

Town of Greenville Statement Regarding the Enforcement of the State Law against “Indecent Conduct”

October 12, 2007

On Wednesday, October 3, 2007, the Board of Selectmen for the Town of Greenville made a routine inquiry to the Chief of Police regarding the renewal of a liquor license for local restaurant. The Chief of Police noted several verbal complaints made about “skinny-dippers” at this restaurant. The Chief also noted that such activity, in most circumstances, is a violation of the State law against “indecent conduct”. The Board of Selectmen subsequently recommended renewal of this liquor license to the State of Maine, and advised the Chief of Police to speak to the owner of the restaurant regarding this apparent illegal activity.

Various news reports have made this issue much larger than it needs to be. The Town of Greenville does not have nor is it seeking a “public indecency” ordinance or anything like it at this time. If patrons of this restaurant wish to engage in an activity such as “skinny-dipping” which results in the patron exposing his or her genitalia publicly, and if this exposure results in a complaint from a citizen who is willing to make a “sworn statement” to that effect, than the patron may well be summonsed for a class E crime. The promotion at this restaurant which prompts this activity is not governed by the Town. However, it is the right and duty of the Greenville Police Department to enforce state law.

The restaurant in question is situated in our downtown area, adjacent to Thoreau Park, which is adjacent to the Town’s Boardwalk along East Cove of Moosehead Lake, the Town’s public dock off the Boardwalk, both of which are adjacent to both the Town-owned Katahdin Parking Lot and also the docking area for the restored Steamship Katahdin. Therefore, “skinny-dipping” activity off the dock of this restaurant is not only viewed by patrons of the restaurant: such activity is in plain view of many people enjoying the popular public venues owned and/or maintained by the Town.

Recognizing all sides of this matter, the Town of Greenville respects the efforts of private enterprise to forward the local economy, and also the rights of all citizens to make their own decisions regarding their own conduct. But all actions have consequences. Should a patron of this or any establishment violate the State’s law against indecent conduct (referenced below), the Greenville Police Department will enforce this law accordingly.

Respectfully Submitted;

John Simko, Town Manager

Scott MacMaster, Chief of Police

854. Indecent conduct

1. A person is guilty of indecent conduct if:

A. In a public place:

(1) The actor engages in a sexual act, as defined in section 251. Violation of this subparagraph is a Class E crime;

(2) The actor knowingly exposes the actor' s genitals under circumstances that in fact are likely to cause affront or alarm. Violation of this subparagraph is a Class E crime;

(3) The actor violates subparagraph (1) and the actor has 2 or more prior convictions for violation of this section or section 256. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class D crime; or

(4) The actor violates subparagraph (2) and the actor has 2 or more prior convictions for violation of this section or section 256. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class D crime;

[2001, c. 383, §105 (amd); §156 (aff).]

B. In a private place, the actor exposes the actor' s genitals with the intent that the actor be seen from a public place or from another private place. Violation of this paragraph is a Class E crime; [2001, c. 383, §105 (amd); §156 (aff).]

C. In a private place, the actor exposes the actor' s genitals with the intent that the actor be seen by another person in that private place under circumstances that the actor knows are likely to cause affront or alarm. Violation of this paragraph is a Class E crime; [2001, c. 383, §105 (amd); §156 (aff).]

D. The actor violates paragraph B and the actor has 2 or more prior convictions for violation of this section or section 256. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class D crime; or [2001, c. 383, §105 (new); §156 (aff).]

E. The actor violates paragraph C and the actor has 2 or more prior convictions for violation of this section or section 256. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class D crime. [2001, c. 383, §105 (new); §156 (aff).]

[2001, c. 383, §105 (amd); §156 (aff).]

2. For purposes of this section "public place" includes, but is not limited to, motor vehicles that are on a public way. [1995, c. 72, §2 (amd).]

2-A. It is a defense to prosecution under subsection 1, paragraph C, that the other person previously lived or currently is living in the same household as the actor. [1995, c. 72, §2 (new).]

3. [2001, c. 383, §106 (rp); §156 (aff).]