



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

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| Date Submitted: 04/03/07 | Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____ |
| Date Action Requested: 04/09/07 | |
| Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> | |
| Subject: Policy to Designate establishment of "Safe Zones" by the Town of York. | |

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| TO: BOARD OF SELECTMEN |
| FROM: Chief Douglas P. Bracy |
| RECOMMENDATION: To approve the designation of "Safe Zones" and to accept the proposed list of locations to be designated "Safe Zones" within the Town of York. (refer to attached policy and sites to be included within the Safe Zones designation) |
| PROPOSED MOTION: I would like to make a motion that the Board adopts the Safe Zones Policy presented by Chief Bracy and approves the list of designated locations within the Town of York to help protect our young people. |

Discussion: refer to memo dated April 03rd, 2007 and February 24th, 2007 from Chief Bracy for explanation

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| FISCAL IMPACT: minimal |
| DEPARTMENT LINE ITEM ACCOUNT: |
| BALANCE IN LINE ITEM IF APPROVED: |

Prepared By: _____ Reviewed By: _____

Memorandum

To: Town Manager Robert Yandow

Cc: Board of Selectmen

From: Chief Douglas P. Bracy

Date: April 03, 2007

Re: Designation of Safe Zones

As you are aware, the question arose before the Selectmen's meeting on March 12, 2007 as to whether this "Safe Zones" proposal needed to be presented as an ordinance or a policy. In conferring with the Attorney General's Office and then with the Director of the Maine Drug Enforcement Agency, Roy McKinnon, who drafted the legislation for this Safe Zones bill, it is clear that the legislative intent of the statute gave the municipal board the power to adopt these designations as they deemed appropriate.

Seeing that the enforcement aspect of the law is derived from state law there is no reason for it to be enacted as an ordinance. I encourage the Board of Selectmen to adopt this Safe Zone proposal as a policy. I would also suggest that any future location designations other than those listed in the attached documentation would be brought before the Board to serve as a means of public notification and municipal approval.

Thank you for your consideration

Memorandum

To: Town Manager Robert Yandow

Cc: Board of Selectmen

From: Chief Douglas P. Bracy

Date: February 24, 2007

Re: Designation of Safe Zones

As you are well aware drugs and drug dealing in our community continues to be a plague to our community and a high priority for this police department. We are currently working two detectives full time in an effort to reduce the threat these individuals pose to our citizens and youth. The drug culture in this area has tended toward more dangerous and addictive drugs. This development has brought with it a propensity of violence. Many of the organized drug dealers we encounter now routinely utilize weapons of all kinds. This is a culture we must work harder to keep out of York.

The Maine Legislature has given municipalities the right to declare areas frequented by our young people as "Safe Zones" in an effort to protect them from illegal drug activity under authority granted by Title 30-A MRSA: Section 3253 and defined in Title 17-A MRSA: Section 1101:Subsection 23. This special designation gives law enforcement the right to seek enhanced penalties for individual's arrested for dealing drugs within these areas under Title 17-A MRSA: Section 1105-A;Subsection 1-E. Many of the enhanced penalties under this provision make violations within the areas Class A, B, or C felonies.

The Maine Legislature is also in the process of passing a new bill called, "An Act to Allow Municipalities to Designate Safe Zones to Protect Children from Sex Offenders" that will further broaden this safe zones designation to include any sexual offense committed in these areas. These offenses will be defined and will also carry an enhanced penalty provision under Title 17-A MRSA; Section 251; Subsection 1-F and Section 261 and under Title 17-A: Section 281; Subsection 3-A and Section 286.

I have written this policy to reference only Title 30A MRSA; Section 3253. This will allow the broadening of the protection in these designated safe zones to include sexual offenses as well as drug dealing if the Legislature passes this newest proposed legislation.

I am confident when you look at the list of properties proposed that you will concur that these types of activities are not acceptable in these public venues in a community such as ours that places so much value on community and family. I believe it is our duty to protect our citizens and youth utilizing every statute to its fullest extent and this one makes good common sense.

I have checked and received full support for this effort from Parks Director Michael Sullivan, Superintendent Henry Scipione, Ellis Park Chairman Bill Burnham, York Library Director Robert Waldman, and Olde York Historical Director Scott Stevens in regard to this proposal.

I have attached all of the supporting legislative documents and a copy of the proposed policy for your comments and/or questions.

Town of York Safe Zones Policy

Section 1: Purpose

In an effort to protect and promote the health and safety of the youth of the Town of York, it hereby establishes Safe Zones within the Town that are frequented by young people.

Section 2: Establishment - Safe Zones

Pursuant to its authority granted in Title 30-A, M.R.S.A. Section 3253, the Town of York does hereby designate certain areas (athletic fields, parks, playgrounds and recreational facilities) in the municipality that are frequented by minors as "safe zones"

- a) York High School Athletic Fields including tennis courts, skate board park, baseball and softball fields, football field and field hockey fields (Long Sands Road/Webber Road/Ridge Road)
- b) Village Elementary School Athletic Fields and Playground (York Street)
- c) Coastal Ridge Elementary School Athletic Fields and Playground (Ridge Road)
- d) York Middle School Athletic Fields and Playground (Organug road)
- e) Bog Road Athletic Fields and Playground (Bog Road)
- f) Robert Mackey Outdoor Skate Park (Bog Road)
- g) Mount Agamenticus (summit area, recreational trail system, and parking areas) (Mountain Road)
- h) Smith Ball Field (Ridge Road)
- i) York Beach Ball Field (Bay Street/Railroad Avenue/Church Street)
- j) Sohier Park -Nubble Light House (Nubble Road)
- k) Ellis Park - Short Sands Beach including parking lot, playgrounds, and common areas) (Ocean Avenue Extension to Ocean Avenue/ Franklin Street/Beach Street)
- l) York Harbor Beach (Harbor Beach Road)
- m) Long Beach (Long Beach Avenue)
- n) Cape Neddick Beach (Shore Road)
- o) Fishermen's Walk to Wiggly Bridge including Steadman Woods and beach area (RTE 103/Mill Dam Lane)
- p) Cliff Path (Harbor Beach Road/York Street/Millbury Lane)
- q) Goodrich Park/Grant House – including buildings, parking lot, recreational trails, and common areas (RTE 1/Ferry Lane South/RTE 95)

- r) Harmon Park (York Street/Clark Lane)
- s) Hartley Mason Park (York Street)
- t) York Public Library (Long Sands Road)

Section 3: Signage

Signs shall be posted designating the Safe Zones in accordance with Title 30-A M.R.S.A. Section 3253. The posting of the signage shall be the responsibility of the Chief of Police or his/her designee.

Title 30-A, §3253, Safe zones designated by municipality

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§3253. Safe zones designated by municipality

A municipality may designate an area of the municipality that is frequented by minors as a safe zone under Title 17-A, section 1101, subsection 23. A safe zone designated pursuant to this section must be conspicuously marked by the municipality with an informational sign using wording provided by the Commissioner of Public Safety. [2005, c. 415, §5 (new).]

PL 2005, Ch. 415, §5 (NEW).

2005 NEW LAW UPDATE

122nd Legislature First Regular Session & First Special Session

New and Amended Public Law of Interest to the Law Enforcement Community of Maine

Chapter 415 – L.D. 670

An Act to Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

This law allows a municipality to designate athletic fields, parks, playgrounds or recreational facilities as a "safe zone". Safe zones are treated similar to schools - drug dealing within 1000 feet of them subjects the dealer to an enhanced penalty. In order for a municipality to designate an area a safe zone, it must be an area frequented by minors and conspicuously marked using wording provided by the Commissioner of Public Safety.

Effective September 17, 2005

Enacts 17-A M.R.S.A. §1101 (23)

Amends 17-A M.R.S.A. §1105-A (1) (E)

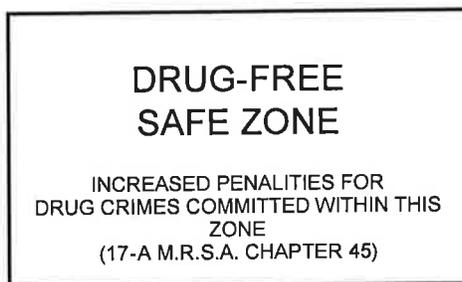
Amends 17-A M.R.S.A. §1105-C (1) (E)

Amends 17-A M.R.S.A. §1105-D (1) (D)

Enacts 30-A M.R.S.A. § 3253

Safe Zone Informational Signs

The Commissioner of Public Safety has approved the following wording to be used on a safe zone informational sign under the Maine Revised Statutes, Title 30-A, section 3253:



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An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §251, sub-§1, ¶F, as enacted by PL 1997, c. 768, §1, is amended to read:

F. "Safe children zone" means on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a day care center licensed pursuant to Title 22, section 8301-A or on or within any area designated as a safe zone by a municipality pursuant to Title 30-A, section 3253.

Sec. 2. 17-A MRSA §253, sub-§7, as enacted by PL 1997, c. 768, §2, is repealed.

Sec. 3. 17-A MRSA §261 is enacted to read:

§ 261. Aggravating sentencing factor

If the State pleads and proves that a violation of any provision of this chapter was committed in a safe children zone, the court, in determining the appropriate sentence, shall treat this as an aggravating sentencing factor.

Sec. 4. 17-A MRSA §281, sub-§3-A is enacted to read:

3-A. Safe children zone. "Safe children zone" means on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a day care center licensed pursuant to Title 22, section 8301-A or on or within any area designated as a safe zone by a municipality pursuant to Title 30-A, section 3253.

Sec. 5. 17-A MRSA §286 is enacted to read:

§ 286. Aggravating sentencing factor

If the State pleads and proves that a violation of any provision of this chapter was committed in a safe children zone, the court, in determining the appropriate sentence, shall treat this as an aggravating sentencing factor.

Sec. 6. 30-A MRSA §3253, as enacted by PL 2005, c. 415, §5, is amended to read:

§ 3253. Safe zones designated by municipality

A municipality ~~may~~shall designate an area of the municipality that is frequented by minors as a safe zone under Title 17-A, section 1101, subsection 23, relating to drug offenses, or under Title 17-A, section 251, subsection 1, paragraph F or section 281, subsection 3-A, relating to sexual offenses. A

municipality may designate the same area or different areas for the purposes of protecting minors from drug-related offenses and sexual offenses. A safe zone designated pursuant to this section must be conspicuously marked by the municipality with an informational sign using wording provided by the Commissioner of Public Safety.

SUMMARY

This bill requires municipalities to designate safe zones to protect minors from sexual offenses and from drug-related offenses. The bill requires courts to treat the commission of a sexual offense within a designated safe children zone, including a municipally created safe zone, as an aggravating sentencing factor.