

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

CASE NAME: ASSOCIATION TO PRESERVE AND PROTECT LOCAL LIVELIHOODS et al v. TOWN OF BAR HARBOR et al

DOCKET NO: 1:22-cv-00416-LEW

PROCEEDING TYPE: 7/11/23 – 7/13/23 BENCH TRIAL

**Exhibit List**

Pltfs' Ex. No.	Defts' Ex. No.	Ct. Ex.	Description	Date Ment.	Date Off'd	Obj.	Date Adm.
1			Prof. Todd Gabe Curriculum Vitae	7/12/23	7/12/23		7/12/23
3			Proposed New Cruise Ship Caps (0036-0037)	7/13/23	7/13/23		7/13/23
6			PortCall Excerpt (PILOTS002242)	7/12/23	7/12/23		7/12/23
7			PortCall Excerpt (PILOTS003163)	7/11/23	7/11/23		7/11/23
8			PortCall Excerpt (BARHARBCTRL0000005150)	7/13/23	7/13/23		7/13/23
12a			9/20/2019 Memo from Mount Desert and Bar Harbor Police Departments re Cruise Ship Post Orders, Responsibilities and Policies (0353-0361)	7/13/23	7/13/23		7/13/23
14			4/21/2023 Email from M. Gagnon to S. Gilbert re Cruise Ship litigation (0367)	7/13/23	7/13/23		7/13/23
19			3/15/2023 Memo from Lt. Wharff to Chief Willis re Cruise Ship Land Use Ordinance Legal Scenarios	7/12/23	7/12/23		7/12/23
22			12/5/2022 NOAA Coast Survey 13302 (PILOTS004387)	7/11/23	7/11/23		7/11/23
23			3/27/2023 NOAA Coast Survey 13312 (PILOTS004388)	7/11/23	7/11/23		7/11/23
25			4/3/2020 NOAA Coast Survey 13323 (PILOTS004385)	7/11/23	7/11/23		7/11/23

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26			2022 Carnival Form 10-K (PILOTS004770-PILOTS004859)	7/12/23	7/12/23	x	
27			2022 Norwegian Form 10-K (PILOTS004860-PILOTS005094)	7/12/23	7/12/23	x	
28			2022 Royal Caribbean Form 10-K (PILOTS005095-PILOTS005311)	7/12/23	7/12/23	x	
29a			Color Version of 29	7/13/23	7/13/23		7/13/23
32			7/15/2019 Cruise Tourism & Traffic Congestion in Bar Harbor: Improving the Visitor & Resident Experience (0578-0623)	7/13/23	7/13/23		7/13/23
35			T. Gabe Congestion Study Data Set	7/12/23	7/12/23		7/12/23
37			Cruise Management Plan / Warrant Article 3 Comparison	7/13/23			
39			1/1/2023 Maine Pilotage Commission Endorsed Rates (PILOTS001520-PILOTS001528)	7/11/23	7/11/23		7/11/23
47			12/2/2011 Feasibility Study for the Acquisition of the Bar Harbor Ferry Terminal (1200-1211)	7/13/23	7/13/23		7/13/23
48			Photo - East down Mt. Desert St. from Village Green 3:08 pm (PILOTS005324)	7/11/23	7/11/23		7/11/23
50			Photo - Harbor Place tendering location 2:56 pm (PILOTS005326)	7/11/23	7/11/23		7/11/23
55			Photo - Main & Cottage looking west 10:58 am (PILOTS005331)	7/11/23	7/11/23		7/11/23
65			2019 CruiseMaine Annual Report (PILOTS004323-PILOTS004334)	7/12/23	7/12/23		7/12/23
66			12/15/2022 Memo from Mount Desert and Bar Harbor Police Departments re Land Use Ordinance change governing Cruise Ship Passenger	7/13/23	7/13/23		7/13/23
72			2/19/2022 Email chain re Cruise Ship Initiative (SIDMAN04420-SIDMAN04422)	7/13/23	7/13/23		7/13/23
83			Aerial video of Bar Harbor, Main St. looking west 1:30 pm (6:45 min) (PILOTS005369)	7/12/23	7/12/23		7/12/23

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84			Aerial video of Bar Harbor, Main St. looking west 1:51 pm (6:45 min) (PILOTS005370)	7/12/23	7/12/23		7/12/23
85			Aerial video of Bar Harbor, Main St. looking west 6:56 pm (6:45 min) (PILOTS005371)	7/12/23	7/12/23		7/12/23
86			Aerial video of tender run (5:19 min) (PILOTS005372)	7/12/23	7/12/23		7/12/23
86g			Condensed video of 86	7/12/23	7/12/23		7/12/23
86e			Still Photo from 86g Video	7/12/23	7/12/23		7/12/23
94			2005 Annual Summary by Month report from imra.nps.gov (PILOTS004295-PILOTS004296)	7/12/23	7/12/23		7/12/23
95			2006 Annual Summary by Month report from imra.nps.gov (PILOTS004297-PILOTS004298)	7/12/23	7/12/23		7/12/23
96			2007 Annual Summary by Month report from imra.nps.gov (PILOTS004299-PILOTS004300)	7/12/23	7/12/23		7/12/23
97			2008 Annual Summary by Month report from imra.nps.gov (PILOTS004301-PILOTS004302)	7/12/23	7/12/23		7/12/23
98			2009 Annual Summary by Month report from imra.nps.gov (PILOTS004303-PILOTS004304)	7/12/23	7/12/23		7/12/23
99			2010 Annual Summary by Month report from imra.nps.gov (PILOTS004305-PILOTS004306)	7/12/23	7/12/23		7/12/23
100			2011 Annual Summary by Month report from imra.nps.gov (PILOTS004307-PILOTS004308)	7/12/23	7/12/23		7/12/23
101			2012 Annual Summary by Month report from imra.nps.gov (PILOTS004309-PILOTS004310)	7/12/23	7/12/23		7/12/23
102			2013 Annual Summary by Month report from imra.nps.gov (PILOTS004311-PILOTS004312)	7/12/23	7/12/23		7/12/23

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103			2014 Annual Summary by Month report from imra.nps.gov (PILOTS004313-PILOTS004314)	7/12/23	7/12/23		7/12/23
104			2015 Annual Summary by Month report from imra.nps.gov (PILOTS004315-PILOTS004316)	7/12/23	7/12/23		7/12/23
105			2016 Annual Summary by Month report from imra.nps.gov (PILOTS004317-PILOTS004318)	7/12/23	7/12/23		7/12/23
106			2017 Annual Summary by Month report from imra.nps.gov (PILOTS004319-PILOTS004320)	7/12/23	7/12/23		7/12/23
107			2018 Annual Summary by Month report from imra.nps.gov (PILOTS004321-PILOTS004322)	7/12/23	7/12/23		7/12/23
108			2019 Annual Summary by Month report from imra.nps.gov (PILOTS004389-PILOTS004390)	7/12/23	7/12/23		7/12/23
109			2020 Annual Summary by Month report from imra.nps.gov (PILOTS004391-PILOTS004392)	7/12/23	7/12/23		7/12/23
110			2021 Annual Summary by Month report from imra.nps.gov (PILOTS004393-PILOTS004394)	7/12/23	7/12/23		7/12/23
111			2022 Annual Summary by Month report from imra.nps.gov (PILOTS004395-PILOTS004396)	7/12/23	7/12/23		7/12/23
112			2023 Annual Summary by Month report from imra.nps.gov (PILOTS004397-PILOTS004398)	7/12/23	7/12/23		7/12/23
135			Video from Penbay Pilots website - Waiting for a lee (PILOTS005368)	7/11/23			
141			Ship Movement Spreadsheet for 2021 (PILOTS000007)	7/11/23	7/11/23		7/11/23
143			U.S.C.G. Maritime Information Exchange Exemplars (PILOTS005390-PILOTS005415)	7/12/23	7/12/23		7/12/23

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145			U.S. Department of State, Treaties in Force, List of Treaties and Other International Agreements of the United States in Force (PILOTS005416-PILOTS005889)	7/12/23	7/12/23		7/12/23
146			Photos from Penobscot Bay & River Pilots Association website (PILOTS005890-PILOTS005997)	7/11/23			
146.2			Photo PILOTS005891	7/11/23	7/11/23		7/11/23
146.10			Photo PILOTS005899	7/11/23	7/11/23		7/11/23
146.92			Photo PILOTS005981	7/11/23	7/11/23		7/11/23
146.40			Photo PILOTS005929	7/11/23	7/11/23		7/11/23
146.87			Photo PILOTS005976	7/11/23	7/11/23		7/11/23
149			6/22/2023 Misc. Photos (PILOTS005998-PILOTS006001)	7/11/23			
150			Bar Harbor Map with Town Lines (PILOTS006002)	7/11/23	7/11/23		7/11/23
151			Bar Harbor Map with Town Lines overlaid on maritime chart (PILOTS006003)	7/11/23	7/11/23		7/11/23
159			Website capture - The Global Industry Classification Standard (GICS) (PILOTS006040-PILOTS006043)	7/12/23	7/12/23	x	
161			Flink Exhibit 161	7/11/23	7/11/23		7/11/23
162			Flink Exhibit 162	7/11/23	7/11/23		7/11/23
163			Flink Exhibit 163	7/11/23	7/11/23		7/11/23
164			Flink Exhibit 164	7/11/23	7/11/23		7/11/23
165			Flink Exhibit 165	7/11/23	7/11/23		7/11/23
166			Flink Exhibit 166	7/11/23	7/11/23		7/11/23
167			Flink Exhibit 167	7/11/23	7/11/23		7/11/23

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186			S&P 500 Hotels, Resorts & Cruise Lines	7/12/23	7/12/23	x	
191			Paul Grigsby (Holland) Designation List Report	7/13/23	7/13/23		7/13/23
192			Juan Kuryla (Norwegian) Designation List Report	7/13/23	7/13/23		7/13/23
193			Chris Martin (Holland) Designation List Report	7/13/23	7/13/23		7/13/23
194			Rob Van Den Hof (Holland) Designation List Report	7/13/23	7/13/23		7/13/23
195			Sarah Flink Designation List Report	7/11/23	7/11/23		7/11/23
197			Deposition Designations (Bartlett, Chamberlain, Gilbert, Peacock, Wharff, and Willis)	7/13/23	7/13/23		7/13/23
200			Acadia Explorer Captain's Logs (Date TBD)	7/12/23	7/12/23		7/12/23
201			Coastal Explorer Captain's Logs (Date TBD)	7/12/23	7/12/23		7/12/23
202			Pier Permit Golden Anchor	7/13/23	7/13/23		7/13/23
203			Pier Permit B.H.H. Piers	7/13/23	7/13/23		7/13/23
204			5/31/2023 Letter from S. Gilbert Town of Bar Harbor	7/13/23	7/13/23		7/13/23
206			2/2008 Bar Harbor Town Council Meeting Minutes reflecting first cap on cruise ships based upon B&A Study	7/12/23	7/12/23		7/12/23
207			8/2/2022 Bar Harbor Town Council Meeting Minutes (0014)	7/13/23	7/13/23		7/13/23
208			7/19/2022 Amendment to the Town of Bar Harbor Code to Impose Daily Limits on Cruise Ship Disembarkations (0015-0016)	7/13/23	7/13/23		7/13/23
209			3/18/2022 Amendment to the Town of Bar Harbor Code to Impose Daily Limits on Cruise Ship Disembarkations (0017-0018)	7/13/23	7/13/23		7/13/23
210			11/8/2022 Order of the Bar Harbor Town Council for Town Meeting - Amendment imposing Limit to Number of Persons Allowed to Disembark (0019-0020)	7/13/23	7/13/23		7/13/23



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211			7/30/2021 Letter from Cruise Lines International Assoc. (CLIA) to Bar Harbor Town Council re changes to cruise ships in Bar Harbor	7/11/23	7/11/23		7/11/23
212			11/12/2021 Letter from CLIA to Bar Harbor Town Council re visitors to Bar Harbor	7/11/23	7/11/23		7/11/23
213			12/15/2021 Letter from CLIA to Bar Harbor Town Council re December 7 Town Council meeting	7/11/23	7/11/23		7/11/23
214			2/2/2022 Letter from CLIA to E. Salvatore re comments to recommendations to Town Council	7/11/23	7/11/23		7/11/23
215			Winter 2022 Memo of Agreement Between the Town of Bar Harbor, Maine and cruise lines anchoring in Bar Harbor	7/11/23	7/11/23		7/11/23
216			2/16/2017 Memo to Bar Harbor Town Council from E. Salvatore re 2016 Annual Report (0240-0272)	7/13/23	7/13/23		7/13/23
217			11/5/2018 CLIA Proposal for Study (0273-0325)	7/13/23	7/13/23		7/13/23
218			10/17/2022 Email chain re Viewpoint submission (0423-0424)	7/13/23	7/13/23		7/13/23
220			Bar Harbor Fire Department presentation re FY 2024 Budget (0425-0442)	7/13/23	7/13/23		7/13/23
221			Town of Bar Harbor, Maine, Marine Mass Casualty Incident Response Guidelines (0443-0461)	7/13/23	7/13/23		7/13/23
222			6/28/2019 Bar Harbor Fire Department Cruise Ship Emergency guidelines (0462)	7/13/23	7/13/23		7/13/23
223			10/18/2022 2022 Emergency Operations Plan (0463-0488)	7/13/23	7/13/23		7/13/23
224			2/12/2008 Bar Harbor Town Council minutes re Cruise Ship Study Task Force	7/13/23	7/13/23		7/13/23
224A			1/23/08 Passenger Cap Recommendations – Cruise Ship Task Force	7/11/23	7/12/23		7/12/23
224B			Cruise Ship Committee Ordinance, as amended 2011	7/12/23	7/12/23		7/12/23

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225			12/15/2021 Memo to Town Council from E. Salvatore re Motion to limit passengers' arrivals to 70% (1212-1214)	7/13/23	7/13/23		7/13/23
226			1/5/2022 Article "Citizen petition to regulate cruise ships likely" (SIDMAN00483-SIDMAN00486)	7/13/23	7/13/23		7/13/23
227			12/20/2021 Email from <i>The Quietside Journal</i> to C. Sidman re article "Anti-cruise ship activists up the stakes for 2022 ahead of Bar Harbor council meeting tomorrow" (SIDMAN01993-SIDMAN01997)	7/13/23	7/13/23		7/13/23
228			5/3/2022 Email from <i>The Quietside Journal</i> to C. Sidman re article "Citizen group gain enough signatures for petition to cap cruise ships" (SIDMAN02005)	7/13/23	7/13/23		7/13/23
229			1/3/2023 Email from <i>Bar Harbor Story</i> to C. Sidman re article "Businesses Take the New Cruise Ship Disembarkation Plan to Court" (SIDMAN02016-SIDMAN02019)	7/13/23	7/13/23		7/13/23
230			3/22/2022 Email chain re crew numbers (SIDMAN02028-SIDMAN02031)	7/13/23	7/13/23		7/13/23
231			3/7/2022 Email chain from C. Sidman to C. Sidman re Final(?) DRAFT of 2022 BH Cruise Ship Initiative (SIDMAN02052-SIDMAN02057)	7/13/23	7/13/13		7/13/23
232			1/17/2023 Email to Bar Harbor Town Council from C. Sidman re Cruise Ship Suit and Town Manager (SIDMAN00643-SIDMAN00644)	7/13/23	7/13/23		7/13/23
233			10/30/2022 Email from C. Sidman to Council and Maine State Dept of Transportation re Anti-initiative in Bar Harbor (SIDMAN00661-SIDMAN00662)	7/13/23	7/13/23		7/13/23
235			1/19/2023 Proposed Defendant-Intervenor C. Sidman's Verified Motion to Intervene and Alternative Verified Motion to Participate as Amicus Curiae and Memorandum in Support of Motions	7/13/23	7/13/23		7/13/23



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236			2/6/2023 Plaintiff-Intervenor Penobscot Bay and River Pilots Association's Opposition to Charles Sidman's Motion to Intervene	7/13/23	7/13/23		7/13/23
237			12/29/2022 Memo from C. Sidman to Town Council re Amendment to Code to Impose Daily Limits on Disembarking Cruise Ship Passengers	7/13/23	7/13/23		7/13/23
240			4/13/2022 Email chain re April visits for 2023 (0041 – 0046)	7/13/23	7/13/23		7/13/23
241			10/27/2022 Website Article, "Something is rotten in the state of Denmark" by C. Sidman (0047 – 0048)	7/13/23	7/13/23		7/13/23
242			10/30/2022 Email re Anti-Initiative in Bar Harbor from C. Sidman (0049 – 0050)	7/13/23	7/13/23		7/13/23
243			Ordinance, Purpose Section and Warrant Articles	7/13/23	7/13/23		7/13/23
244			Amended Articles of Incorporation for APPLL	7/12/23	7/12/23		7/12/23
245			2022 Lunch, Ship vs. No Ship Days (APPL000431) - <b>CONFIDENTIAL</b>	7/12/23			
	250A		2007 Comprehensive Plan Update (Complete Copy)	7/13/23	7/13/23		7/13/23
	252		2016 Email to Cornell Knight Re 2016 Park Loop Closures Congestion (1198)	7/13/23	7/13/23		7/13/23
	256		2035 Comprehensive Plan Bar Harbor Existing Conditions Analysis Report (TOWN031399)	7/13/23	7/13/23	x	7/13/23
	259		A. Powers to D Gelinas 8 23 21 Eastport Alternative Email (PILOTS003603)	7/13/23	7/13/23		7/13/23
	260		B & A 2007 Town of Bar Harbor Cruise Tourism Destination Management Plan (Ex. 34)	7/11/23	7/12/23		7/12/23
	316		Gabe Economic Impact of Cruise Ship Passengers Visiting Bar Harbor (Maine) in 2016 UMaine 2017 (Ex. Gabe 2)	7/12/23			

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	319		Gabe Measurement and analysis of neighborhood congestion Evidence from sidewalk pedestrian traffic and walking speeds GC Wiley 2020 (Ex. Gabe 7)	7/12/23	7/12/23		7/12/23
	323		June 2021 Pan Atlantic Quantitative Research Regarding Cruise Ship Tourism (TOWN05781)	7/13/23	7/13/23		Limited 7/13/23
	324		<b>CONFIDENTIAL</b> Maine Cruise Industry Contingency Plan (PILOTS001977)	7/11/23			
	327		Memorandum of Understanding Between Town and Cruise Lines (TOWN26054)	7/13/23	7/13/23		7/13/23
	337		Town Council Minutes July 20 2021 (TOWN004028)	7/13/23	7/13/23		7/13/23
	345		Town of Bar Harbor Parking Revenue (TOWN031949)	7/13/23	7/13/23		7/13/23
	348		Cruise Ship Fund Details Town Budget FY22	7/13/23	7/13/23		7/13/23
	349		Cruise Ship Fund Details Town Budget FY23	7/13/23	7/13/23		7/13/23
	357		Email 03-17-2022 - Re: Slightly revised BH Cruise Ship Petition resubmitted today (3/17/22) (SIDMAN04232-SIDMAN04233)	7/11/23	7/11/23		7/11/23
	364		Re: BHBBA cruise ship position paper- review final (SIDMAN01921-SIDMAN01922)	7/12/23			
	386		Re: 1-18-2022 Email Re Draft Workability Feedback 1-18 (PILOTS003828)	7/12/23	7/12/23		7/12/23
	390		re: Cruise Ships Bar Harbor (SIDMAN00725)	7/12/23			
	402		re: Effects of Cruise Ships on Sidewalk Pedestrian Traffic in Bar Harbor (PILOTS001856-PILOTS001875)	7/12/23	7/12/23		7/12/23
	411		re: Growth and Change/Measurement and analysis of neighborhood congestion: Evidence from sidewalk pedestrian traffic and walking speeds (SIDMAN01792-SIDMAN01810)	7/12/23			

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	412		re: BH Cruise Ship Initiative (SIDMAN03903-SIDMAN03904)	7/13/23	7/13/23		7/13/23
	414		re: Slightly revised BH Cruise Ship Petition resubmitted today (3/17/22) (SIDMAN04231)	7/13/23	7/13/23		7/13/23
	415		re: BREAKING NEWS: citizens group seeks to limit cruise ship visitors to 1,000/day (SIDMAN03970)	7/13/23	7/13/23		7/13/23
	426		Re: 8-31-2022 Re: Port Development worksheet (PILOTS002354-PILOTS00255)	7/11/23	7/11/23		7/11/23
	438		<b>CONFIDENTIAL</b> Re: 7-22-2020 Economic Injury Disaster Loan Request (PILOTS001974-PILOTS001975)	7/11/23			
	442		Re: 2-12-2021 Survey vessels; letter to Governor (PILOTS003060)	7/11/23	7/11/23		7/11/23
	443		Re: 10-4-21 Re: BH Town Council proposal and effect (PILOTS003630-PILOTS003631)	7/11/23	7/11/23		7/11/23
	447		<b>CONFIDENTIAL</b> Re: 12-5-2022 Company Financials (PILOTS004028)	7/11/23			
	471		re Cruise Management Plan v Article 3 (TOWN25979-TOWN25980)	7/11/23	7/11/23		7/11/23
	479		re: Agenda Bar Harbor Cruise Ship Committee By Video Conference 3/4/21 (PILOTS003072-PILOTS003082)	7/12/23	7/12/23	X	
	485		re: To The Members of the Bar Harbor Town Council/An Amendment to the Town of Bar Harbor Code to Impose Daily Limits on Cruise Ship Disembarkations (SIDMAN01859-SIDMAN01863)	7/13/23			
	487		re: 05-31-2023 Rulemaking Memo - Update on Land Use Ordinance (TOWN031977-TOWN031978)	7/13/23			
	502		Re: CV – Charles Lawrence Sidman (NO BATES STAMP NO.)	7/13/23	7/13/23		7/13/23
	503		Re: Photo 9229	7/13/23	7/13/23		7/13/23
	504		Re: Photo 9230	7/13/23	7/13/23		7/13/23

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	<b>505</b>		Re: Photo 9233	7/13/23	7/13/23		7/13/23
	<b>506</b>		Re: Photo 9243	7/13/23	7/13/23		7/13/23
	<b>507</b>		Re: Photo 9244	7/13/23			