

Certified Copy

Lianne Bedard
Town Clerk

Town of Hartford
Administrative Ordinance

ARTICLE 1. Purpose and Authority

The purpose of this ordinance is to provide guidance to public officials of the Town of Hartford and the community for conducting municipal activities, including, but not limited to, recall and removal of elected officials, standards for ethical behavior and general authorities of the Board of Selectmen.

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution and the provisions of Title 30-A MRSA Section 3001. The Town of Hartford shall have all the powers possible for a municipality to have under the constitution and laws of Maine. The powers of the Town of Hartford under this ordinance shall be construed liberally in favor of the Town, and no mention of particular powers in the ordinances shall be construed to be exclusive or as limiting in any way the general power stated in this article.

Under M.R.S.A. Title 30-A Section 2602 (6) amended Oct. 13, 1993 a town may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members as noted in 30-A M.R.S.A. section 2602.

ARTICLE 2. Definitions

Business: Any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity organized for the purpose of making a profit.

Public Official: An individual elected, appointed or employed to conduct the official business of the Town of Hartford, including, but not limited to, Selectmen, Planning Board members, Appeals Board members, Town Clerk, Road Commissioner, Budget Committee members, Code Enforcement Officer
Town Employee: An individual working for, on a permanent or part-time basis, and drawing a salary from the Town of Hartford. The

term "town employee" shall not include consultants or special personnel providing services on a short-term contractual basis.

Immediate Family: A spouse, child, parent, brother and/or sister.

Personal Relationships: Any affectional or social relationship that is characterized by one or more of the following:

1. persons who share a physical intimacy with each other;
2. persons who acknowledge an ongoing romantic relationship with each other;
3. persons who live together in the same residence;
4. persons who intermingle their financial assets without an accounting of separate ownership interests.

Financial Interest: A direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock.

Special Interest: A direct or indirect interest having value particular to a certain individual or group, whether economic or otherwise, the value of which may accrue to such individual or group as a result of the passage or denial of any order, ordinance or resolution or the approval or disapproval thereof, by the Town Selectmen or their appointees, and which interest is not shared by the general public.

ARTICLE 3. Forfeiture and Recall of Elected Officials

Section 1.0. Forfeiture of Office

A public official shall forfeit their office for the following reasons:

1. Conviction of or guilty plea for the commission of any crime listed under the Maine Uniform Crime Reporting System (see attached Appendix A.) with the following exceptions:
 - a. exclude Offense 9. Other Assaults
 - b. under Offense 11. Fraud, exclude "failure to return VCR or video tapes"
 - c. under Offense 17. Sex Offenses, exclude all except "incest" and "statutory rape", which should be forfeiture offenses
 - d. under Offense 18. Drug Abuse Violations, exclude "marijuana" offenses and require more than one conviction or plea for all other offenses listed
 - e. under Offense 20. Offenses against Family and Children, exclude all but "neglect or abuse of children"
 - f. exclude Offenses 21. Driving Under the Influence, 22. Liquor Laws, 23. Drunkenness, 24. Disorderly Conduct, and 25. Vagrancy

g. under Offense 26. All Other Offenses, exclude all except “blackmail and extortion,” “bribery,” and “kidnapping,” which should be forfeiture offenses

h. exclude Offenses 27. Suspicion, 28. Curfew and Loitering Laws, and 29. Runaway;

and providing the listed conviction or plea occurred during tenure in office or within the time limit shown in Table 1, prior to the date the individual was elected and sworn into office.

Table 1. Time frame prior to being sworn into office within which a conviction or plea will result in forfeiture of elected position.

Category of Crime (per Maine Uniform Crime Reporting System)	Time Limit (yr)
Offense 1. Homicide	NL
Offense 2. Forcible Rape	NL
Offense 3. Robbery	NL
Offense 4. Assault	NL
Offense 5. Burglary	10
Offense 6. Larceny-Theft	5
Offense 7 Motor Vehicle Theft	5 (individual) or 10 (Commercial)
Offense 8. Arson	10 one conviction; NL multiple convictions
Offense 10. Forgeries and Counterfeiting	10
Offense 11. Fraud	10
Offense 12. Embezzlement	10
Offense 13. Stolen Property: Buying, Receiving, Possessing	5
Offense 14. Vandalism	5
Offense 15. Weapons: Carrying, Possession	10
Offense 16. Prostitution and Commercial Vice	5
Offense 17. Sex Offenses	NL
Offense 18. Drug Abuse Violations	5
Offense 19. Gambling	5
Offense 20 Offenses against Family and Children	5
Offense 26. All Other Offenses (blackmail, bribery & kidnapping)	NL Kidnapping; 10 blackmail & bribery

2. In the case of the Road Commissioner, failure to perform the duties of the position, as described in State law or Town ordinance, for a period of

30 days after a written request signed by all sitting members of the Selectboard.

3. Two or more violations of the laws of the State of Maine with respect to the Maine Freedom of Access law or conflict of interest laws when a court has made a final determination.

When an instance that satisfies any one of the conditions of items 1-3 of this section is confirmed with documentation by the Town Clerk, or by the Chair of the Selectboard in the event it is the Town Clerk that is the individual of concern, he/she shall notify the individual in writing within 24 hours of the confirmation that the individual has automatically forfeited their position under this Ordinance.

Section 2.0. Recall and Removal

a. Any elected official representing the Town of Hartford may be recalled and removed as herein provided.

b. Any ten percent of the mean number of voters of the municipality in the last three gubernatorial elections may make and file with the Town Clerk (note - if the Town Clerk is the subject of the action this should be the Deputy Town Clerk or, in the absence of one, the Chair of the Selectboard) (~~Chairman of the Board of Selectmen~~) a petition containing the name or names of the official or officials whose removal is sought, and a general statement of the reasons why such removal is desired. The Town Clerk shall thereupon prepare petition blanks for such removal with a copy of said petition and general statement printed thereon or attached thereto, which shall contain the signature of said Town Clerk, (~~and~~) his/her seal, and which shall be dated, addressed to the Selectboard, (~~Board of Selectmen~~) and contain the name or names of the person or persons whose removal is sought. The Town Clerk shall file said petition blanks, and during office hours for the next 30 Hartford town office business days thereafter shall, keep the same open for signatures by qualified voters of the Town. The Town Clerk shall immediately post on official town social media and the official town website, (~~local newspaper~~) at the town hall and on the Town Hall and Town office doors, a notice of the availability of the petition for signing. No such petition blanks shall be signed or presented for signatures at any place other than the Town (Clerk's) Office. (~~and not until the person whose signature is being solicited is fully informed that the petition calls for the removal of a town official from public office shall such petition blank be signed~~) In order for the recall petition to be effective it must be signed by at least 20% of the mean number of voters of the municipality in the last three gubernatorial elections, including the voter's Hartford address. (and to every signature shall be added the place of residence of the signer, giving the street and number or other description sufficient to identify the place.)

c. At the expiration of said 30 Hartford town office business days, the Town Clerk shall declare the petition closed and within 5 Hartford town office business days ascertain whether the petition is signed by the requisite number of voters. The Town Clerk shall attach thereto his/her certification showing the result of such examination.

d. If the petition is certified by the Town Clerk to be sufficient, he/she shall submit said petition to the Selectboard at its meeting and shall notify the official(s) whose removal is sought of such action. The Selectboard shall within 5 Hartford town office business days of the receipt of the Town Clerk's certified petition order an election to be held not less than 15 nor more than 40 calendar days thereafter, provided that, if a regular municipal election is to occur within 60 calendar days after the receipt of said certificate, the Selectboard may, in its discretion, provide for the holding of the recall election on the date of such other municipal election. The recall election shall be called and held by secret ballot.

e. If a majority of those voting for or against the recall of any official shall vote in favor of recalling said official, s/he shall be removed immediately. In that event, the candidate to succeed him/her for the balance of the unexpired term shall be determined at a second election following the procedure for a regular municipal election.

f. Should the Selectboard fail or refuse to order an election as herein provided, such election may be called by a Notary Public in the county on written petition of a number of voters equal to 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10. (Title 30 Section 2051-4, M.R.S.A.)

ARTICLE 4. Ethical Standards for Elected Officials, Employees and Appointees

Section 1. Declaration of Policy

The proper operation of democratic government requires that public officials be fair, impartial and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that individuals representing the Town in doing its business maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a code of ethics is hereby established.

Section 2. Standards of Conduct

This section sets forth those acts or actions deemed to be in conflict or incompatible with, or to create the appearance of conflict or incompatibility with, the best interests of the Town.

2.1. Statutory Standards. There are certain provisions of the general statutes of the State of Maine which shall, while not set forth herein, be considered an integral part of this Ordinance. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this code of ethics, and shall apply to all individuals in positions described above in Section 1, Declaration of Policy, whenever applicable if more fully set forth therein, to wit:

- 17 MRSA §3104 Conflicts of Interest; Purchases by the State
- 17-A MRSA § 456 Tampering with Public Records or Information
- 17-A MRSA § 602 Bribery in Official and Political Matters
- 17-A MRSA § 603 Improper Influence
- 17-A MRSA § 604 Improper Compensation for Past Action
- 17-A MRSA § 605 Improper Gifts to Public Servants
- 17-A MRSA § 606 Improper Compensation for Services
- 17-A MRSA § 607 Purchase of Public Office
- 17-A MRSA § 608 Official Oppression
- 17-A MRSA § 609 Misuse of Information
- 17-A MRSA § 903 Misuse of Entrusted Property
- 21-A MRSA § 504 Persons Ineligible to Serve
- 30-A MRSA § 2605 Conflicts of Interest
- 30-A MRSA § 5122 Interest of Public officials, Trustees or Employees

2.2. Contracts, Purchases and Employment.

A. No public official shall participate in deliberation or decision-making in the purchase of goods and services for the Town and the award of any contracts with the Town, except as permitted under other Town Ordinances, where to his/her knowledge there is a financial interest, or special interest other than that possessed by the public generally in such purchase or award, held by:

- i. that individual, a member of his/her immediate family, or an individual with whom he/she has a personal relationship;
- ii. a business in which that individual, a member of his/her immediate family, or an individual with whom he/she has a personal relationship serves as an officer, director, trustee, partner or employee in a supervisory or management position; or
- iii. any other person or business with whom that individual, a member of his/her immediate family, or an individual with whom he/she has a personal relationship are in business, or are negotiating or have an arrangement concerning future employment.

B. No public official shall participate in deliberation or decision-making in the decision to hire, promote, discipline, lay off, or to take any other personnel action

with respect to any applicant for Town employment or Town employee, where said applicant or employee is:

- i. a public official's immediate family or personal relationships; or
- ii. a person with whom either the public official, or a member of his/her immediate family or an individual with whom he/she has a personal relationship is in business.

2.3. Disclosure of Confidential Information.

No Town public official shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town; nor shall he/she use such information to advance his/her financial or private interest or the financial or private interest of others. For purposes of this subsection, the term, "confidential information" shall mean any information, oral or written that comes to the attention of or is available to such representative of the Town only because of his/her Town position and is not a matter of public record (for example, but not limited to, information regarding possible purchase of real estate). Information received and discussed during an executive session of the Board of Selectmen or any Town Board called pursuant to 1 M.R.S.A. §§ 405 *et seq.* shall be considered within the constraints of this section, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

2.4. Gifts and Favors.

No public official shall accept any gift, favor or thing of value, from any person or business that to his/her knowledge is interested directly or indirectly in business dealings with the Town. Nor shall any such representative of the Town accept any gift, favor, or thing of value that tends to influence that individual in the discharge of his/her official duties.

In determining whether a violation of this subsection has occurred the Board of Selectmen shall consider the monetary or pecuniary value of the gift, favor or thing received; any special economic value of the gift, favor, or thing received by the recipient; the circumstances under which the gift, favor, or thing concerned was received; and whether the individual disclosed receipt of the gift, favor or thing at the time.

2.5. Use of Town Property

No public official shall use or permit the use of any Town-owned property for personal use including, but not limited to, motor vehicles, equipment and buildings, in a manner other than as may be established for the public at large.

2.6. Representing Third Party Interest before the Board of Selectmen or Town Boards.

A. No Town Employee shall appear on behalf of any third party interest before the Board of Selectmen or any Town Board, or represent a third party interest in any action, proceeding, or litigation in which the Town or one of its Boards is a party. Nothing herein shall prohibit any Town Employee from appearing as a witness when duly called by a party for the purpose of giving non-privileged testimony before the Board of Selectmen or any Town Board or in any such action, proceeding, or litigation. Nothing herein shall prohibit any Town Employee, on behalf of his or her personal interest, from appearing before any Board of Selectmen or any Town Board. "Personal interest" shall include, for this purpose, any interest of the Town Employee concerned as a resident, landowner, or taxpayer affected by the matter under consideration.

B. No Selectman or other elected Town Official shall either appear on behalf of any third party interest before any Town Board, or represent a third party interest in any action, proceeding, or litigation in which the Town or one of its agencies is a party. Nothing herein shall prohibit a Selectman other elected Town Official, on behalf of a constituent in the course of his or her duties as a representative of the electorate, or any Selectman other elected Town Official, on behalf of his or her personal interest, from appearing before a Town Board.

C. No Board Member shall appear on behalf of any third party interest before the Board of Selectmen or any Town Board of which he/she is a current member. Nothing herein shall prohibit a Board or Member, on behalf of his or her personal interest, from appearing before such Boards. If such individual should appear in their personal capacity before a Board of which he/she is a current member, said individual shall not deliberate or vote on the item concerned.

2.7. Conflicts of Interest

A. Deliberation and Vote Prohibited - No public official shall, in such capacity, participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item before his/her municipal body in which he/she or a member of his/her immediate family or an individual with whom he/she has a personal relationship has a financial or special interest, other than an interest held by the public generally.

B. Disclosure of Conflict – Any public official who believes that he/she or a member of his/her immediate family or an individual with whom he/she has a personal relationship has a financial or special interest, other than an interest held by the public generally, in any agenda item before his/her municipal body, shall disclose the nature and extent of such interest. This shall be noted in the appropriate public record (e.g., minutes of the meeting).

Additionally, any public official, who believes that another public official, or a member of such individual's immediate family or an individual with whom he/she has a personal relationship, has a financial or special interest, other than one held by the public generally, in any agenda item before his or her municipal body, shall raise such claim. The claim shall be noted in the appropriate public record (e.g., minutes of the meeting).

C. Determination of Conflict - Once the issue of conflict has been initiated the individual initiating the claim of conflict may request unanimous consent for the affected individual to be excused from participating in the deliberation or vote on the agenda item; if there is any objection to this unanimous consent request, such individual's fellow members of the relevant municipal body shall vote on whether such individual shall be excused from participating in the deliberation or vote, on the relevant agenda item. Such individual shall be excused only upon a vote of the majority of his/her fellow members indicating that a conflict of interest in fact exists.

D. Action Following a Determination of Conflict – If a public official has been determined to have a conflict of interest in respect to any agenda item, said individual shall refrain from participating in his/her official capacity on any deliberation or vote pertaining to that item.

E. Appeals

1. A public official who is excluded from voting on an agenda item by reason of conflict of interest, who disputes the alleged conflict, may appeal within 10 days of the act of exclusion to the Board of Appeals, provided his/her exclusion from voting affected the result of the vote. The Board of Appeals shall within 20 days of the appeal, grant or deny it. If granted, the agenda item shall be reconsidered at a regular meeting or special meeting of the relevant municipal body to be held within 20 days of action by the Board of Appeals. At this meeting the formerly excluded member shall be entitled to vote.

2. A public official who is excluded on a continuing basis by reason of a conflict of interest, may use the procedure in (1) above to challenge the determination.

3. Any three registered voters in the Town of Hartford, who dispute a determination by a municipal body that allows an individual who has been challenged with a conflict of interest claim to participate and vote on the agenda item, may appeal the determination to the Board of Selectmen in person before the Board's regular next meeting. The Selectmen shall grant or deny the appeal at this meeting or at the next regular meeting. If the appeal is granted, any decisions affected by the votes of the challenged official shall be remanded for reconsideration, without participation by the challenged public official.

4. Notwithstanding this section, a final vote on any matter subject to a statutory time limit that has expired shall not be subject to appeal under this section.

5. No further appeals shall be allowed from decisions made pursuant to appeals decisions related to conflict of interest

2.8. Political Activities - No Selectman, Board Member, Town Employee or elected Town Official shall solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes.

2.9. Ethics in Contracting - The provisions below of subsection 2.9 shall apply to all persons doing business with the Town of Hartford as vendors, suppliers, or contractors, including potential vendors, suppliers and contractors submitting bids or proposals in response to a Town solicitation or advertisement.

A. Gratuities and Kickbacks.

Gratuities - It shall be a violation of this Code for any person to offer, give or agree to give any Selectman, Board Member, Town Employee, or elected Town Official a gratuity or an offer of employment in connection with any decision-making pertaining to a Town purchase order, contract, construction contract, professional services contract, or with respect to any solicitation, advertisement, request for bids, request for proposals, or any bid, proposal, or other response thereto.

Kickbacks - It shall be a violation of this Ordinance for any payment, gratuity, or benefit to be made by or on behalf of a contractor or subcontractor or any person associated therewith, to a public official as an inducement for the award of a contract or subcontract or order, or subsequent to the award of a contract or subcontract or order. Further, it is unlawful for a public official to solicit, demand, accept, or agree to accept anything of a pecuniary value from a contractor or subcontractor, or any person associated therewith, for the award of a contract, subcontract or order.

B. Prohibition Against Contingent Fees - It shall be a violation of this Ordinance for a person to be retained, or to retain a person, to solicit or secure a Town contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

C. Recovery of Value Transferred or Received in Breach of Ethical Standards, Other Penalties.

General Provisions - The value of anything transferred or received in breach of the ethical standards of this Ordinance may be recovered from both the public official concerned and the other person concerned.

Recovery of Kickbacks by the Town - Upon a showing that a subcontractor made a kickback to a contractor or a higher tier subcontractor or public official in connection with the award of a subcontract or modification or change order, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract, modification, or change order and ultimately borne by the Town and such amount shall be recoverable hereunder from the recipient. The contractor or subcontractor making such kickbacks shall be jointly and severally liable.

D. Penalties and Sanctions - Upon conviction of a violation of Section 2.9 the Town may terminate contract(s) with the person, firm, or corporation convicted or found to be in violation. Termination of a contract under this paragraph shall also terminate the contractor's right to receive further payment thereunder.

Section 3. Procedure for Determining Violations of this Ordinance - Any public official or any registered voter in the Town of Hartford who believes a violation of this Ordinance has occurred shall submit a written statement to the Board of Selectmen, detailing the nature of the alleged violation and the individual(s) firm(s) and/or corporation(s) involved. The Board shall gather information as appropriate and necessary to make a determination, which will be made by a majority vote of the full Board, or if a member of the Board of Selectmen is among the accused, the remaining Board members. A written notification of the decision shall be delivered by certified means to the accused. The notification shall provide the rationale for the decision and, if it is found that a violation has occurred, the penalties.

Section 4 Penalties -.Any person, firm or corporation violating any provision of Article 4 of this Ordinance or of the ethical standards set forth herein shall be fined not less than fifty dollars (\$50) nor more than five-hundred dollars (\$500) for each offense.

Article 5. Separability

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Code.

CLASSIFICATION OF OFFENSES

Uniformity in reporting under the Maine Uniform Crime Reporting System is based on the proper classification of offenses reported to or known by the police.

The adoption of the National System of Uniform Crime Reporting included the utilization of the offense classifications of that system. Law enforcement in this state has made accurate application of those classifications in the reports submitted to the Maine Uniform Crime Reporting System.

In view of the need for compatibility with the National System, “offenses” under the program are not distinguished by designation of “misdemeanors,” “felonies” or violations of municipal ordinances.

The explanations of offense classifications may vary slightly from language used by those familiar with Maine state law. However, the major categories of offense classification remain the same between the national and state levels.

PART I OFFENSES

Offense data consists of information that has been extracted from reports of Part I crimes that have come to the attention of Maine law enforcement agencies. In general, Part I crimes are usually reported to law enforcement agencies. Part I crimes are comprised of the following offenses.

1. HOMICIDE

- 1a. **Murder and Non-Negligent Manslaughter** – The unlawful killing of a human being with malice aforethought.
General Rule – Any death due to a fight, quarrel, argument, assault or commission of a crime.
- 1b. **Manslaughter by Negligence** – The unlawful killing of a human being, by another, through gross negligence.
General Rule – The killing may result from the commission of an unlawful act or from a lawful act performed with gross negligence.

2. FORCIBLE RAPE

- 2a. **Rape by Force** – The carnal knowledge of a female forcibly and against her will.
General Rule – Forcible rape of a female – excluding carnal abuse statutory rape) or other sex offenses.
- 2b. **Attempted Forcible Rape** – All assaults and attempts to rape.

3. ROBBERY

The felonious and forcible taking of the property of another, against his will, by violence or by putting him in fear. Includes all attempts.

- 3a. Gun – All robberies and attempted robberies involving the use of any type of firearm (revolvers, automatic pistols, shotguns, zip guns, rifles, pellet guns, etc.).
- 3b. Knife or Cutting Instrument – All robberies and attempted robberies involving the use of cutting or stabbing objects (knife, razor, hatchet, axe, scissors, glass, dagger, ice pick, etc.)
- 3c. Other Dangerous Weapon – All robberies or attempted robberies when any other object or thing is used as a weapon. (This includes clubs, bricks, jack handles, explosives, acid, etc.)
- 3d. Strong Arm – Hands, Fists, Feet, Etc. – All robberies, which include mugging, and similar offenses where no weapon is used, but strong-arm tactics are employed to deprive the victim of his property. This is limited to hands, arms, fists, feet, etc. As in armed robbery, includes all attempts.

4. ASSAULT

An assault is an attempt or offer, with unlawful force or violence, to do physical injury to another.

General Rule – All assaults will be classified in the following categories excluding assaults with intent to rob or rape.

- 4a. Gun – All assaults and attempted assaults involving the use of any type of firearm (revolvers, automatic pistols, shotguns, zip guns).
- 4b. Knife or Cutting Instrument – All assaults and attempted assaults involving the use of cutting or stabbing objects (knife, razor, hatchet, axe, scissors, glass, dagger, ice pick, etc.)
- 4c. Other Dangerous Weapon – All assaults or attempted assaults when any other objects or thing is used as a weapon (clubs, bricks, jack handles, explosives, acid, poison, burning, and cases of attempted drowning, etc.).
- 4d. Hands, Fists, Feet, Etc. – Aggravated – Assaults which are of an aggravated nature when hands, fists, feet, etc., are used. To be classified as aggravated assault, the attack must result in serious injury.

5. BURGLARY

Breaking and Entering – Unlawful entry or attempted forcible entry of any structure to commit a felony or larceny.

Note: For Uniform Crime Reporting purposes, the terms “Burglary” and “Breaking and Entering” are considered synonymous. All such offenses and attempts are scored as burglary. Do not score the larceny. Breaking and Entering of a motor vehicle is classified as a larceny for Uniform Crime Reporting purposes.

General Rule – Any unlawful entry or attempted forcible entry of any dwelling house, attached structure, public building, shop, office,

factory, storehouse, apartment, house trailer (considered to be a permanent structure), warehouse, mill, barn, camp, other building, ship or railroad car.

- 5a. Forcible Entry – All offenses where force of any kind is used to enter unlawfully a locked structure, with intent to steal or commit a felony. This includes entry by use of a master key, celluloid, or other device that leaves no outward mark but is used to open a lock. Concealment inside a building, followed by the breaking out of the structure, is also included.
- 5b. Unlawful Entry – No Force – Any unlawful entry without any evidence of forcible entry.
- 5c. Attempted Forcible Entry – When determined that forcible entry has been attempted.

6. LARCENY-THEFT (Except Auto Theft)

The unlawful taking of the property of another with intent to deprive him of ownership.

General Rule – All larcenies and thefts resulting from pocket-picking, purse snatching, shoplifting, larceny from auto, larceny of auto parts and accessories, theft of bicycles, larceny from buildings, and from coin-operated machines. Any theft that is not a robbery or the result of breaking and entering is included. Embezzlement, larceny by bailee, fraud or bad check cases are excluded.

7. MOTOR VEHICLE THEFT

The larceny or attempted larceny of a motor vehicle.

General Rule – This classification includes the theft or attempted theft of a motor vehicle, which, for Uniform Crime Reporting designation, is described as a self-propelled vehicle that runs on the surface of the land and not on rails. Excludes reported offenses where there is a lawful access to the vehicle, such as a family situation or unauthorized use by others with lawful access to the vehicle (chauffeur, employees, etc.). Includes “joy riding.” Excluded from this category are airplanes, boats, farm equipment and heavy construction vehicles, which are scored in the larceny category.

8. ARSON

Includes all arrests for violations of state laws and municipal ordinances relating to arson and attempted arson.

The willful or malicious burning to defraud, a dwelling house, church, college, jail, meeting house, public building, or any building, ship or vessel, motor vehicle or aircraft, contents of buildings, personal property of another, goods or chattels, crops, trees, fences, gates, lumber, woods, bogs, marshes, meadows, etc., should be scored as arson.

PART II OFFENSES

The Maine Uniform Crime Reporting System requires information on persons arrested and charged by municipal, county and state agencies on a monthly basis.

In compiling data for the monthly returns, the violations of municipal ordinances as well as state laws are to be included.

9. OTHER ASSAULTS

This class is comprised of all assaults and attempted assaults, which are simple or minor in nature. These "Other Assaults" are also scored on ME UCR-1 under item 4e as an offense known to police. However, for the purpose of this return, arrests for non-aggravated assaults are scored in this class.

10. FORGERIES AND COUNTERFEITING

Place in this class all offenses dealing with the making, altering, uttering or possessing, with intent to defraud, anything false in the semblance of that which is true.

Include:

- Altering or forging public or other records.
- Making, altering, forging or counterfeiting bills, notes, drafts, tickets, checks, credit cards, etc.
- Forging wills, deeds, bonds, seals, etc.
- Counterfeiting coins, plates, checks, etc.
- Possessing or uttering forged or counterfeited instruments.
- Signing the name of another or fictitious person with intent to defraud.
- All attempts to commit any of the above.

11. FRAUD

Fraudulent conversion and obtaining money or property by false pretense.

Include:

- Bad checks, except forgeries or counterfeiting.
- Leaving full-service gas station without paying attendant.
- Unauthorized withdrawal of money from an automatic teller machine.
- Failure to return rented VCRs or videotapes.

12. EMBEZZLEMENT

Misappropriation or misapplication of money or property entrusted to one's care, custody or control.

13. STOLEN PROPERTY: BUYING, RECEIVING, POSSESSING

Include in this class all offenses of buying, receiving, and possessing stolen property, as well as all attempts to commit any of these offenses.

14. VANDALISM

Vandalism consists of the willful or malicious destruction, injury, disfigurement or defacement of any public or private property, real or personal, without consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, covering with filth, or any other such means as may be specified by local law. Count all arrests for the above, including attempts.

15. WEAPONS: CARRYING, POSSESSING

This class deals with violations of weapons laws such as:

- Manufacture, sale or possession of deadly weapons.
- Carrying deadly weapons.
- Furnishing deadly weapons to minors.
- Aliens possessing deadly weapons.
- All attempts to commit the above.

16. PROSTITUTION & COMM. VICE

Include in this class the sex offenses of a commercialized nature such as:

- Prostitution.
- Keeping a bawdy house, disorderly house or house of ill repute.
- Pandering, procuring, transporting or detaining women for immoral purposes.
- All attempts to commit the above.

17. SEX OFFENSES

(Except forcible rape, prostitution, and commercialized vice.) Include offenses against chastity, common decency, morals, and the like.

- Adultery and fornication.
- Buggery.
- Incest.
- Indecent exposure.
- Sodomy.
- Statutory rape – (no force).
- All attempts to commit any of the above.

18. DRUG ABUSE VIOLATIONS

Drug abuse violation arrests are requested on the basis of the narcotics used. Include all arrests for violations of state and local ordinances, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. Make the following subdivisions of drug law arrests, keeping in mind to differentiate between sale/manufacturing and possession.

- Opium or cocaine and their derivatives: morphine, heroin, codeine.
- Marijuana.
- Synthetic narcotics, manufactured narcotics, which can cause true drug addiction: Demerol, methadone.
- Dangerous non-narcotic drugs: barbiturates, Benzedrine.

19. GAMBLING

All charges which relate to promoting, permitting or engaging in gambling. To provide a more refined collection of gambling arrests, the following breakdown should be furnished:

- Bookmaking (horse and sport books).
- Numbers and lottery.
- All other (include all attempts).

20. OFFENSES AGAINST FAMILY & CHILDREN

Include here all charges of non-support and neglect of family and children.

- Desertion, abandonment, or non-support.
- Neglect or abuse of children.
- Non-payment of alimony.

Note: Do not count victims of these charges who are merely taken into custody for their own protection.

21. DRIVING UNDER THE INFLUENCE

This class is limited to the driving or operating of any vehicle while drunk or under the influence of liquor or narcotic drugs.

22. LIQUOR LAWS

With the exception of “Drunkenness” (Class 23) and “OUI” (Class 21), liquor law violations, state or local, are placed in this class. Do not include federal violations.

Include:

- Manufacturing, sale, transportation, furnishing, possessing, etc.
- Maintaining unlawful drinking places.
- Operating a still.
- Furnishing liquor to a minor.
- Illegal transportation of liquor.
- Possession of liquor by a minor.
- All attempts to commit any of the above.

23. DRUNKENNESS

Include in this class all offenses of drunkenness or intoxication, with the exception of “OUI” (Class 21).

NOTE: Although “Drunkenness” and/or “Intoxication” offenses have been removed from a criminal offense category by the Maine Legislature, the category remains in the Uniform Crime Reporting Part II offenses and is to be used administratively. Persons taken into custody and/or referred to alcohol rehabilitation or “De-Tox” centers should be scored in this category by age, sex and race.

24. DISORDERLY CONDUCT

Count in this class all disorderly persons arrested except those counted in classes 1 through

25. VAGRANCY

Maine criminal code has eliminated this as a violation; therefore arrests should no longer be scored for this offense.

26. ALL OTHER OFFENSES

Include in this class every other state or local offense not included in classes 1 through 25.

- Admitting minors to improper places.
- Bigamy and polygamy.
- Blackmail and extortion.
- Bribery.
- Contempt of court.
- Discrimination, unfair competition.
- Kidnapping.
- Offenses contributing to juvenile delinquency (except as provided for in classes 1 through 25), such as employment of children in immoral vocations or practices, etc.
- Perjury and subornation of perjury.
- Possession, repair, manufacture, etc. of burglar’s tools.

- Possession or sale of obscene literature, pictures, etc.
- Public nuisances.
- Riot and rout.
- Trespass.
- Unlawfully bringing contraband into prisons or hospitals.
- Unlawful use, possession, etc. of explosives.
- Violations of state regulatory laws and municipal ordinances.
- Service of warrants.
- All offenses not otherwise classified.
- All attempts to commit any of the above.

27. SUSPICION

Not reported in Maine.

28. CURFEW AND LOITERING LAWS

(Juveniles) Count all arrests made for violations of local curfew or loitering ordinances.

29. RUNAWAY (Juveniles)

For purposes of the UCR program, report in this category apprehensions for protective custody as defined by local statute. Arrest of runaways from one jurisdiction by another agency should be counted by the home jurisdiction. Do not include protective custody actions with respect to runaways taken for other jurisdictions.

Adopted at the June 16, 2011 Annual Town Meeting

Amended at the June 13, 2026 Annual Town Meeting

