is to provide a response other than traditional entry into the criminal justice system for homeless persons whose public behavior constitutes certain low-level violations of law. Citing or arresting homeless persons for these low-level or quality of life infractions or life-sustaining activities are emotionally and physically traumatizing, as well as disruptive to progress toward ending homelessness. Public order may be best served through the promotion of referrals to available services, even when services have been previously declined. This procedure is the preferred approach, with citation or arrest being a last resort. However, recognizing that each situation is likely to present unique factors that will inform the level of response required, the protocol does not constitute the exclusive means by which relevant situations must be managed nor does it discourage the application of judicious discretion based on the totality of a given situation.

III. Definitions

As used in this protocol, unless the context otherwise indicates, the following terms have the following meanings:

- B. "Homeless person" means a person who lacks a fixed, regular, and adequate nighttime residence.
- C. "Law enforcement agency" means any state, county, municipality, or another political unit within the territory belonging to the State or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government that employs officers.

- D. “Law enforcement officer/ officer” means any person who is vested by law with the authority to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.
- E. “Listed offense” means:
- a. The provisions of the crime of Criminal Trespass that violates 17-A M.R.S. § 402(1)(C) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any place from which that person may lawfully be excluded and that is posted in accordance with [the law] or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; *or* criminal trespass in violation of 17-A M.R.S. § 402(1)(F) – A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters or remains in a cemetery or burial ground at any time between 1/2 hour after sunset and 1/2 hour before sunrise the following day, unless that person enters or remains during hours in which visitors are permitted to enter or remain by municipal ordinance or, in the case of a privately owned and operated cemetery, by posting.
 - b. The provision of the crime of Disorderly Conduct that violates 17-A M.R.S. § 501-A(1)(A) - A person is guilty of disorderly conduct if, in a public place, the person intentionally or recklessly annoys others by intentionally (1) making loud and unreasonable noises; (2) activating a device, or exposing a substance, that releases noxious and offensive odors; or (3) engaging in fighting, without being licensed or privileged to do so.
 - c. The provision of the crime of Indecent Conduct that violates 17-A M.R.S. § 854 that is based on urinating in public.
 - d. The provisions of the crime of possession of a scheduled drug in violation of 17-A M.R.S. c. 45 that is based on using the scheduled drug; or
 - e. Public drinking in violation of 17 M.R.S. § 2003-A(2) - A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a officer unless the person has been permitted to do so by the owner or authorized person.

IV. Minimum Standards

- A. By March 1, 2022, all law enforcement agencies must adopt a homelessness crisis protocol. The protocol may, but is not required to, conform with the standards of this model protocol of the Attorney General.
- B. The chief administrative officer of each law enforcement agency shall certify to the Attorney General in a manner prescribed by the Attorney General that such a protocol has been adopted and that officers of the agency have been provided orientation and training concerning the requirements of the protocol.

- C. The protocol must include a statement that diversion from the criminal justice system is desired and preferred when encountering a homeless person engaged in a listed offense or other criminal behavior designated by the agency.
- D. The protocol must, at a minimum, include referral to available crisis services, mental health and substance use disorder professionals, emergency and transitional housing, and case management services, and the method or means of accessing such services.
- E. The protocol must describe the procedure by which an officer is required to comply when encountering a homeless person who is committing or has committed a listed offense or other criminal behavior enumerated in the agency's homelessness crisis protocol.
- F. The protocol must provide for a periodic review of the agency's protocol at least once every two (2) years to which the agency invites relevant stakeholders to discuss the effectiveness and sufficiency of the agency's protocol.
- G. The protocol constitutes a public record that is available for inspection or copying under 1 M.R.S. § 408-A.

V. Procedure

- A. An officer who responds to a call or otherwise encounters a person who is committing or has committed a listed offense shall inquire whether the person has a home or lacks a home. If the person lacks a home, the officer shall respond to the person using the homelessness crisis protocol adopted by the officer's law enforcement agency.

Dated: _____

AARON M. FREY
Attorney General



OFFICE OF THE CITY MANAGER

CITY OF BANGOR

Carolynn J. Lear
City Manager

To: City Council
From: Carolynn Lear, City Manager
Date: August 3, 2026
RE: Councilor Requested Items for Consideration

Councilor Fish has submitted several proposals for full Council consideration. In recent history, City staff have assisted Councilors to draft proposals for consideration. However, due to the number of proposals that Councilor Fish has raised, Councilor Fish agreed that the best approach was to obtain Council input on the concepts before staff vets the proposals through the City Solicitor's Office and begins drafting.

Shopping Cart Accountability Ordinance

- A. Enact an ordinance that would establish fees and rules for businesses that utilize shopping carts, including disposal fees when branded carts are abandoned and removed by the city.
- B. Enact an ordinance to address the disposal of unbranded carts, which would present enforcement challenges under the above framework. Alternative approaches could include prohibiting the possession of unbranded carts or assessing fees or predetermined disposal charges.

Out-of-Town Unhoused Placement Policy

Enact an ordinance that would require written permission, planning, and coordination before other municipalities transport unhoused individuals to Bangor. Any proposal should ensure individuals have recovery support, housing plans, and coordination with local services while remaining compliant with applicable laws.

Public-Private Infrastructure Partnerships

Allow the city to partner with investors and developers on sewer and water infrastructure improvements when development projects involve utility work.

Restrictions on the Sale of City-Owned Land

Establish stricter standards regarding the sale of city-owned land, prioritizing projects that create broad community and economic benefits.

Grant Accountability Requirements

Require recipients of city-administered grants to provide detailed fiscal reporting and evidence-based outcome data demonstrating how public funds were used and what results were achieved.

Nonprofit Registration Requirements

Require nonprofits operating locally to register annually, pay a registration fee, demonstrate legal status, and provide evidence they remain actively engaged in the services they claim to provide.

73 HARLOW STREET, BANGOR, ME 04401
TELEPHONE: (207) 992-4205
WWW.BANGORMAINE.GOV

Needle Redemption Program

- A. Enact an ordinance requiring needle exchange service providers to offer a redemption for the needles to be returned in exchange for compensation. Even if it's small this would give the unhoused as well as the people that use needles the incentive to turn these needles in.
- B. Through the Legislative Committee, propose a state-level disposal tax that needle manufacturers pay to help support municipal cleanup and disposal programs.



OCTOBER 7 & 8, 2026 • AUGUSTA CIVIC CENTER

To: Key Municipal Officials of MMA Membership
From: Catherine Conlow, Executive Director
Date: September 7, 2026
Subject: MMA Annual Business Meeting & Voting Credentials

The Maine Municipal Association Annual Business Meeting
1:15 on Wednesday, October 7, 2026
(Immediately following the MMA Leadership & Recognition Luncheon)
Augusta Civic Center, Augusta, ME

Purpose & Highlights:

This meeting provides municipal officers with an opportunity to celebrate collective achievements, receive updates on MMA's priorities and initiatives, and engage in forward-looking dialogue about the opportunities and challenges facing local government.

MMA President Justin Poirier, Vice President Anthony Ward, and Executive Director Catherine Conlow will share the following:

- Results of the Executive Committee election.
- Strategic priorities for the year ahead.
- Highlights of MMA's 2026 activities and accomplishments.

Enclosed you will find the meeting agenda as well as a voting delegate-credential form. Appointed delegates are authorized to vote on all items of business conducted during the meeting. To ensure your municipality is represented, please complete the form and submit it as follows:

- (1) Email it to Kelly Maines at kmaines@memun.org,
 - (2) Mail it to Kelly at MMA, **60 Community Drive**, Augusta, ME 04330, (arrival before oct. 5)
 - (3) Bring the form to the Annual Business Meeting on October 7. *Note: There are no proposed amendments to the MMA bylaws for this year.*
-

The Convention:

This, the 90th anniversary of MMA is all about celebrating the partnership that we share with all of Maine's Municipalities. Along with a dynamic lineup of speakers, exhibitors, networking opportunities, and affiliate sessions, this year's Convention will feature a special anniversary celebration, recognition of the 2026 Ethel N. Kelley Memorial Award recipient, the installation of MMA's incoming president, and a commemorative toast to 90 years of partnership and progress in local government.

For more information about the 2026 Annual Convention, visit the MMA website at

<https://www.memun.org/Training/Conferences-Conventions/Convention/Agenda>

Should you need assistance with the credential forms, ADA accommodation, or if you have any questions regarding the meeting, please contact Kelly Maines at kmaines@memun.org or 207-623-8428 ext. 2241.

See you there!

**MAINE MUNICIPAL ASSOCIATION
VOTING DELEGATE CREDENTIALS**

_____ Is hereby designated as the official Voting
Delegate and
(print name)
_____ as the alternative Voting Delegate for
(print name)

(municipality)

to the Maine Municipal Association's Annual Business Meeting, which is scheduled to be held, on Wednesday, October 7, 2026, at 1:15 p.m., at the Augusta Civic Center, Augusta, Me.

The voting delegate credentials may be cast by a majority of the municipal officers, or by a municipal official designated by a majority of the municipal officers of each municipal member.

Date: _____ Municipality: _____

Signature of a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or signature of the majority of municipal officers:

_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than Tuesday, October 6, 2026, or bring it with you to the MMA Annual Business Meeting. If mailing send to:

**MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
Email: kmaines@memun.org**

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 7, 2026
1:15 p.m. – 2:30 p.m.
Augusta Civic Center
Augusta, Maine**

AGENDA

1. **Introductions and Welcoming Remarks** – MMA President Justin Poirier, Monmouth Town Manager will welcome members to the business meeting.
2. **Election Results** – Justin Poirier will share the results of the Maine Municipal Election that took place August 28, 2026.
3. **Approval of 2025 MMA Annual Business Meeting Minutes** – Justin Poirier will ask for approval of the 2025 Annual Business Meeting minutes as presented.
4. **MMA President's Report** – Justin Poirier will discuss his term in office and the remainder of the year.
5. **Executive Director's Report** – Catherine Conlow, MMA Executive Director will discuss MMA business taking place throughout the year.
6. **Other Business** (*comments from the floor*)
7. **Adjournment**

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 8, 2025, 1:15 p.m.
Cross Insurance Arena, Bangor, ME
Meeting Minutes**

Members in Attendance: See attached record.

Introductions and Welcoming Remarks - MMA President Melissa Doane welcomed members of MMA to the 2025 Annual Business meeting and called the meeting to order at 1:15 p.m.

Approval of the 2024 MMA Annual Business Meeting Minutes – Melissa asked for approval of the 2024 MMA Annual Business Meeting.

Phil Crowell MOVED, and the motion was seconded by Elaine Aloes that the MMA Annual Business Meeting minutes be approved by voting members present. The motion passed with all in favor.

Presidents Discussion – Melissa expressed her gratitude for being able to spend a year as President for MMA. She thanked Catherine Conlow, Executive Director of MMA, for her help throughout the year, along with the MMA Staff.

Melissa shared information regarding the new Strategic and Finance Committee policy which allows employees of municipalities to serve on the committee. This will foster leadership skills and decision making for the employees and allow a more complete insight for the committee. The information and applications were recently emailed to municipalities and Melissa encouraged those interested to apply.

Executive Director's Report – Executive Director, Catherine Conlow welcomed the new board members and thanked the MMA staff for all their continued hard work. She also thanked the vendors who play a significant role in ensuring the convention takes place.

This year has seen a focus on improved communications. Members are beginning to experience a more user-friendly website, real-time self-serve, more and relevant virtual tools, and the relaunch of the podcast Potholes and Politics. A new listserv will be available soon to members called CommUnity. This will offer a familiar and easy way to share and receive information and allows the user to choose the information of most interest to them. Even our behind-the-scenes operations are getting stronger. The finance department is launching a new software program which will streamline processes, increase accessibility to real-time information, and greatly improve the members' experience.

This year we have been busy improving and strengthening our foundation for the future for the benefit of our members. Our goal is always to support and empower Municipalities.

Other Business (*comments from the floor*) – Melissa asked for questions and comments from the floor, and since there were none, she adjourned the meeting.

Adjournment – The meeting adjourned at 1:37 p.m.