

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

ASSOCIATION TO PRESERVE AND)
PROTECT LOCAL LIVELIHOODS, B.H.)
PIERS, L.L.C., GOLDEN ANCHOR L.C.,)
B.H.W.W., L.L.C., DELRAY EXPLORER)
HULL 495 LLC, DELRAY EXPLORER)
HULL 493 LLC, and ACADIA EXPLORER)
492, LLC,)

Civil Action No. 1:22-cv-416-LEW

Plaintiffs,

v.

TOWN OF BAR HARBOR, a municipal)
corporation of the State of Maine,)

Defendant.

FIRST DECLARATION OF CHRIS MASTRIPOPOLITO

I, Chris Mastrippolito, pursuant to 28 U.S.C. § 1746, state as follows:

1. I am over eighteen years of age.
2. I am employed by Cruise Lines International Association (“CLIA”) as Director, Global Research and Analytics. In this position, I am responsible for managing CLIA’s overarching research strategies and compiling, aggregating, and analyzing various data sources on cruise line activities, including but not limited to, published cruise line itineraries, for internal use at CLIA as well as for consumption by CLIA member cruise lines. I have been employed in this research capacity at CLIA for seven years and have held the director position for one year.
3. CLIA is the world’s largest cruise industry trade association, representing 95 percent of the world’s ocean-going cruise capacity. Its members include cruise lines that travel to ports in North and South America, Asia, Australia, and Europe. CLIA’s member cruise lines

own and manage large and small cruise ships, plan itineraries, operate the ships, and perform all required environmental and regulatory compliance for their operations.

4. Developing cruise itineraries is a complex process. A cruise itinerary is developed years before the actual voyage takes place. Most CLIA members are currently planning their itineraries and booking ports of call for 2025.
5. Bar Harbor is a marquee cruise destination and popular port-of-call on a wide variety of cruise ship itineraries. Among other things, it offers access to Acadia National Park. Due to its popularity, some lines will design an entire itinerary around a Bar Harbor port call.
6. Many CLIA member cruise lines operate cruise itineraries that include calls at Bar Harbor. These include cruise itineraries covering the New England and Canada Maritimes region.
7. Cruise lines call at marquee port destinations like Bar Harbor so that their passengers can disembark the ship and visit the destination.
8. CLIA's members develop and market cruise itineraries with calls at Bar Harbor to consumers throughout the nation and abroad.
9. CLIA's global and European regional cruise line members already have published itineraries that include Bar Harbor for the 2023 and 2024 cruise seasons.
10. Vessels in excess of 1,000 passenger lower berth capacity (LBC) are the norm, not the exception, in CLIA's member lines' operating fleets. These vessels account for 94.5 percent of the combined operating fleet capacity of CLIA's member lines.
11. CLIA member cruise lines use cruise vessels with LBCs in excess of 1,000 passengers for cruise itineraries that call at the port of Bar Harbor.

12. I have reviewed the Citizens' Ballot Initiative Amending Bar Harbor Town Code, Chapter 125, Article VIII, § 125(H)(2), passed by the Bar Harbor Town Meeting on November 8, 2022 (the "Initiative").
13. The terms of the Initiative prohibit cruise vessels with LBCs in excess of 1,000 passengers from disembarking their full complement of potential passengers.
14. The terms of the Initiative also prohibit cruise vessels with LBCs less than 1,000 passengers from disembarking their full complement of potential passengers if one or more other cruise vessels already have disembarked passengers on any one day.
15. The terms of the Initiative render the port of Bar Harbor unsuitable to the majority of cruise vessels executing itineraries that include a call at Bar Harbor for the purpose of allowing passengers to disembark and experience the destination.
16. With the Initiative in place, Bar Harbor becomes unreliable, and therefore not viable, as a destination port-of-call. Cruise lines will be far less likely to develop itineraries that include a call at the port of Bar Harbor if they are unable to offer the option of disembarkation to all fare-paying passengers.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 20, 2022

/s/ Chris Mastrippolito

Chris Mastrippolito

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2022, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such filing to the parties registered with the CM/ECF system. Furthermore, I have emailed a copy of the foregoing First Declaration of Chris Mastrippolito to counsel for the Defendant.

Dated: December 30, 2022

/s/ Timothy C. Woodcock _____
Timothy C. Woodcock