

TOWN OF BAR HARBOR

MANAGER'S OFFICE



MAYA CAINES
Communications Coordinator

January 18, 2023

For Immediate Release:

Motion made and unanimously supported by Council on Tuesday January 17th.

To authorize the Town Attorney to take all appropriate action to facilitate the Council's participation on behalf of the Town in a proposed mediation of the preliminary injunction before a magistrate of the U.S. Federal District Court to be held on January 26 or as otherwise scheduled by the Court in the matter of APPLL, et al. v. Bar Harbor, Civil Action No. 1:22-cv-616-LEW.

The Town Council has clearly heard that the majority of residents of Bar Harbor want to maintain our home rule ability to regulate and manage cruise visitation to our town. The voters expressed this opinion by passing the Land Use Ordinance amendment to restrict daily disembarkation to 1000 people per day. A number of local businesses including Harborside Hotel and a group organized as APPLL are challenging the constitutionality of the Land Use Ordinance and the Council has been consulting with our lawyers to determine the best strategy of defending our home rule power. The Plaintiffs are also looking for a preliminary injunction to pause the implementation of the Land Use Ordinance until the complaint is resolved.

Our most effective strategy to fight for the will of the people is to mediate the injunction in such a way that we do not admit that their complaint has any merits, preserves our ability to use the existing Memoranda of Agreement with the industry while litigation is pending, limits possible monetary damages, and gives us the best chance to defend the complaint. While it might seem that mediating the injunction is not fighting, we assure you that this is not the case. We are aligning our resources to uphold the will of the people.

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EXHIBIT B