

University of Maine Student Government, Inc.

Memorandum

September 15th, 2025

To: Keegan Tripp, President

From: Sean S. O'Mara, UMSG In-House Counsel, Student Legal Services Attorney

CC: General Student Senate

Summary

This document will review the changes suggested by the Good Neighbor Committee based on their work during the summer of 2025 and accepted by the Orono Town Council to the Disorderly Properties ordinance. It will also analyze their likely and potential effects on student housing, individual students, student socialization and recreation, the apartment complexes, and Greek life, and make suggestions as to responses by UMSG.

Background

For as long as the university has been a part of the local community there have been efforts to ameliorate the relations between the student population and the surrounding towns. Given such a large and growing population of primarily young people living away from home, often for the first time, these problems are not new. Except with the addition of louder modes of transportation and amplified sound for music, movies, and gaming the means of addressing the primary issues have fallen broadly into four categories: university discipline, civil and criminal charges from police officers, public venue town regulation, and residential property town regulation.

University discipline in the form of the University of Maine System Conduct Code has been frequently applied and interpretation of the mandate has steadily grown in recent years, particularly with the outsourcing of student housing to the apartment complexes. The conduct code applies to any student or student organization conduct:

“In any context where the University can demonstrate a substantial interest regardless of the location of the conduct, including online or off-campus, and where the conduct threatens: a. Any University educational process; or b. Legitimate function of the University; or c. The health or safety of any individual.” – University of Maine System Student Conduct Code p. 6

This standard has been applied broadly and the university asserts jurisdiction by its own discretion. Given this memo is commissioned by UMSG, my focus will be on the effects of this new ordinance on the undergraduate student population. With this basis, this option for control of at least some of the more problematic behaviors off campus should in this context be presumed to be effective given that students found to violate the code face disciplinary consequences including suspension or expulsion; which arguably exerts some deterrence effect upon off campus students as well as control effect when significant offenses occur. This so far does not generally include off-campus noise violations and many civil violations, but in the case of criminal activity for which the university will often receive a referral from law enforcement it can result in significant academic and financial losses by the student involved often far exceeding any court penalties.

Civil and criminal charges by law enforcement have been the most common means of regulating off campus behavior, and have been used frequently for civil violations such as Illegal Possession of Alcohol by a Minor, Possession of Marijuana by a minor, Possession of Paraphernalia, Transportation of Alcohol by a Minor, the criminal charge of Furnishing a Place for Minors to Consume Alcohol, the criminal charges of Trespass and Criminal Mischief, the criminal charge of Disorderly Conduct, Operating Under the Influence, and criminal charges such as Assault. All of these charges carry hundreds of dollars of fines, some carry license suspension, attorney costs in some cases, and the corresponding effects of charges appearing upon criminal records that are

almost never removed in Maine. There can also be corresponding losses in financial aid or scholarships depending on the case.

These charges have been made in Orono by the Orono Police Department, the University of Maine Police Department, occasionally the Penobscot County Sheriff's Office, and occasionally by the State Police particularly for alcohol or drug enforcement task-force actions. Civil violations carry less consequences but also require only a preponderance of evidence standard to prove as opposed to the beyond a reasonable doubt standard of criminal charges.

As to enforcement of town ordinances over time, past enforcement often focused on regulating bars, dance halls, and restaurants. Given the ability to deny licensure, this on-going regulation exerts significant control over Orono's few establishments frequented by students, and many have closed over the years. They also do not tend to be in residential areas, however there are apartments above and beside several of these establishments such as on Mill Street, however there are residences within ear-shot of all of Orono's bars and restaurants. Efforts have also been made to regulate fraternal and sorority housing, however given the health and safety focus of the remaining regulations discussion of this part of the subject matter will be limited to potential effects of enforcement under the new ordinance.

Residential town regulation, while always present for health and safety, has in recent years become more restrictive on other grounds, such as the number of unrelated persons living together. Parts of the presently considered Disruptive Property Ordinance date back decades, a substantial overhaul was passed in 2022, and the current changes were approved in August 2025. These effects will be considered together to address their likely future consequences, but while not all these changes are new, the overall restrictions are relatively recent. The town also has an ordinance (section 20-29) for charging the hourly cost of police attendance at the scene of a 20 person event after one warning, which includes a \$500 fine (for 50 units or less), hourly rates, and the ability to go after actual costs incurred by the town.

The current push to amend the Disruptive Properties Ordinance came after two incidents related to the same property on Crosby Street. The first occurred October of 2024, where an individual described in the Maine Campus as a

non-resident and a not a UMaine student who is known to frequent local properties assaulted two UMaine students. The second incident occurred in April 2025 where a neighbor attempting to get students from a party at that same property to leave his property was allegedly attacked and assaulted by four persons, at least some of whom were UMaine students. These actions have been charged as Class D criminal Assault but are still alleged as the cases have not been proven in court at the time of writing. It is alleged that during the attack homophobic slurs were uttered by the alleged attackers.

According to statements made to town officials and the Good Neighbor Committee by Chad Bradbury of KC Management, the property management company that handles the rental property in question, KC Management only received one complaint from a neighbor in September 2024 for house attendees entering onto their property. While not the only incident involving rental properties or students in recent years, these were the two incidents cited by town officials in amending the Disorderly Properties ordinance.

The Good Neighbor Committee was composed of three town counselors: Dan Demeritt, Rob Laraway, and Leo Kenney; seven citizens, and two University of Maine representatives. Two of the citizens were landlords: Matt Acheson of Cryptic House and Dennis Cross of Cross Properties. The University of Maine participants included Associate Dean of Students and UMSG Advisor Lauri Sidelko and student Gracelyn Gebel who volunteered for the committee after attending a council meeting and discussing renters' rights issues on which she had been working. Additional town councilors made amendments to the ordinance draft in a shared document.

Disorderly Properties Ordinance of 2022 and How it Applied to Residents

The prior version of the ordinance included fines against landlords where substantiated complaints were made and specifically referenced "chronic" violating properties in the legislative findings. A disorder property was defined as one that had three or more instances of a disorderly activity within 360 days (see attachment A for description), or one or more instances of a disorderly activity with 20+ persons in attendance. This essentially created two warnings for disorderly activities with less than 20 attendees, however notice was still

provided to the property owner/landlord. If there were three or more instances, or one instance with 20+ attendees, this designation imposed fines on the landlord of \$200 for less than 3 units, \$250 for 3-10 units, \$500 for 11-99 units, and \$1,000 for 100 units or more. Fines doubled for each subsequent offense.

Notice was provided to property owners/landlords of complaints and a remediation process was commenced with the property owner/landlord that took 180 days minimum to end with cooperation. If there was an additional offense or non-compliance with the remediation, a civil violation of \$500-\$1,000 would be imposed on the responsible parties, which included the owner, landlord, anyone hosting the event, and/or anyone attending the event who contributed to the disorderly behavior, with attorneys fees, court costs, and town costs applied for enforcement if successful in court.

Through my significant experience with leases in Orono; it is common for landlords to include language specifically enforcing any fines by the town against the landlord, the fine is usually due immediately, is subject to late fees, and often includes additional fines, such as a copy of a 2022 lease from Matt Acheson at Cryptic House who is one of the current committee members that imposed a \$250 fine for any complaint (even one not resulting in a town fine). These provisions also make incurring these fines a substantial lease violation subject to eviction. See attachment C for a copy of the lease term.

A similar provision in a 2024 Cross Properties lease (Dennis Cross being on the committee) applies at \$200 fine for the first violation, going up an additional \$400 for each subsequent violation in addition to any costs incurred by the landlord from the town or via the remediation plan, and it asserts the right to seize the security deposit and evict in addition to those charges. It also goes further than the town ordinance in asserting these rights even for uninvited guests of the tenants.

Description of Changes

The amended ordinance included multiple substantial changes (see attachment B). One change was eliminating the warnings and applying the ordinance directly to occupants in addition to landlords. This means that there is a \$300

fine for a first offense upon the occupant(s) and any attendees who may have contributed to the violation.

Blocking and obstructing roadways was added as a violation. The standard of “excessive, loud, or unnecessary as deemed unacceptable by an officer at the property line” was added to the violation. Providing a place for minors to consume alcohol AND (emphasis mine) possession of alcohol by a minor were added as violations. The number of instances within 360 days to make the property a “Disorderly Property” were reduced from three to two. Owners are mandated to attend in person (not remotely) when subject to additional violations, which could be considered costs billed to tenants under lease terms referenced above.

The tenant fine for a first offense with having 20+ people present is increased to \$600, plus \$600 to the landlord/owner, and fines double for violations after 10:00 pm or before 8:00 am. The maximum civil violation penalty for subsequent violations was \$1000, but the cap was removed, so it can continue to double. As referenced by Councilor Demeritt in an email to Orono parents on July 28th regarding the ordinance, a twelfth violation of the base fine would amass \$1.2 million, which he described as “not a typo,” but indicated that engagement by the town should prevent the fine from reaching that point.

Examples and Potential Consequences

In an ideal world, perfectly reasonable and rational actors would report violations under the ordinance, the law enforcement officer would engage in perfectly reasonable and objective assessment of the disruption, and the town and landlord would work with the tenants to ensure the violation is avoided in the future. I would hope this is the case, and I do believe it is the intent of the drafters. It is however my responsibility as the attorney for Student Government and as a renter’s rights attorney to point out how aggressively this could be applied and what the consequences could be. The ordinance allows police officers to issue warnings or other consequences under their discretion, but it does not mandate such actions so we should assume they will not be universally used.

As an example, let's assume either an officer acting on their own volition, or an officer responding to a neighborly dispute for an unnecessary noise that can be perceived at the edge of a rental property at 10:10 pm determines that there is a violation. Unnecessary noise is very broad and could even include loud television with open windows if the property line is close. Should a violation be found, a \$600 fine could be issued against anyone present who could have potentially contributed to the violation. Notice to the landlord would then likely trigger a lease fine, and potential attempt to seize the security deposit and/or eviction. Evictions if filed in court follow a person throughout their lives, or are often required to be reported to subsequent landlords.

One could also imagine a circumstance where a neighbor doesn't approve of the music or gatherings of another culture, or of foreign students in general, in this instance the motives of the complainant might be such that they attempt to use this process to harass or attempt to drive off the neighbors. Without a warning system, this could still result in damaging fines if they are within the broad language of the ordinance, a chilling effect on visitors after 10:00 pm or before 8:00 am.

A small gathering, or even just the tenants present that includes underage drinking could trigger the fines associated with this ordinance (including the \$600 fine if it happens during quiet hours), and all the subsequent consequences for something intended by the legislature to involve a fine of \$2-300.

There could be several tenants, only one of which is particularly loud or underage drinking that none-the-less triggers fines and eviction for the others.

If police wanted to crack down on fraternity houses, sorority houses, or apartment complexes, this ordinance can be used for mass fines related to guests or invitees, or people out having a cigarette and talking.

A person with a loud vehicle who leaves for work at 7:30 in the morning could be subjected to the double fine punishments in this ordinance by their neighbors if the police determined the sound was "unnecessary."

If you had a house party where a number of people were invited and through mutual invite 20+ people arrived, and were loud when coming in and out of the

property at 10:30 on a Friday evening, which is fairly common occurrence in college towns, or if they simply obstructed the road even temporarily, the initial fine could be \$1200 for each person hosting or participating, plus \$1200 via the landlord, plus remediation fees, potentially police time by the hour, costs from eviction or loss of security deposit, and \$3-5,000 in police time, town employee time, town attorney fees and court costs if the original fines are contested and won in court by the town. In addition to this grossly unjust outcome for a first offense, the potential leads to a significant chilling effect on access to the courts by those accused of violating the ordinance.

Argument For Further Amendment of the Ordinance

Obviously the town of Orono has a compelling reason for taking action to protect residents from criminal harm, and they even have a compelling reason to protect residents from significant disruption due to nuisance behaviors. Individuals engaging in criminal behavior have been and should be charged with criminal charges and punished if convicted by a court. A variety of charges exist and can be used to punish problematic or harmful behaviors. Additional behaviors that interfere with the university or reflect significant moral turpitude and harm others are, can, and should be dealt with within the university disciplinary system.

Ill-advised or simply annoying quality of life behaviors common to university housing and first time renters however should not carry life altering consequences such as eviction, inordinate fines and prosecution, or unjust application to co-tenants, attendees, and other bystanders. It is notable that much of the ordinance much of its likely application will be against noise complaints, which do not seem to be directly related to the cases that formed the impetus for this current action. Taking action against quality of life nuisance behaviors may succeed at reducing issues, but in large part due to driving students from much needed housing options in town.

Some of the changes in the ordinance are clearly tailored to addressing large parties in Orono, namely those dealing with 20+ attendees. Other changes directly and solely apply to groups of smaller size, down to a single person that might be making “unnecessary” noise from within or without of a residence

that can be perceived from the edge of the property. These changes are almost exclusively punitive in nature and in other ways attempt to deter violations through public signage and education. The reference to fines over \$1 million dollars for what could by definition be a dozen noise or possession of alcohol violations in a year for instance clearly shows the mismatch between the kind of conduct intended to be stopped and the kind of conduct punished by this ordinance.

The willingness to engage with those accused of violation would presumably prevent this patently unjust outcome, however the lack of a cap towards amounts normally fined against industrial excesses and the automatic doubling of fines is simply poor drafting and speaks to the rushed nature of the work done. Even \$300 is a lot for a college student or a renter, even if it may not be a lot for some property owners. The structure of this ordinance places all fines squarely on the back of tenants even when it feigns to place them on landlords, and even smaller amounts will result in evictions and increased student homelessness.

The ability and demonstrated propensity of landlords to apply any fines ascribed to them to tenants adds to the punitive nature of small violations in particular, however the potential for these fines doubling rapidly is very likely to lead to use of eviction clauses in leases against tenants incurring even low level violations in my opinion based on my experience as a renter's rights attorney. This may be particularly unjust as applied to tenancy in common, which is the default for student rentals, which requires a landlord to evict all tenants to evict one by process of law. This could then evict tenants who did not participate in the alleged violation. It can be difficult to prove who was the host or who created the alleged disruption in question, making this and the unjust imposition of fines even more likely. Additional consequences such as seizure of security deposits and charging costs for remediation compliance further raise the stakes for tenants.

The language of this ordinance and in particular relating to the recent changes is broad, barely restricted, and left to the reasonable discretion of the attending officer. While the officer can choose to engage in educational behavior instead of fines, the mandate of these changes is clear and I believe makes the imposition of fines much more likely. Unlike what was discussed in the

meetings leading up to the approval of the changes, violations do not require a complaint but also include independent action by the officer involved. This could easily be used by an officer following the letter if not the intent of this ordinance to impose very significant costs on fraternal or sorority housing for people present outside these establishments, even without complaint by or disruption of residential areas.

The lack of any meaningful input by the student body at UMaine who this will effect is a strong argument for revision. The presence of a university representative and a student, as well as notice to the president of UMSG is to be commended, however when the majority of students are not present in the area their viewpoints and ability to provide feedback to these representatives is severely and I would argue unnecessarily limited. The intention to take measures on an emergency basis to attempt to prevent additional criminal behavior is understandable and a compelling one, however many additional changes that have far reaching and potentially unjust effects were also passed and should be addressed with effective engagement by the student body and by UMSG when Student Government is actually in session.

Many of these changes as they apply to quality of life enforcement in particular may have unintended consequences and only seem to address the cited issues by making Orono increasingly unappealing to the undergraduate student population, or by potentially granting a de facto eviction mechanism to residences near student housing.

Nothing in this ordinance would prevent a single individual or a group of individuals from assaulting another, it only seeks to make it less likely by punishing parties and leading to eviction or compliance in stringent noise and quality of life restrictions.

Recommendations

I would recommend that the Student Government discuss, and if supported to endorse the following changes and actions through means of direct engagement, working with institutional partners such as the university, and if necessary through a public awareness campaign:

Include multiple student representatives on the Good Neighbor Committee and engage directly with the student body and UMSG while UMaine is in session, with openness to suggested changes of the ordinance.

Re-institute a warning for first-time complaints or violations to effectuate the expressed educational component of the ordinance, make the ordinance less reflectively punitive, reduce potential evictions, and reduce the potential for reprisal.

Apply zones of enforcement to limit the effect on housing almost exclusive to students such as the apartment complexes, fraternity and sorority housing, the campus, university owned housing, businesses where students congregate, and other predominantly student rental areas.

Engage with the student body on whether to support changes to the time-frame of quiet house such as extending quiet hours to 11:00 pm on Fridays and Saturdays or restricting the start back to 7:00 am.

Reduce fines, particularly on small gathering quality of life violations, and in particular reduce the duplicative nature of fines ascribed to landlords and/or restrict lease terms in Orono applying those fines to tenants.

Eliminate the over-broad and subjective term “unnecessary” in relation to sound in the violation.

Limit additional charges should the town prevail in court to the standard rates proscribed by the judicial branch in civil violation cases, if not eliminate them altogether particularly for low level or severity offenses to decrease the possibility of a chilling effect on access to justice.

Institute or encourage a form of mediated settlement of issues between neighboring properties.

Put a cap on fine amounts so that they remain reasonably associated with the actual harm caused.

Reset the application of fine amounts within the 360 day window if they apply to a new tenant.

Remove the civil violation of Possession of Alcohol by a minor from the list of nuisance violations.

Explicitly mandate redaction of confidential documents received from landlords and tenants so they are not released by Freedom of Access Act requests, or do not cause concern they may be released, most notably personal credit information, phone numbers, email addresses, full names associated with property addresses when possible, disability accommodation requests, notices to terminate in cases of stalking or domestic violence, etc.

Limit the doubling of fines based on size of the gathering or time for first time violators, particularly if the large attendance is organic as opposed to by invitation.

Reference permissible decibel levels and provide educational materials relating those to real world examples.

Require a complaint by a resident for potential violation as opposed to independent action by law enforcement.

Require supporting evidence from the officer that noises perceivable at the edge of the property would likely be disruptive to a nearby residence.

Restrict the requirement for owner or landlord oversight to not include cameras that would otherwise violate tenant privacy and quiet enjoyment.

Institute a procedure or mechanism by which meaningful student participating in major changes to town ordinances can be sought when the university is not in session.

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