

HARPSWELL BOARD OF SELECTMEN  
SHELLFISH LICENSE HEARING  
NOVEMBER 19, 2015  
Approved December 12, 2015

Selectmen Present: Rick Daniel, Chair  
Kevin Johnson

Others: Amy Tchao, Esq., Drummond Woodsum, Town of Harpswell Legal Counsel  
Kristi Eiane, Town Administrator  
Rosalind Knight, Town Clerk

The special meeting was held on November 19, 2015 at the Harpswell Town Office as a continuance of the November 5, 2015 meeting to hear testimony from those who can testify regarding the living status of Mr. Michael Bernier Jr. The Chair asked if anyone was present to testify. Mr. Bernier answered, "They are not."

**Public Hearing Opened at 8:30 AM**

Mr. Bernier thanked the Board members and indicated he had rent receipts and paperwork the Board requested at the last meeting. He also had names and contact information of the people who can confirm Mr. Bernier's testimony. He also had the caregiver application form as an example. He gave these papers to the Board and copies were made for the Board members.

Chairman Daniel asked if the Wardens wanted to add anything to this proceeding. They stated they did not.

Selectman Johnson stated that at the last meeting he asked Mr. Bernier if he attended any meetings, whereas Mr. Bernier stated that he attended all the meetings. Selectman Johnson noted that after some research, he found that Mr. Bernier has not attended any meetings this year. Mr. Bernier concurred. Selectman Johnson also noted that Mr. Bernier has given several police departments the Topsham address. Mr. Bernier said he made the mistake of giving both addresses and there was confusion as to where he resides.

Chairman Daniel stated that this meeting is a continuance of the November 5, 2015 hearing, and all the procedures still apply. He offered those here to summarize their case.

Marine Warden Cofone noted that the caregiver's application given by Mr. Bernier is not an official document and has not been filled out by the agency. Also, Warden Cofone noted that the paperwork given to the Board by Mr. Bernier does not suffice whereas he was asked to bring people to the meeting to testify on his behalf. Mr. Bernier stated that the caregiver paperwork that he filled out is at the state office and this was just an example presented and that the paperwork submitted shows contact information but he did not recollect that he was to have people come to the meeting to testify.

Chairman Daniel said he recollected that Mr. Bernier would bring in people to testify. Mr. Bernier said it was hard to get anyone here because they all have jobs and cannot leave.

Kristi Eiane, Town Administrator said that she did follow up with a phone call and a letter to Mr. Bernier explaining that the Board has agreed to continue the hearing so that Mr. Bernier could gather the rent receipts and supply key witnesses to give testimony. Ms. Eiane provided the letter to the Chairman.

### **Public Hearing Closed**

The Board deliberated the findings. The Board questioned the validity of rent receipts, and noted several police departments were given multiple addresses. The Board was disappointed that there were no witnesses present to testify on Mr. Bernier's behalf.

Chairman Daniel motioned, seconded by Selectman Johnson to revoke the Harpswell Shellfish license of Michael Bernier Jr. Motion carries 2-0.

Chairman Daniel motioned, seconded by Selectman Johnson to authorize the Town's Attorney to draft a finding of facts for our review for next Wednesday. Motion carries 2-0.

The Chairman told Mr. Bernier that he has the right to appeal this decision to Superior Court within 30 days.

The meeting is adjourned at 9:50 a.m.

Respectfully submitted:

Diane Plourde  
Recording Secretary