

Small-Town Governments with Big-World Challenges

by Valerie Peacock

The tourism economy of Bar Harbor, Maine, is tied to its proximity to Acadia National Park. Recent years of historically high visits to Acadia, (over 4 million in 2021), have brought rising tension in the community's (year-round population of 5,500), relationship with tourism.

As visitation has grown, so have the negative impacts of tourism such as pedestrian and vehicle congestion, decreased availability of affordable housing, environmental impacts, and increased demands on municipal services and infrastructure. Mixed in is a sense that the community is struggling to sustain the culture that was fundamental to attracting tourists in the first place. More and more residents are asking the town council to mitigate the costs and the loss of quality of life.

This increasing frustration is creating divisions between those who enjoy the benefits of tourism and those who feel that tourism has reached a tipping point. Cruise ship visitation is in the high-profile center of this debate. Concerns over the concentrated impacts from too many, "too-large-for-Bar-Harbor" ships, combined with two unprecedented, canceled seasons due to the COVID-19 pandemic, have led to a successful citizen petition vote to dramatically limit cruise visitation.

Cruise tourism in Bar Harbor began in the 1990s as members of the community, in collaboration with state and regional partners, courted cruise lines in hopes of extending the tourist season into

September and October. The cruise industry responded by re-evaluating logistics and building itineraries, markets, and customers. Thirty years later, Bar Harbor's cruise market has matured to maximize its full potential, bringing a steep rise of cruise ship visitation over the past ten years.

Bar Harbor's Town Charter directs a form of government with two separate legislative bodies: town council and town meeting. Each has the power to propose and enact policies and ordinances. As cruise ship visitation has increased over the years, so has the number of residents voicing their concerns until the fall of 2020 when the council finally began moving to make reductions. Over the next year and a half, the council worked to collect data and to understand our complicated place in the global economic ecosystem of cruise travel. Meanwhile, some residents, frustrated with the slow pace of action of the council, began to circulate a citizen's petition aimed at creating a land-use ordinance to require permits for and limits to the disembarkation of cruise ship passengers to Bar Harbor.

In November of 2022, the petition passed, with 58 percent of voters voting to restrict cruise ship passenger disembarkation to 1,000 passengers per day. Two months later, a group of local business owners and a harbor pilot's association filed a lawsuit in federal court challenging the ability of the town to limit visitation under various clauses of the constitution and maritime law. Bar Harbor is expecting

a ruling by the end of 2023. The outcome will have implications for how municipalities can manage visitation. Yet, tourism management that is aligned with local governance systems is essential to preserving both the quality of life and the economic survival of Maine communities.

The policy questions at the heart of Bar Harbor's debate are: How does a small Maine community with a hybrid town meeting-town council style of government engage in a regional tourism market with global business partners while enhancing and protecting the health and identity of a small town over time? And, Is there a set of processes, policy and regulations that can (1) ensure that a community is in charge of its own destiny, (2) provide data that indicates changes are needed before tipping points are reached, and (3) provide processes for changes? Reflecting on Bar Harbor's recent experiences, here are some challenges and considerations specific to cruise ship visitation to small Maine coastal towns.

CHALLENGE #1: MANAGING CRUISE SHIPS

Elements of town government bodies need to work together to manage cruise ships. How does a community weigh the benefits and risks of hosting or growing cruise visitation? How do you monitor changes over time and communicate professionally with industry partners? How do you do this with an annually changing group of elected volunteers on the council and a public with tools (such as referenda) to govern itself?

Considerations

Engage the community in imagining the future success and challenges of initiatives from either body. Build policies and

tools to guide public officials that include public input in the process. Use consultants to separate town staff from the political turmoil. Review ethics ordinances and economic conflict-of-interest rules to guide membership and votes on committees. Understand the culture of your community and how and when past citizen's initiatives were created and received.

CHALLENGE #2: RESPONDING TO CHANGE

Things change over time, sometimes rapidly. Cruise lines need time to respond and local government time to react. Bar Harbor has seen a steep rise in both cruise- and land-based visitation over the past 20 years. During that time, infrastructure needs, safety and security requirements, and public sentiment have changed. The cruise ship industry has also diverged to build either large ships or smaller luxury cruise boats.

Considerations

Collect data and monitor a dashboard of indicators to predict the appropriate scale of visitation into the near future. Design policy and agreements to respond to changes before a community is overwhelmed so that local resources are protected and the industry has adequate time to respond and communicate timelines for regulations to be fully enacted.

CHALLENGE #3: REGULATORY LANDSCAPE

Cruise ships exist in a complex regulatory landscape. Cruise lines and ships are regulated by international, interstate, and US commerce laws, maritime laws, and local port rules. They are multinational corporations working to maximize profits while competing with each other.

Considerations

Negotiated agreements with clear processes for implementation, enforcement and changes can avoid litigation. Use agreements with cruise lines to set limits and terms for adjusting those limits. Use objective data, or agreed upon sets of indicators, to track issues. Some issues can be solved with better operational procedures, but others such as public sentiment (qualitative data) about cruise visitation may need more public engagement to understand solutions. Help the public understand how policy and agreements can change in response to other changes.

CONCLUSION

After another busy summer and fall season, the Town Council continues to hear from residents who have reached tipping points of traffic and congestion and who feel a sense of loss of community. Bar Harbor's identity and economic prosperity is tied to tourism and our proximity to the natural beauty of Acadia National Park, yet the question remains of how a town of 5,500 residents can host millions of visitors a year and sustain a quality of life and community for residents. The Town Council is looking into the creation of a tourism management plan and is in the process of updating the Comprehensive Plan to hopefully guide a more holistic and inclusive approach to balancing the impacts and benefits of tourism. Bar Harbor hopes to receive a ruling on the constitutionality of the ordinance created through the citizen petition process by the end of 2023. Regardless of the outcome, there are implications and lessons for communities in Maine and the nation.

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