STATE OF MAINE
PENOBSCOT, ss.

DISTRICT COURT
LOCATION: BANGOR
DOCKET NO. BANDC-PFH-2026-00180

JAMIE M. BECK,

Plaintiff,

v.

ADAM STADE,

Defendant.

DEFENDANT'S REPLY IN SUPPORT OF SPECIAL MOTION FOR EXPEDITED RELIEF UNDER 14 M.R.S. § 734 (ANTI-SLAPP)

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1.0 Introduction

The case is about a caricature of a political candidate and a politician at the center of Bangor's fight over homeless drug addicts. The satirical picture mocks those politicians by depicting them as dirty drug addicts. There is no nudity, nothing sexual, and the image would be protected speech even if it did have those elements. UPEPA applies to this case without question. The Legislature wrote no exception for harassment complaints, and the Court cannot create one. The Court should dismiss with prejudice and award fees, which UPEPA makes mandatory.[1]

2.0 Argument

2.1 UPEPA Has No Harassment Exception, and the Court Cannot Create One

Plaintiff bears the burden of proving an exception to UPEPA. 14 M.R.S. §§ 733(3), 738(1)(B). UPEPA has three exceptions. Plaintiff concedes that none apply. Opp. at 9. She asks the Court to create a new exception for harassment complaints. The Court cannot do that; separation of powers leaves that to the Legislature. Her reasons for an implied exception all fail.

[1] Rule 7(e) confines this reply to new matter. Stade does not concede any argument not addressed here, but reserves all issues for appeal, should one be necessary. Plaintiff's Opposition was over-length. However, Stade consents to the additional pages.

Plaintiff argues that the harassment chapter's place in the Revised Statutes implies an exception. Opp. at 14. UPEPA does not ask that question. It reaches "a cause of action asserted in a civil action," 14 M.R.S. § 733(2), and its exceptions turn on who sues and over what, never on where a claim is codified. *Id.* § 733(3). Nor is the harassment chapter a self-contained special proceeding. "All proceedings" under it are governed by the civil rules, 5 M.R.S. § 4658(1), and the Law Court has said civil rules apply when used to dismiss a harassment complaint before a hearing, reasoning that there is "no reason for the Legislature to require the court to hold a hearing on a complaint that fails, on its face, to state a claim." *Anctil v. Cassese*, 2020 ME 59, ¶¶ 8–9, 232 A.3d 245. Therefore, Title 14 already applies to these cases. Beck seeks to create yet another newly invented exception to a law, but § 733(2)(D) lists protected speech, not exempt actions.

The statutes do not conflict. Opp. at 14–15. Temporary orders are available before a motion is filed, as Plaintiff's own denied request shows. 5 M.R.S. § 4654(2). The UPEPA stay could not mechanically be sought before a temporary order is sought. UPEPA is raised as a defense and it ensures that the speech question is decided before any *final* order. 14 M.R.S. § 735(1)(A). If Beck finds that sequence to be inconvenient, again the remedy is to ask the Legislature to amend the process, not to ask a court to usurp the Legislature's job. More germane to the heart of this case, genuine harassment claims, such as true threats, stalking, or assault, are never based on speech on a matter of public concern, and thus would never pass UPEPA step one. The only time this sequence could ever be inconvenient to a plaintiff is if the plaintiff is abusing the process to stifle political speech, like is happening here.

Plaintiff's specific-over-general argument is backwards. Opp. at 15. UPEPA is a later, specific statute and it must be "broadly construed" and applied uniformly. 14 M.R.S. §§ 741–742. The Legislature enacted UPEPA knowing what its earlier statutes said, including 5 M.R.S. §§

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4651–4661. UPEPA came along and modified the harassment statute, not the other way around. The Legislature also knew how to write the exception she wants. In 2025, it amended UPEPA to protect communications about harassment and related misconduct, so it plainly had harassment on its mind. It added no exception for PFH actions. P.L. 2025, ch. 403. App. 46-8.

Maine chose to follow a well-established anti-SLAPP model. The Comments, P.L. 2023, ch. 626, § 6 (App. 36-8), construe "civil action" consistently with Fed. R. Civ. P. 1, (App. 40 at 7), and direct that "matter of public concern" be construed consistently with the parallel terms in other states' anti-SLAPP statutes, such as California's. App. 41 at 26–29. Washington and Minnesota excluded civil harassment petitions from their anti-SLAPP laws, but California and most others did not. *Thomas v. Quintero*, 126 Cal. App. 4th 635, 646–48 (2005) (PFH petitions subject to anti-SLAPP). Maine went with the majority, and did so on purpose.

This case proves that the Legislature's decision was a good one. Political speech should not be subject to a PFH order, and this Court must reject Plaintiff's request to draft a new exception.

2.2 The Image Is Speech on a Matter of Public Concern

The Court decides UPEPA's step one "without weighing the parties' evidence against each other." App. 45 at 21–22. Plaintiff wrongly says the Court may look only at Stade's evidence. It also looks at her very complaint. When the complaint is based on protected speech about a public official, Stade needed to "do no more than attach the Complaint." Comm. Amend. At App. 45 at 35 to App. 45 at 3; *see* App. 43 at 15–17. The Amended Complaint identifies the speech: a satirical image of a sitting public official and a candidate for public office. Am. Compl. Item 7. Even if Stade had offered nothing, the complaint itself proves step one.

Plaintiff also argues that the intent behind the speech is a question of fact for the Court to resolve. Motive is irrelevant. Stade will not run away from the fact that the image was a sharp

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elbow thrown in a political debate. App. 35 at ¶ 5. Caricature is "often calculated to injure the feelings of the subject of the portrayal." *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 54 (1988). Political speech need not be kind to be protected.

Plaintiff's step-one argument rests on a false and irrelevant premise: that she is just a "private spouse" with no connection to the controversy. Opp. At 9–12, 22. The record, and her own words, refute it. Four independent facts make the image speech on a matter of public concern.

Beck is a *candidate for office*. Opp. At 1, 2, 10–12, 19, 22; App. 3. That makes speech about her political positions and her record a matter of public concern, *per se*. Her candidacy itself drew a public dispute over whether a sitting councilor's spouse may serve. App. 3-5.

The Yellen Pines controversy is a matter of public concern. The Bangor Council approved its $11.2 million tax deal 6–3 despite public outcry over drug use on site. App. 12; App. 22-3. Councilor Beck supported it. App. 12; App. 17. That Plaintiff denies any stake in Yellen Pines, Beck Aff. ¶¶ 7–11, is irrelevant. The flood of drug addicts into Bangor *is* a matter of public concern. If she has no part in it and finds herself falsely tagged as such, it is hardly unfair for an advocate for homeless drug addicts to be falsely accused of … advocating for homeless drug addicts. But even if it were a scurrilous lie, "The First Amendment requires neither politeness or fairness." *Pullum v. Johnson*, 647 So. 2d 254, 258 (Fla. 1st DCA 1994). Even blatant lies about military service are protected. *United States v. Alvarez*, 567 U.S. 709 (2012) (plurality opinion). Saying that a homeless drug addict advocate did what she seems to like to do is certainly protected.

Plaintiff founded a Bangor nonprofit that serves the homeless, and testified to the Legislature as its director. Opp. at 2; Beck Aff. ¶¶ 7–9; J. Beck L.D. 1116 Test. App. 49-50.[2]

[2] Testimony of Jamie Beck, Exec. Dir., Dignity First, before the J. Standing Comm. on Labor & Housing on L.D. 1116 (131st Legis.) (Apr. 24, 2023); Testimony of Michael Beck, Advocacy Team Lead, Dignity First, before the J. Select Comm. on Housing on L.D. 226 (131st Legis.) (Apr. 14, 2023).

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Councilor Beck testified as its "Advocacy Team Lead." M. Beck L.D. 226 Test. App. 51-2. On September 12, he wrote that he discloses Dignity First as a special interest because "my wife's legacy as the founder will always be a connection the public will see." App. 29-30.

Most poignantly, Plaintiff herself started a public controversy about Stade. On September 6, she attacked Stade by writing to every city councilor and the police department, claiming that since Stade negatively reported on homeless drug addicts, she felt that it "border[s] on harassment," and asked the government to "do something about this." App. 28-9. A candidate for office who petitions the government to shut down a journalist has created a public debate. She just wants that debate to be one where she speaks while her opponents are gagged. An attempt to suppress Stade's journalism with the power of the state is itself a matter of public concern.[3]

Stade's artwork ties it all together. It depicts the Councilor and Plaintiff as homeless drug addicts. App. 35, ¶ 5. Explaining a joke often ruins it, but here we go: two public figures in Bangor who seem interested in serving homeless drug addicts at public expense are depicted as homeless drug addicts. The image depicts the Becks as some of the addicts she and her husband want to flood into Bangor. The image "participated in, or furthered, the discourse that makes an issue one of public interest." App. 42 (quoting *FilmOn.com Inc. v. DoubleVerify Inc.*, 439 P.3d 1156, 1166 (Cal. 2019)). UPEPA's protection does not turn on "a normative evaluation of the substance of the speech." *Id.* Caricature of a candidate and nonprofit founder who petitioned the City on this very subject is core political speech. *Hustler*, 485 U.S. at 53–55. The censorship controversy could have her fairly depicted as a Nazi burning books.

[3] App. 27-30 (Ex. 5) is authenticated in the Declaration of Joe Sokol (App. 31-2 (Ex. 6)). App. 1-30 (Exs. 1–5), App. 34 at ¶ 2 (Ex. 7), are offered to show that the public debate existed and what it concerned, not the truth of any statement in them, a use Plaintiff accepts. Opp. at 13. That answers her hearsay objections. *Id.* Exhibit 5 and the legislative testimony respond to new matter raised in the Beck Affidavit.

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2.3 No Nudity, No "Sexual Act," No § 511-A

Plaintiff invokes 5 M.R.S. § 4651(2)(C) and 17-A M.R.S. § 511-A, Opp. at 16, which requires an image that "appears to show the depicted person in a state of nudity or engaged in a sexual act or engaged in sexual contact." 17-A M.R.S. § 511-A(1). There is no nudity. There is no "sexual act." The statute does not apply to an image of a woman in a sundress leaning over a shirtless man. App. 35, ¶ 7.[4] The Court already said the photographs "do not appear to show persons 'in a state of nudity or engaged in a sexual act or engaged in sexual contact.'"[5]

2.4 The Claim Fails as a Matter of Law

Even if there were a prima facie case, the claim fails because harassment "does not include any act protected by law." 5 M.R.S. § 4651(2). Plaintiff argues, as every censor does, that § 511-A's elements "do the work" of that exclusion. Opp. at 21–22. That reading renders the exclusion meaningless, and without it the statute is unconstitutional. Political satire of a councilor and a candidate is protected whatever its tone. *Hustler*, 485 U.S. at 50–56. Plaintiff alleges no conduct beyond publishing a satirical caricature. She wants Stade silenced, and since asking the police and city council to do it failed, she now asks this Court to be her censor. This Court must decline.

Plaintiff's lead case helps Stade, not her. Opp. at 22. *Childs v. Ballou* affirmed the extension of a protection-from-*abuse* order against a former husband who had come to his ex-wife's home almost daily, sent her hundreds of text messages in a single day, and used police "well-being checks" to harass her. 2016 ME 142, ¶¶ 1, 5–6, 9, 23, 148 A.3d 291. The Law Court drew the very line Plaintiff asks this Court to erase: harassment cases "are distinguished from those involving communicative conduct that is undertaken to express a social or political viewpoint." *Id.* ¶ 17 n.6. Stade posted a political caricature on his own page. *Childs* says that is protected speech.

[4] This is not nudity under Maine law. 17-A M.R.S. § 511-A(3)(C).
[5] Order of Sept. 18, 2026.

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Her request for an order that Stade remove the images and never disseminate them again, Am. Compl. at 5, would be a prior restraint on political speech. Beck's commentary on *Kinney v. Barnes* is a surprise. *Kinney* is *the* case one cites in Texas as controlling authority that prior restraints are intolerable. *Kinney v. Barnes*, 443 S.W.3d 87, 91 n.7 (Tex. 2014). It makes it clear that in Texas, like everywhere, a restraint on speech can only come after a final adjudication that the speech is unprotected. Political caricatures are not susceptible to that adjudication.

2.5 Fees Are Mandatory

Fees are mandatory. 14 M.R.S. § 740(1). Plaintiff warns that if UPEPA applies, "every PFH plaintiff who lost on a special motion would pay the defendant's fees." Opp. at 26. She misses the point. Few harassment plaintiffs will ever face a UPEPA motion, because harassment complaints are not properly aimed at political speech.[6] Only those who use the PFH process to attack speech must answer to UPEPA. And because the award will include appellate fees, granting it now is merciful: it spares Plaintiff that added cost.[7]

2.6 Plaintiff's Remaining Requests Fail

Which pleading governs does not matter; both are about the same thing. Mot. at 8. Discovery is out because all questions here are matters of law. 14 M.R.S. § 735(4). Leave to amend is unavailable because it was amended already and dismissal is "with prejudice." *Id.* § 738(1).

3.0 Conclusion

The Court must hold that UPEPA applies, dismiss the case with prejudice, and award costs and fees under 14 M.R.S. § 740(1). If it declines, an immediate interlocutory appeal lies and will be sought. 14 M.R.S. § 739. The Court may not issue a PFH order in any event. *Id.* § 735(3).

[6] Plaintiff's objections to rates, hours, and lack of warning belong in her response to the fee application. They are about amount, not entitlement, and no warning could be clearer than the first motion.
[7] *Trapp v. Naiman*, 218 Cal. App. 4th 113, 122 (2013) (award "must also include those incurred on appeal"); *Ketchum v. Moses*, 24 Cal. 4th 1122, 1141 (2001) (and those incurred enforcing the fee right).

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Dated: November 2, 2026.

Respectfully Submitted,

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STATE OF MAINE
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DISTRICT COURT
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DOCKET NO. BANDC-PFH-2026-00180

JAMIE M. BECK, Plaintiff, v. ADAM STADE, Defendant.

APPENDIX OF EXHIBITS

to Defendant's Special Motion Under 14 M.R.S. § 734 and Reply

Ex.	Document	App.
	Exhibits filed with the Amended Special Motion (Oct. 9, 2026)	
1	Bangor Daily News Article: "Bangor won't clarify if councilor's spouse can be sworn in to School Committee" *As filed with the Amended Special Motion (Oct. 9, 2026). Printed pages 1–5 of 5. Cited at Reply pp. 4, 5.*	1–6
2	Bangor Daily News Article: "Housing for homeless in Bangor moving forward despite push back" *As filed with the Amended Special Motion (Oct. 9, 2026). Printed pages 1–6 of 6. Cited at Reply pp. 4, 5.*	7–13
3	Bangor Daily News Article: "Bangor's council holds firm on deal for homeless housing development" *As filed with the Amended Special Motion (Oct. 9, 2026). Printed pages 1–5 of 5. Cited at Reply pp. 4, 5.*	14–19
4	Maine Wire Article: "Bangor Council Approves 30-Year Tax Deal for Homeless Housing Despite Taxpayer Concerns" *As filed with the Amended Special Motion (Oct. 9, 2026). Printed pages 1–6 of 6. Cited at Reply pp. 4, 5.*	20–26
	Exhibits submitted with the Reply	
5	Digest of Emails (Item 1: Sept. 6, 2026; Item 2: Sept. 12, 2026) *Complete. Authenticated by the Declaration of Joe Sokol (Ex. 6). Cited at Reply p. 5.*	27–30
6	Declaration of Joe Sokol *Complete (1 page). Cited at Reply p. 5.*	31–32
7	Supplemental Declaration of Adam Stade *Complete (2 pages). Cited at Reply pp. 4, 5, 6.*	33–35
	Legislative materials (records subject to judicial notice, M.R. Evid. 201(b))	
8	P.L. 2023, ch. 626 (L.D. 870) (enacting UPEPA, 14 M.R.S. §§ 731–742) *First page of ch. 626, and the page containing §§ 5–6. Intervening page omitted. Cited at Reply p. 3.* Source: https://lldc.mainelegislature.org/Open/Laws/2023/2023_PL_c626.pdf	36–38
9	Committee Amendment "A" (S-604) to L.D. 870 (Uniform Comments) *Only the pages cited in the Reply: printed pp. 7, 8, 9, 14, 15, 16. Cited at Reply pp. 3, 5.* Source: https://lldc.mainelegislature.org/Open/LDs/131/131-LD-0870-CA_A_S604.pdf	39–45
10	P.L. 2025, ch. 403 (L.D. 385) (2025 amendment to UPEPA) *Complete (2 pages). Cited at Reply p. 3.* Source: https://legislature.maine.gov/legis/bills/getPDF.asp?paper=SP0154&item=3&snum=132	46–48

Ex.	Document	App.
11	Testimony of Jamie Beck, Executive Director, Dignity First, on L.D. 1116 (Apr. 24, 2023) *Signed letter (duplicate web copy omitted). Cited at Reply p. 4.* Source: https://legislature.maine.gov/testimony/resources/LBHS20230425Beck133268354299780894.pdf	49–50
12	Testimony of Michael Beck, Advocacy Team Lead, Dignity First, on L.D. 226 (Apr. 14, 2023) *Complete. Cited at Reply pp. 4, 5.* Source: https://legislature.maine.gov/testimony/resources/HOU20230414Beck133259516291218079.pdf	51–52

Every page, including each exhibit's cover sheet, is stamped with its exhibit and a consecutive "Stade App." number. Exhibits 1–4 are reproduced from the Amended Special Motion as filed; the pages of the two Bangor Daily News articles of Aug. 12 and Aug. 17, 2026, which were bound behind each other's cover sheets in the filing, appear here behind the cover sheets that describe them (Ex. 2 = Aug. 12; Ex. 3 = Aug. 17), matching the motion's citations. Exhibits 8–12 reproduce only the pages cited in the Reply, plus the pages needed to identify each document; Exhibits 11 and 12 are offered to show the public roles described in the Reply, not for the truth of their contents.

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Exhibit 1

Bangor Daily News Article:
"Bangor won't clarify if councilor's spouse can be sworn in to School Committee"

Referenced in Defendant's Reply at pages 4, 5:

Reply p. 4: Ex. 1 at 2 (candidacy)	→ **App. 3**
Reply p. 4: Ex. 1 at 2–4 (spouse-serving dispute)	→ **App. 3–5**
Reply p. 5: n.3 (offered to show the public debate existed)	→ **App. 1–6**

This exhibit: Stade App. 1–6 (this cover is Stade App. 1).

BDN BANGOR DAILY NEWS

54 ° F Bangor

Bangor won't clarify if councilor's spouse can be sworn in to School Committee

by **Annie Rupertus**
September 2, 2026

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Jamie Beck, seen in this November 2024 photo, is running for Bangor School Committee in 2026. Her husband is City Councilor Michael Beck. Credit: Linda Coan O'Kresik / BDN



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The spouse of a Bangor City Councilor qualified for this year's School Committee ballot, but it's unclear whether she can be sworn in because of vague guidance in the city's charter.

Jamie Beck, wife of City Councilor Michael Beck, is one of just three candidates who qualified to run for three open seats on the School Committee.

Article four of Bangor's charter states, "No immediate family member of a sitting City Councilor shall serve on any board, committee or commission of the City of Bangor during the City Councilor's term." The provision defines immediate family member as a spouse, child, sibling or domestic partner.

That appears to bar a councilor's spouse from serving on the School Committee — although precedent says otherwise, as School Committee member Ben Sprague served for two years while his father, Jonathan Sprague, was a city councilor, just a few years ago.

Jamie Beck's candidacy in the uncontested election highlights a vague point in Bangor's rules that the city has been unwilling to clarify and leaves significant questions about what could happen to the School Committee seat if she isn't sworn in.

Asked about the rule, city spokesperson David Warren said, "It's the opinion of the City's Legal Department that Article IV of the City Charter does not technically prevent an immediate family member of a sitting City Councilor from being placed on the ballot."

Warren did not answer detailed questions about whether Beck would be able to take office, how the city would fill a vacant seat if she isn't sworn in, and why the Spragues were allowed to serve overlapping terms.

A spokesperson for the Maine Municipal Association declined to comment.

The city's governing documents are inconsistent in terms of whether the School Committee is included under the category of "any board, committee or commission of the City of Bangor." The **chapter** of the city's code

titled, "Boards, Committees and Commissions" does not mention the School Committee; however, the committee is included under the definition of "board" in a **different section** of the code.

Beck believes that the rule was not intended to apply to the School Committee.

Unlike other city boards like the Board of Ethics or the Parks and Recreation Committee, whose members are appointed by the council, School Committee members are elected separately by the public.

"Each body is independently elected and each body has their own code of ethics," Beck said, adding that the previous paragraph in the charter mentions the School Committee by name separately.

Beck said she's proceeding now with the understanding that she'll be on the ballot and working to "see how best I can help serve the school department and the superintendent."

Although the rule barring family members from serving on city boards has been in place for more than a decade, Ben Sprague was sworn in as a School Committee member in 2021 while Jonathan Sprague served a City Council term from 2020 to 2023. Neither responded to requests for comment Tuesday.

Clare Davitt, who sat on the City Council from 2017 to 2023, told the Bangor Daily News that she's not sure why the city solicitor, city manager or council chair at the time didn't bring up the charter rule when the Spragues served.

"I regret not raising the issue publicly," Davitt said.

The provision was originally added to the charter as part of a **package of amendments** **approved by voters** in 2010. Many of those changes, such as updates to the process for recalling elected officials, were recommended by a citizen review committee, but the rule about family members serving on city boards was added later in the process by city councilors at the time.

The addition of the measure was **seemingly directed** at then-Councilor Geoff Gratwick, whose wife, Lucy Quimby, served on citizen committees.

While it appears the city will allow Beck to be on the ballot in November, it's unclear what will happen if she is ultimately not allowed to serve.

The charter does not clearly outline how seats should be filled when there aren't enough eligible candidates to fill the number of open seats, although **it does say that vacancies** "caused by the death, resignation, removal from the City or removal from office of any member of the City Council or School Committee" may be filled at the next regular election or via special election, at the discretion of the City Council.

That suggests the School Committee could have an unfilled seat for the upcoming year, which is set to be a pivotal one for the committee as it **moves toward a decision** on whether to preserve Bangor's neighborhood school system or consolidate schools in the face of declining enrollment and aging facilities.

"It's unfortunate that more people didn't want to step up to serve and be part of our school committee," Beck said. "It's a really important role to fill in our community. Our children are our greatest asset and biggest investment."

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Exhibit 2

Bangor Daily News Article:
"Housing for homeless in Bangor
moving forward despite push back"

Referenced in Defendant's Reply at pages 4, 5:

Reply p. 4: Ex. 2 at 5 (6–3 vote; Councilor Beck voted yes) → **App. 12**

Reply p. 5: n.3 (offered to show the public debate existed) → **App. 7–13**

This exhibit: Stade App. 7–13 (this cover is Stade App. 7).

BDN BANGOR DAILY NEWS

55 ° F Bangor

Housing for homeless in Bangor moving forward despite push back

by **Annie Rupertus**
August 12, 2026

23

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Michael Myatt, executive director of BangorHousing, walks through the new construction of Sunridge Senior Housing, a 50-unit senior living complex on Sunset Avenue in Bangor, in September 2025. Credit: Linda Coan O'Kresik / BDN



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A 30-unit permanent supportive housing facility for homeless residents is moving forward after Bangor City Council approved a property tax reimbursement Monday that will help the project overcome a funding gap.

Under the approved tax increment financing district, or TIF district, and accompanying credit enhancement agreement, the city will reimburse 75% of the property taxes paid by the Yellen Pines facility for a 30-year period.

The housing project is moving forward while some residents push back, part of a growing sentiment of distrust for homeless service providers and nonprofits among a subset of the Bangor community. Some

community members expressed that they don't believe the apartment building is worth sacrificing potential tax revenue.

Yellen Pines will offer studio apartments for people who have been chronically homeless in Bangor with 24/7 services on site to help residents get health care and substance use treatment and readjust to living indoors. The Bangor Housing Development Corporation plans to build it on Corporate Drive, near the former site of a large homeless encampment known as Tent City.

The project, which is primarily funded by a state grant, **has been delayed** due to difficulties finding enough money. Bangor has not contributed any grants toward the project, but the tax reimbursement will allow the developer to "borrow more money to help pay for things that are expensive with this project," Mike Myatt, its director, said during a committee meeting last week.

"We're not asking for capital dollars," he said. "We are asking for very precious taxpayer dollars, but we feel that that investment from the city in Yellen Pines will come back in savings" in costly police, jail and other expenses that weigh on cities with large homeless populations. Myatt told councilors the project would not be able to move forward without the TIF and credit enhancement agreement.

The estimated cost to build Yellen Pines is $11,185,881, and the developer is short $1,205,211 in funding, according to a June **memo** from Biguita Hernandez-Smith, an economic development officer for the city.

The city estimated that the building will generate about $46,000 in taxes each year, according to the memo. Under the tax agreement, the city will reimburse 75% — about $34,500 — to the project while keeping about $11,500 within the city's affordable housing TIF district fund for other initiatives. That's about $1,035,000 in reimbursements over 30 years.

Councilor Michael Beck noted that the city would not generate any tax revenue from the property if Yellen Pines was not built and the land continued to sit empty.

“It’s been sitting dormant for how long? I mean, there’s no projects waiting in the wings, just dying for that land with something that’s going to move this city forward,” he said.

The developer, a nonprofit partner agency of the Bangor Housing Authority, was **approved for an option agreement** to purchase the land from the city for $120,000 in October.

Monday’s council meeting was crowded, and four community members spoke in favor of the agreement for Yellen Pines during public hearings while six spoke against it. Some said they thought the project was too expensive and argued against sacrificing any tax revenue for it.

“That’s a lot of money for the taxpayers to give up,” Councilor Carolyn Fish said during Monday’s workshop. She also said she opposed the agreement because she couldn’t be sure that Yellen Pines would be limited only to people who are from Bangor.

Myatt said in several workshops that while he couldn’t say how many of the building’s residents would be from Bangor, they would be chosen based on the people who already interact with Bangor service providers and have the highest need.

Michael Furrow, a resident who has **taken out papers** to get on the city council ballot this fall, argued that the developer profits from the “homeless industrial complex” and suggested that the people who would be housed at Yellen Pines are “individuals who have no hope of recovery.”

Some at the meeting, including Councilor Wayne Mallar, also expressed concerns about substance use on the premises. Myatt said that while it's possible residents might use drugs in their private apartments, "the whole point of having the wraparound services is that Preble Street will be there to encourage folks to not do that."

Both parts of the tax deal were approved in 6-3 votes, with councilors Michael Beck, Daniel Carson, Susan Deane, Susan Faloon, Joe Leonard and Angela Walker voting yes. Councilors Carolyn Fish, Susan Hawes and Mallar voted no.

Hawes, the council chair, did not say why she voted no, nor did she answer a phone call Tuesday seeking comment on her vote.

Some of the project's criticism from the public mirrored the Trump administration's approach to homelessness as the president has, through executive orders and **changes to funding structures** within the U.S. Department of Housing and Urban Development, worked to **drastically shift** programs away from the longstanding Housing First model and toward treatment-based programs with work requirements.

In one of the stranger moments of the meeting, resident Suzette Furrow said she worried about pedophiles living in the apartment building. Myatt later approached the public comment podium to state simply, "we will not be housing pedophiles at Yellen Pines."

Others were more supportive, saying the project would have far-reaching effects in the city such as savings in law enforcement and emergency services costs and helping people maintain housing after getting off the streets.

"We see individuals move into housing and then sometimes return to homelessness because they don't have the ongoing support they need to be successful," Jennifer Lolar, Maine's homeless response hub coordinator for the Bangor region, said. "When people have the tools to remain housed, it allows shelters, outreach teams, and other providers to focus their limited resources on those who are still experiencing homelessness."

The building is **expected to open** by the end of 2027. There are several other housing projects with similar tax agreements in the city, including two market rate residential properties on State Street and the **senior apartment project** Milford Place, Anne Krieg, the city's community and economic development director, said during a workshop Monday.

Once residents move into Yellen Pines, property-related expenses will be paid for with revenue from rents, which will be partially subsidized by housing vouchers, Myatt explained at a **city council committee meeting** last week. The 24/7 services provided by the Portland-based nonprofit Preble Street will be funded through the state with revenue from the real estate transfer tax.

Bangor was also awarded state funding earlier this year to build a second permanent supportive housing project, although planning for that is still in the early stages.

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Exhibit 3

Bangor Daily News Article:
"Bangor's council holds firm on deal
for homeless housing development"

Referenced in Defendant's Reply at pages 4, 5:

Reply p. 4: Ex. 3 at 3 (Councilor Beck voted not to reconsider) → **App. 17**

Reply p. 5: n.3 (offered to show the public debate existed) → **App. 14–19**

This exhibit: Stade App. 14–19 (this cover is Stade App. 14).

BDN BANGOR DAILY NEWS

54 ° F Bangor

Bangor's council holds firm on deal for homeless housing development

by **Annie Rupertus**
August 17, 2026

23

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Some community members showed up to a special meeting of the Bangor City Council on Monday with signs in support of the Yellen Pines housing project. Credit: Annie Rupertus / BDN

The Bangor City Council is standing by its tax reimbursement deal for a 30-unit permanent supportive housing development after striking down a push to reconsider.

The council **already approved the deal** last week. It held a special meeting Monday to reconsider, but that effort failed in a 7-2 vote.

The Yellen Pines development, which will provide housing and 24/7 supportive services for people who have been chronically homeless in Bangor, has been the subject of heated public debate in recent weeks at city meetings and online, and Monday's meeting became chaotic after residents in attendance were not offered the chance to weigh in.

The deal includes the creation of a tax increment financing district, or TIF district, and an accompanying credit enhancement agreement that directs the city to reimburse 75% of the property taxes paid by the Yellen Pines facility for a 30-year period.

Councilors voted 6-3 last week in favor of the deal. Council Chair Susan Hawes was the only councilor who switched sides Monday, voting not to reconsider the initial decision she had previously opposed.

Also voting not to reconsider the deal were Michael Beck, Daniel Carson, Susan Deane, Susan Faloon, Joe Leonard and Angela Walker.

"This is something our city is badly in need of," Deane said of the housing project.

Carson noted that he'd already secured an amendment to the order before it passed, allowing the city manager to place conditions on the credit enhancement agreement when it's drafted, and suggested that the council discuss those conditions at its workshop next week.

Councilors Carolyn Fish and Wayne Mallar, both critics of the deal from the get-go, voted in favor of reconsideration.

Pushback against the project has included qualms about housing that offers treatment for mental health and substance use disorder as an option rather than a requirement Some community members said they don't believe the apartment building is worth sacrificing potential tax revenue.

The land on Corporate Drive where the developer, the Bangor Housing Development Corporation, plans to build the housing is currently empty and not generating tax revenue, but the city has **estimated** that the project would generate about $46,000 in taxes each year — meaning about $34,500 per year would be reimbursed back to the project.

The council voted nearly immediately after opening the special meeting, and the motion to reconsider the deal was the only agenda item.

Despite the **relatively short notice** for the meeting, the council chambers were nearly full, and clearly residents on both sides of the issue had shown up in force. Some brought signs with messages like "Bangor needs housing."

After the vote concluded, chatter grew louder in the room. Mallar leaned over to Hawes, who was sitting next to him, and asked, "Did we call for public comment?" Hawes replied that she did not.

City policy states that general public comment periods will not be held at special meetings "unless it is required by law or contains a public hearing agenda item specifically."

Numerous residents began talking in the gallery and addressing the council, arguing that the council should have asked for public comment.

"The vote is finished now," City Solicitor David Szewczyk said, noting that the council already held public hearings on the item last week.

Community members continued speaking as Beck tried to prompt Hawes to respond to the chaos in the room. When the chatter continued, Szewczyk added, "Chair, we can't have the public running the meeting. The council has to run the meeting."

Hawes called the meeting adjourned — about 20 minutes after it began — at which point many residents got up to leave.

"You guys are a clown show," one person said as they walked out.

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Exhibit 4

Maine Wire Article:
"Bangor Council Approves 30-Year Tax Deal for Homeless Housing Despite Taxpayer Concerns"

Referenced in Defendant's Reply at pages 4, 5:

Reply p. 4: Ex. 4 at 2–3 ($11.2 million; drug and alcohol debate; 6–3 vote) → **App. 22–23**

Reply p. 5: n.3 (offered to show the public debate existed) → **App. 20–26**

This exhibit: Stade App. 20–26 (this cover is Stade App. 20).

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Sunday, October 4

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Home » News » Crime » Bangor Council Approves 30-Year Tax Deal for Homeless Housing Despite Taxpayer Concerns

CRIME

Bangor Council Approves 30-Year Tax Deal for Homeless Housing Despite Taxpayer Concerns

BY JON FETHERSTON — AUGUST 11, 2026 — UPDATED: AUGUST 11, 2026 7 COMMENTS 10 MINS READ

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Hawes, Fish and Mallar oppose Yellen Pines deal as residents question costs, drug use and long-term financial risk

BANGOR, Maine — The Bangor City Council voted 6-3 Monday night to approve a controversial 30-year tax arrangement for a permanent supportive housing development intended for some of the city's chronically homeless population, despite warnings from residents and three councilors that Bangor taxpayers could be assuming a costly long-term obligation without enough financial certainty.

Council Chair Susan Hawes and Councilors Carolyn Fish and Wayne Mallar voted against both the credit enhancement agreement and creation of the tax increment financing district for Yellen Pines, a proposed 30-unit permanent supportive housing development at 205 Corporate Drive.

Councilors Michael Beck, Daniel Carson, Susan Deane, Susan Faloon, Joseph Leonard and Angela Walker voted in favor.

The Bangor Housing Development Corporation project is intended to house 30 people experiencing chronic homelessness, with Preble Street expected to provide around-the-clock supportive services.

Under the agreement approved Monday, 75 percent of the property tax increment generated by the development would be returned through the credit enhancement agreement for 30 years.

That three-decade commitment became the centerpiece of a lengthy and at times contentious public debate over how far Bangor should go financially to address homelessness, and whether city taxpayers are being asked to shoulder responsibilities that should fall more heavily on state government, surrounding municipalities and private organizations.

Bangor resident Hillary Simmons urged councilors to delay the agreement until taxpayers receive a more complete accounting of its potential costs.

"This is not about opposing affordable housing or helping people experiencing homelessness," Simmons said. "This is about fiscal responsibility and whether Bangor should make a 30-year financial commitment without first providing taxpayers with a complete financial picture."

Simmons pointed specifically to Logan Place, a permanent supportive housing development in Portland that supporters have cited as evidence that the model can reduce police, ambulance, jail and emergency health care usage.

According to Simmons, Logan Place received $435,000 in federal HOME funding but received no TIF assistance.

"If Logan Place is being represented as an example of why Bangor should support Yellen Pines, then someone should explain why the success of Logan Place demonstrates that Bangor needs to return 75 percent of the tax increments for 30 years," Simmons said.

She asked councilors to table the proposal until taxpayers could see the estimated annual cost, estimated 30-year value of the agreement, complete financing package, remaining funding gaps and justification for providing the 75-percent benefit for three decades.

"Supporting housing and protecting Bangor taxpayers is not mutually exclusive," Simmons said. "Thirty years is a long time."

Residents Question $11 Million Price Tag


Maine to Automatically Enroll Eligible Households in Electric Bill Discount Program
October 4, 2026


Trump Warns Fraudsters: Prison Time Ahead — and Politicians Who Look Away Could Pay
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Who Changed Windham's Voter Records? Bagshaw Seeks Federal Review After State Cannot Identify Who Made Reassignments
October 4, 2026


Collins, Fellow Senators Demand Federal Probe Into Chinese Criminal Networks

The overall cost of Yellen Pines also came under scrutiny.

Bangor Realtor Emily Ellis told councilors that 175 residential homes had sold in Bangor during the previous six months, with an average sale price just under $318,000 and a median price of approximately $289,000.

She contrasted those figures with Yellen Pines, which she said works out to approximately $373,000 for each roughly 400-square-foot unit, or about $932 per square foot.

"There is a difference between affordable housing and subsidized housing," Ellis said.

Her husband, Mike Ellis, said he reviewed the project's plans and compared its projected cost with supportive housing developments elsewhere, including projects in Canada.

He questioned how Yellen Pines reached an approximately $11.2 million price tag for 30 units.

Other speakers questioned whether Bangor could eventually face additional financial exposure if state funding supporting the development changes.

Jackie Small told councilors that ongoing services at Yellen Pines are expected to be financed through Maine's Housing First program, which is supported through the state's real estate transfer tax.

Small argued that while Bangor would be making a 30-year commitment, future legislatures and governors could change the state funding formula supporting the services.

"The city's obligation is locked in for three decades," Small said. "The state's is not."

Small urged councilors to slow the process and reconsider the proposal after the November election.

"Bangor has to stop making rash decisions because the implication that this proposal could have on Bangor for the next 30 years are very real," she said.

Drug and Alcohol Use Becomes Issue Before Vote

One of the sharpest exchanges came immediately before the council voted on establishing the TIF district.

Hawes questioned Bangor Housing representative Mike Myatt about whether drug and alcohol use would be permitted at Yellen Pines.

Myatt stressed that Yellen Pines would be permanent supportive housing rather than a homeless shelter.

"If someone's using in their unit, they could be doing that," Myatt said.

He said the purpose of having Preble Street's wraparound services on site would be to encourage residents to address substance use and other problems.

Hawes pressed further.

"But you allow drugs and alcohol to be consumed on the premises. Is that correct?" she asked.

"If someone's using in their unit, they could be doing that," Myatt responded.

"To encourage, but not to prevent," Hawes replied. "So I have issues. I will be voting against the TIF."

Hawes ultimately joined Fish and Mallar in opposing the measure.

Fish: Bangor Cannot Have 'Endless Monies'

Fish delivered one of the strongest arguments from the council against the project.

She said Bangor has already worked with Bangor Housing, MaineHousing and private developers to add housing but still has not adequately answered a fundamental question: Who is Bangor financially responsible for helping?

"To me, I am tired of passing and voting yes on taxpayers' backs for projects like this when we do not have a system of filtering," Fish said.

Fish said Bangor's homeless residents need assistance and described life on the street as inhumane but questioned whether city taxpayers should assume long-term financial obligations for people arriving from other communities.

"We do not have endless monies to take care of everybody else's," Fish said.

She also questioned the cumulative impact if Yellen Pines eventually expands beyond its initial 30 units.

Fish said she wanted more information about the financial consequences of the project and greater participation from the state, surrounding communities and service providers before committing Bangor taxpayers.

"I want to know the financial data," Fish said. "I want to know what the future circumstances and the ripple effect on the city are going to be."

Supporters Say Doing Nothing Also Costs Bangor

Supporters countered that Yellen Pines should not be viewed simply as a benefit for 30 individuals.

Councilor Susan Faloon called the development an investment in the entire Bangor community.

"This is not just an investment in 30 people," Faloon said. "This is an investment in our entire community."

Supporters argued that chronically homeless individuals already generate substantial public costs through police interactions, ambulance calls, emergency medical care, shelters and incarceration.

Jennifer Lohler, who works in homeless services in Bangor, told the council that chronically homeless individuals who were housed in June had spent an average of 1,819 days homeless.

That is nearly five years.

"Having an apartment doesn't automatically resolve the barriers someone faced before they were housed," Lohler said.

She argued that supportive housing is particularly important for individuals who may return to homelessness without continued assistance.

"Home for Good pairs permanent housing with ongoing support that can give someone the foundation to build from," Lohler said.

Preble Street Points to Portland Results

Chris Saunders, vice president of operations at Preble Street, joined the meeting remotely and urged councilors to approve the project.

Saunders pointed to Logan Place in Portland, another 30-unit supportive housing development, as evidence that housing chronically homeless individuals can reduce costs elsewhere in government.

According to Saunders, Logan Place residents experienced an 88-percent reduction in jail nights during the project's first year.

Ambulance and emergency calls dropped by 66 percent, while police contacts fell by 80 percent, he said.

Saunders also said the system of care spent $23,328 less on residents during Logan Place's first year than it had during the previous year.

He argued that the savings would be more than $40,000 in today's dollars.

"Moving people from chronic homelessness to stable permanent housing benefits both the individual and the Bangor community," Saunders said.

Myatt similarly argued that the TIF should be considered an investment capable of reducing other municipal costs.

"We're not asking for capital dollars," Myatt said. "We are asking for very precious taxpayer dollars, but we feel that that investment from the city in Yellen Pines will come back in savings for the municipality."

Myatt said those savings could include fewer police calls, first responder interactions, unpaid medical bills and jail stays.

He also made the stakes of Monday's vote clear.

"If we don't get the TIF, our project cannot move forward," Myatt said.

Council Gives City Manager Authority to Add Conditions

Before approving the credit enhancement agreement, the council voted to amend the order to give the city manager authority to place conditions on the final agreement.

That amendment passed 8-1.

The council then approved the amended credit enhancement agreement 6-3, with Hawes, Fish and Mallar opposed.

The separate order creating the affordable housing TIF district at 205 Corporate Drive also passed 6-3, with Hawes, Fish and Mallar again voting no.

Project HOPE Could Bring Another $126,000 Bangor Commitment

The Yellen Pines debate came as Bangor is simultaneously considering another homelessness initiative.

Councilors referred a separate proposal for Project HOPE to the Government Operations Committee.

The proposal would authorize Bangor to accept and appropriate up to $300,000 from MaineHousing while providing a $126,000 match from the city's unspent opioid settlement funds.

Project HOPE is modeled on a Portland initiative designed to move people directly from homelessness into permanent housing while providing ongoing case management and support.

Residents questioned what happens after the initial funding period ends and whether Bangor taxpayers could eventually be asked to cover future expenses.

One speaker warned councilors that homelessness-related proposals increasingly arrive as urgent requests requiring immediate action.

"It's always an emergency," she said. "It's always all hands-on and all resources on deck for the same 1% of Bangor's population."

"Slow down, Bangor," she added.

The Project HOPE proposal is scheduled for further consideration rather than receiving final approval Monday night.

Eric Pelletier Unanimously Approved as Bangor Fire Chief



The council found considerably more agreement later in the meeting, unanimously approving Eric Pelletier as Bangor's next fire chief.

Pelletier joined the Bangor Fire Department as a lieutenant in 2015, was promoted to captain in 2018 and has served as deputy fire chief for eight years.

Before joining Bangor, Pelletier served as both a captain and assistant chief in Hermon.

He has more than 26 years of fire service experience and holds an associate degree in fire science and a bachelor's degree in fire science administration.

Councilors approved his appointment 9-0.

"I am humbled and honored to accept this position and the responsibility that comes with it," Pelletier told the council.

Pelletier thanked former chiefs, city employees, members of the department and his family before outlining priorities including public and firefighter safety, emergency preparedness, community relationships and professional development.

"Safety for the public and our personnel will always be a top priority," Pelletier said.

Mansfield Stadium Field Named for Ron St. Pierre

Councilors also voted 9-0 to officially name the baseball field at Mansfield Stadium in honor of Ronald "Ron" St. Pierre.

St. Pierre and David Mansfield voluntarily managed operations at Mansfield Stadium for more than 30 years, until the city's management agreement with Bangor Westside Little League ended in 2023.

St. Pierre also devoted countless volunteer hours to coaching generations of Bangor youth and supporting baseball tournaments at the local, state, regional and national levels.

Bangor Parks and Recreation Director Tracey Ouellette told councilors that St. Pierre and Mansfield were instrumental in shepherding the stadium and preserving it as an important community asset.

By placing St. Pierre's name permanently on the field, Ouellette said, future generations will have an opportunity to learn about his decades of service to Bangor.

The measure passed unanimously.

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October 4, 2026

5

Article Rating

★★★★★

7 COMMENTS Oldest

Handy N Handsome

1 month ago

That'll be a great addition to the neighborhood.

1

Norman Linnell

1 month ago

It would be more effective, economical, and humane for every state to have asylums for all of the junkies and the mentally ill.

9

cheshire cat

1 month ago

more B.S. from the tax and spend demoKKKrats that run Bangor. I'm old enough to remember when Bangor was a very nice city, not the crap hole it has become.

10

Pork Bellying

1 month ago

How can anyone justify paying 373,000 per 400 sqft unit.The cost is insane but the idea itself is worthwhile.The members of the Bangor City Council might be the most inept and under qualified group anywhere in America.They prove time and time again how much of an embarrassment they are,it never seems to end.

6

Lowell L Morse

1 month ago

Penal Colony? Darwin / isolation / experimentation ? That's scraching the surface. Additional cost incurr with the mental/health "services" that with be imparative with such. Locking doors i.e. autism children who "sneak out"
Oh, it's not prison / jail or a penal colony?
You can not hang this albatross around the neck of the taxpayer and expect to sail away into the night.
There are consequences.
The "lawmakers" are the problem here folks. As a side note, who are the two sitting behind the old dude the women and whoever? Nice touch with the purple jacketed set in the middle.
Aye Yay people, have you no shame? I will answer that, NO!
Bellies prove it!
It's best that I see this knot yet again, for The Word of The Almighty will spew you out of His mouth.

3

MaineMadMan

1 month ago

In less than 2 years it will look like LBJ's "Great Society" housing projects from the 60's.

4

Dwight McIntosh

1 month ago

These so called "Leaders" are certainly not looking out for the taxpayers of Bangor.
They are out of their flipping minds!!!!

4

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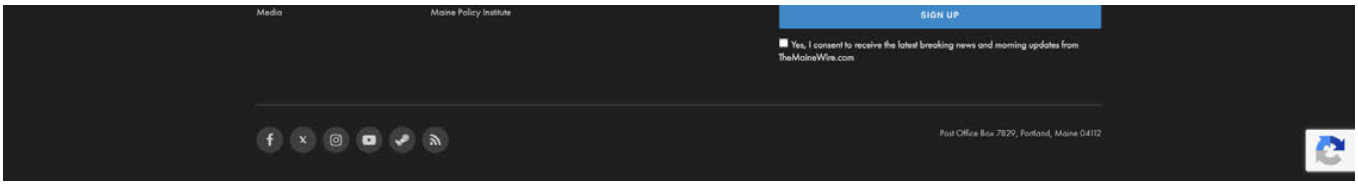

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EXHIBIT 5

Digest of Emails*

Item 1: Email from Jamie Beck to Bangor city officials and police (Sept. 6, 2026)

Item 2: Email from Councilor Michael Beck to Joe Sokol (Sept. 12, 2026)

Referenced in Defendant's Reply at page 5:

Reply p. 5: Ex. 5, Item 1 (Sept. 6 email) → **App. 28–29**

Reply p. 5: Ex. 5, Item 2 (Sept. 12 email) → **App. 29–30**

Reply p. 5: n.3 (authenticated by Ex. 6) → **App. 27–30**

This exhibit: Stade App. 27–30 (this cover is Stade App. 27).

EXHIBIT 5: DIGEST OF EMAILS*

Item 1

From: Jamie Beck <jmbeckme@gmail.com>
Sent: Sunday, September 6, 2026, 3:59 PM
To: Lear, Carollynn <carollynn.lear@bangormaine.gov>; Hathaway, Mark <mark.hathaway@bangormaine.gov>; Committee, Homelessness <Homelessness.Committee@bangormaine.gov>; Councilors <councilors@bangormaine.gov>; Police-WWW <police@bangormaine.gov>; Beaulieu, Brent <brent.beaulieu@bangormaine.gov>; Brooker, Aaron <aaron.brooker@bangormaine.gov>; Bushey, David <david.bushey@bangormaine.gov>
Subject: Concern about dangerous situations brewing

Hello,

I am writing to express my deepening concern about several individuals in the community, and now one coming from Augusta, who have recently made it a priority to seek out our homeless residents and people who use drugs, record them and post the recordings online to stoke animosity, fear, and malice. Joe Sokol and Adam Stade claim to be “reporting,” and The Maine Wire shares much of their content, but they seem to be transitioning from supposed “journalism” to inciting violence. Many of these videos show them purposefully seeking out people in areas that are not public or where the general public would typically be. They film in abandoned encampments off the beaten path or in places where unhoused people have tried to find a safe, private space. They disguise their intent by stating they are just asking questions, but I personally can attest to their aggressive tactics which do not accomplish their stated goal of getting the truth. Their tactics border on harassment.

Their videos are circulating online, and the comment sections suggest planning future “walks” through the Kenduskeag stream trail this upcoming Saturday morning, to “clean up.” However, many of these comments include statements expressing a desire to harm the people down there. I am attaching screenshots.

Additionally, Nicholas Blanchard aka “Cornpop,” is apparently coming from Augusta to “walk the stream” tomorrow (Monday 9/7) with Adam Stade. Cornpop has a well-documented history of harassing people who use drugs and the people who provide services to them. He also records his aggressive “reporting” tactics as “exposing the truth”.

I understand people have First Amendment rights, but the nature and frequency of these videos make it clear that they are not intended to report news or serve as a PSA to help people in these situations. The result is that their exploitation of vulnerable people strengthens the fervor, hatred, and stigmatization toward people who are homeless and use drugs. Regardless of how people became homeless, addicted to substances, or what they have done, they have the right to be free from exploitation or violence.

Please do something about this. I am increasingly concerned that their repeated recording and posting of videos online will result in physical violence. This situation is a powder keg waiting to explode.

Respectfully,
--
Jamie Beck (She/her/hers)
Unless someone like you cares a whole awful lot,
Nothing is going to get better. It’s not.
~Dr. Seuss, Lorax

Item 2

From: Beck, Michael <michael.beck@bangormaine.gov>
Date: Saturday, September 12, 2026, 11:54 AM
Subject: Re: Fw: Concern about dangerous situations brewing
To: Joe Sokol <joe@themainewire.com>
Cc: carolynfish3@gmail.com <carolynfish3@gmail.com>; Fish, Carolyn <carolyn.fish@bangormaine.gov>

Joe,

I am writing this in my personal capacity. I do not speak for the City Council. I do not speak for the City of Bangor.

I got your response to Councilor Fish. I gather I’m not the only one who was BCC’d.

Two things in your letter are about me, so let’s address those first.

You call my wife’s email retaliation for questions you’ve been asking about me and Dignity First. There are no questions. I have no fiduciary connection with the organization. I disclose Dignity First as a special interest because my wife’s legacy as the founder will always be a connection the public will see, and I acknowledge that. All of my disclosures, including that one, is in writing with the City Clerk. You are welcome to request a copy of my full disclosures.

I’ve recused myself on Dignity First matters whenever recusal was required. That’s where a story would be: a conflict I concealed, or a vote I took anyway. Neither exists, and either would be simple to document if it did.

Jamie has no affiliation with the organization. A stale Secretary of State filing isn’t a finding, it’s the start of a phone call. Dignity First controls that record and could have told you it’s out of date. So could Jamie. You asked neither, because one document that reads badly is worth more to you than an accurate answer. I worked for Apple years ago. Tell me which features on this year’s iPhone are my fault.

You say I incited violence at the ICE protest. The chant was “no peace.” To me that means no peace of mind. A person died, there’s been no judicial process for it, and I lose sleep over that. That’s what the words mean to me.

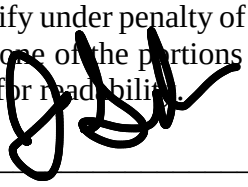
Nothing about it calls for hurting anyone. Nobody was hurt. If a crowd chanting “no peace” was an incitement to violence, it was the least effective incitement in history. You didn’t find violence in it. You needed it to be there, so you decided it was… same as you decided why Jamie wrote her email.

> The rest isn’t addressed to me, but I read it, so I’ll say it plainly.
>
> Jamie wrote that your comment sections were organizing a walk on the Kenduskeag on Saturday morning, and that Blanchard was driving up from Augusta to walk the stream with Adam. Those were the only two things in her letter about something scheduled to happen to real people in a real place. You wrote two thousand words and never mentioned either one. You answered the comments by saying other people wrote them. Nobody said you wrote them. The question was who reads them and what actions do they take.
>
> You were defending yourself against the charge that your work degrades people who are mentally ill or using drugs. In the middle of that defense you called a crowd mentally unstable people eating handfuls of SSRIs. You have no idea what anyone there takes, or why, or whether they take anything at all. You made up a diagnosis for a group of strangers because it was a convenient way to sneer at them. You did the thing while denying you do the thing.
>
> And that’s the pattern. Jamie objects, so it’s retaliation. Councilor Fish asks, so it’s politics. Anyone else objects, so it’s ambition, or cancel culture, or a threat to your narrative. It never once lands that people watched the work and concluded it was cruel. Some of us aren’t part of anything. We just live here, and we’re tired of watching you point a camera at people who are having the worst day of their lives so that strangers online can enjoy it.
>
> You’re free to keep making it. People are free to watch it. I’m free to say what it is, and I have.
>
> Last thing. You closed by rewriting Jamie’s signature into a couplet about people who don’t like you, who lie and cry and won’t stop. You credited it to yourself. Then read back what came above it: two thousand words about everyone who doesn’t like you, every one of them lying about why, and not one of them stopping. You wrote your own diagnosis, signed your name to it, and sent it to a city councilor.
>
> Michael Beck

---

* This digest reproduces two messages from a longer email chain. Intervening messages, including a September 10, 2026 email from Councilor Carolyn Fish to Joe Sokol and Mr. Sokol’s September 11, 2026 reply, are omitted as not relevant to this motion. Councilor Beck, Plaintiff’s husband, received Mr. Sokol’s September 11 reply, which quotes Councilor Fish’s email; Item 2 is his response to it.

I certify under penalty of perjury that this is a true and correct excerpt of a much longer email chain, but none of the portions of this have been altered from the original except in form, provided this way for readability.



Joe Sokol

Exhibit 6

Declaration of Joe Sokol

Declaration of Joe Sokol, a reporter for The Maine Wire, authenticating the Digest of Emails (Exhibit 5). Signed Oct. 31, 2026.

Referenced in Defendant's Reply at page 5:

Reply p. 5: Ex. 6 (authenticates Ex. 5), n.3 → **App. 32**

This exhibit: Stade App. 31–32 (this cover is Stade App. 31).

Pages reproduced: Complete (1 page).

STATE OF MAINE
PENOBSCOT, ss.

DISTRICT COURT
LOCATION: BANGOR
DOCKET NO. BANDC-PFH-2026-00180

JAMIE M. BECK,

Plaintiff,

v.

ADAM STADE,

Defendant.

DECLARATION OF JOE SOKOL IN SUPPORT OF SPECIAL MOTION FOR EXPEDITED RELIEF UNDER 14 M.R.S. § 734 (ANTI-SLAPP)

I, Joe Sokol, declare:

1. I am a reporter for The Maine Wire. I have personal knowledge of the facts stated in this declaration and could testify to them if called.

2. On September 10, 2026, Bangor City Councilor Carolyn Fish sent me an email forwarding an email that Jamie Beck sent on September 6, 2026, to Bangor city staff, the City Council, the City's Homelessness Committee, and the Bangor Police Department. Item 1 of Exhibit 5 is a true and accurate copy of Ms. Beck's September 6 email as I received it.

3. On September 12, 2026, Bangor City Councilor Michael Beck sent me an email from his City of Bangor account, michael.beck@bangormaine.gov, copying Councilor Fish. Item 2 of Exhibit 5 is a true and accurate copy of that email as I received it.

4. Exhibit 5 is a digest of those emails. It omits other messages in the same chain, as noted on the exhibit. But every portion of the emails shown in the digest is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10-31, 2026.

Joe Sokol

Exhibit 7

Supplemental Declaration of Adam Stade

Declaration of Adam Stade, the Defendant, supplementing his declaration filed with the special motion. Signed Oct. 31, 2026.

Referenced in Defendant's Reply at pages 4, 5, 6:

- Reply p. 4: Stade Decl., Ex. 7 ¶ 5 (image as political commentary) → **App. 35**
- Reply p. 5: Stade Decl., Ex. 7 ¶ 5 (depicts the Becks as homeless drug users) → **App. 35**
- Reply p. 5: n.3: Stade Decl., Ex. 7 ¶ 2 (coverage of the debate) → **App. 34**
- Reply p. 6: Stade Decl., Ex. 7 ¶ 7 (no exposed anatomy) → **App. 35**

This exhibit: Stade App. 33–35 (this cover is Stade App. 33).

Pages reproduced: Complete (2 pages).

STATE OF MAINE
PENOBSCOT, ss.

DISTRICT COURT
LOCATION: BANGOR
DOCKET NO. BANDC-PFH-2026-00180

JAMIE M. BECK,

Plaintiff,

v.

ADAM STADE,

Defendant.

SUPPLEMENTAL DECLARATION OF ADAM STADE IN SUPPORT OF SPECIAL MOTION FOR EXPEDITED RELIEF UNDER 14 M.R.S. § 734 (ANTI-SLAPP)

I, Adam Stade, declare:

1. I am the Defendant in this action. I have personal knowledge of the facts stated in this declaration and could testify to them if called. This declaration supplements my declaration filed with my special motion.

2. I am a videographer and provide content to The Maine Wire as well as producing content that I publish on my own. I have recorded and published video coverage of homelessness and drug use in Bangor and the City's response to them, including the public debate over the Yellen Pines project.

3. I published a viral video about vagrant violent drug addicts taking over the hiking trails in Bangor, that video got about 2.8 million views on my YouTube channel, but has been shared many multiple times more than that. Since publishing that video, I have received many threats from advocates for vagrant drug addicts who are angry that it exposes the rot that they are causing to Bangor.

4. Before September 12, 2026, I was generally aware that Jamie Beck had ties to a nonprofit focused on homeless people and drug addicts in Bangor, and that she was running for election or re-election for a school board position.

5. I made the image at issue as political commentary. It depicts Councilor Beck and Ms. Beck as homeless drug users to comment on their public support for homeless vagrants and drug addicts who I believe harm the community, including the Yellen Pines project, and on Ms. Beck's candidacy for office. It should be obvious, but I depicted them as homeless drug addicts to show that this is what I think they stand for as politicians and activists.

6. I absolutely intend to make more satirical images of them, including due to this case, I am working on one showing Ms. Beck as a Nazi burning books.

7. The image shows no exposed genitals, pubic area, anus, or female breast. Councilor Beck is shirtless; Ms. Beck wears a sundress. I did not create, or intend to create, an image depicting nudity, a sexual act, or sexual contact.

8. I removed the words "This is satire by Adam Stade" from the September 14 version because it was so obvious that explaining the joke seemed stupid to me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31, 2026.



Adam Stade
Defendant

Exhibit 8

P.L. 2023, ch. 626 (L.D. 870) (enacting UPEPA, 14 M.R.S. §§ 731–742)

An Act to Strengthen Freedom of Speech Protections by Enacting the Uniform Public Expression Protection Act. Section 5 directs that the Act be read as substantively the same as the uniform act; Section 6 adopts the Uniform Comments.

Referenced in Defendant's Reply at page 3:

Reply p. 3: P.L. 2023, ch. 626, § 6 → **App. 38**

This exhibit: Stade App. 36–38 (this cover is Stade App. 36).

Official source:
https://lldc.mainelegislature.org/Open/Laws/2023/2023_PL_c626.pdf

Pages reproduced: First page of ch. 626, and the page containing §§ 5–6. Intervening page omitted.

OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$20,414

See title page for effective date.

CHAPTER 626

S.P. 367 - L.D. 870

An Act to Strengthen Freedom of Speech Protections by Enacting the Uniform Public Expression Protection Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §556, as amended by PL 2023, c. 322, §1, is repealed.

Sec. 2. 14 MRSA c. 203, sub-c. 5 is enacted to read:

SUBCHAPTER 5

UNIFORM PUBLIC EXPRESSION PROTECTION ACT

§731. Short title

This subchapter may be known and cited as "the Uniform Public Expression Protection Act."

§732. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Governmental unit. "Governmental unit" means a public corporation or government or governmental subdivision, agency or instrumentality.

2. Person. "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit or other legal entity.

§733. Applicability

1. Goods or services. For the purposes of this section, "goods or services" does not include the creation, dissemination, exhibition or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic or artistic work.

2. Cause of action asserted. Except as otherwise provided in subsection 3, this subchapter applies to a cause of action asserted in a civil action against a person based on the person's:

A. Communication in a legislative, executive, judicial, administrative or other governmental proceeding;

B. Communication on an issue under consideration or review in a legislative, executive, judicial, administrative or other governmental proceeding;

C. Exercise of the right of freedom of speech or of the press, the right to assemble or petition or the right of association, guaranteed by the United States Constitution or by the Constitution of Maine, on a matter of public concern; or

D. Written or oral statement made in connection with a discrimination complaint pursuant to the Maine Human Rights Act or any written or oral statement made in connection with a complaint pursuant to Title 20-A, chapter 445 or the so-called Title IX provisions of the federal Education Amendments of 1972, Public Law 92-318.

3. Exceptions. This subchapter does not apply to a cause of action asserted:

A. Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

B. By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or

C. Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services.

§734. Special motion for expedited relief

Not later than 60 days after a party is served with a complaint, petition, cross-claim, counterclaim, 3rd-party claim or other pleading that asserts a cause of action to which this subchapter applies, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the cause of action or part of the cause of action.

§735. Stay

1. Stay proceedings. Except as otherwise provided in subsections 4 to 7, on the filing of a motion under section 734:

A. All other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed; and

B. On motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion under section 734.

2. Length of stay. A stay under subsection 1 remains in effect until entry of an order ruling on the motion under section 734 and expiration of the time under the Maine Rules of Appellate Procedure for the moving party to appeal the order.

Sec. 4. Savings clause. This Act does not affect a cause of action asserted before January 1, 2025 in a civil action or a motion under the Maine Revised Statutes, Title 14, former section 556 regarding the cause of action.

Sec. 5. Legislative intent. This Act is the Maine enactment of the Uniform Public Expression Protection Act as revised by the National Conference of Commissioners on Uniform State Laws. The text of the uniform act has been changed to conform to the Maine statutory conventions. The changes are technical in nature and it is the intent of the Legislature that this Act be interpreted as substantively the same as the uniform act.

Sec. 6. Comments. The Legislature accepts the Uniform Comments composed by the National Conference of Commissioners on Uniform State Laws as part of the Uniform Public Expression Protection Act.

Sec. 7. Effective date. This Act takes effect January 1, 2025.

Effective January 1, 2025.

CHAPTER 627

H.P. 851 - L.D. 1337

An Act to Require a Biennial Report on the Corporate Income Tax to the Joint Standing Committee Having Jurisdiction over Taxation Matters

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §5202-E is enacted to read:

§5202-E. Report on corporate income tax data reporting

1. Report. Beginning January 31, 2025 and biennially thereafter, the bureau shall, consistent with section 191, provide a report on corporate income tax to the joint standing committee of the Legislature having jurisdiction over taxation matters. The report must include the following:

A. Of the 50 largest for-profit employers in the State as measured by payroll withholding, for which there is complete data, the number that paid zero state corporate income tax in the 4 most recent tax years or received a refunded portion of a refundable credit;

B. The number of corporations that filed corporate income taxes that reported over $50,000,000, over $100,000,000, over $250,000,000 and over $1,000,000,000 in federal taxable income for the 2 previous tax years;

C. For each income range identified in paragraph B:

(1) The total income reported;

(2) The total income apportioned to the State; and

(3) The number of filers that reported zero or less total corporate income tax due for the 4 most recent tax years for which there is complete data;

D. The percentage of corporations that filed corporate income taxes doing business in the State that reported total corporate income tax due of zero or less for the 4 most recent tax years for which there is complete data; and

E. The percentage of corporations that filed corporate income taxes doing business in the State that reported federal taxable income of greater than zero and reported total Maine corporate income tax due of zero or less for the 4 most recent tax years for which there is complete data; and

F. The percentage of corporations that filed corporate income taxes doing business in the State that reported federal taxable income of greater than zero and reported zero income apportioned to the State of adjusted federal income.

For the purposes of this section, "corporate" and "corporation" include C corporations and limited liability companies taxed as corporations in the State.

See title page for effective date.

CHAPTER 628

H.P. 1023 - L.D. 1578

An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §723-A, sub-§1, ¶C, as enacted by IB 2015, c. 3, §5, is amended to read:

C. "Continuing candidate" means a candidate who has not been ~~defeated~~ removed from consideration.

Sec. 2. 21-A MRSA §723-A, sub-§2, as amended by PL 2019, c. 320, §12, is further amended to read:

2. Procedures. Except as provided in subsections 3 ~~and~~, 4 and 7, the following procedures are used to determine the winner of an election determined by ranked-choice voting. The ranked-choice voting count must proceed in rounds. In each round, the number of votes

Exhibit 9

Committee Amendment "A" (S-604) to L.D. 870 (Uniform Comments)

The amendment the Legislature adopted and enacted as P.L. 2023, ch. 626. It contains the Uniform Comments the Legislature accepted in Section 6. The printed page numbers are the pages cited in the Reply as "Comm. Amend. at __."

Referenced in Defendant's Reply at pages 3, 5:

Reply p. 3: Comm. Amend. at 7, ll. 5–7	→ **App. 40**
Reply p. 3: Comm. Amend. at 8, ll. 26–29	→ **App. 41**
Reply p. 3: Comm. Amend. at 14, ll. 15–17	→ **App. 43**
Reply p. 3: Comm. Amend. at 15, l. 35 to 16, l. 3	→ **App. 44–45**
Reply p. 3: Comm. Amend. at 16, ll. 21–22	→ **App. 45**
Reply p. 5: Comm. Amend. at 9, ll. 1–8 (and "Id.")	→ **App. 42**

This exhibit: Stade App. 39–45 (this cover is Stade App. 39).

Official source:
https://lldc.mainelegislature.org/Open/LDs/131/131-LD-0870-CA_A_S604.pdf

Pages reproduced: Only the pages cited in the Reply: printed pp. 7, 8, 9, 14, 15, 16.

2611746, at * 1 (S.D. Tex. June 11, 2014). As stated by one California court, "[t]he point of the anti-SLAPP statute is that you have a right not to be dragged through the courts because you exercised your constitutional rights." People ex rel. Lockyer v. Brar, 115 Cal. App. 4th 1315, 1317 (4th Dist. 2004).

3. The statute is only applicable to civil actions. It has no applicability in criminal proceedings.

4. The term "civil action" should be construed consistently with Fed. R. Civ. P. 1.

5. The term "cause of action" refers to a group of operative facts that give rise to one or more bases for recovery in a civil action. The term contemplates that in one civil action, a party seeking relief may assert multiple causes of action that invoke different facts and theories for relief. In some jurisdictions, other terms of art, such as "claim for relief," "ground of action," "right of action," or "case theory," might be more appropriate than "cause of action." See, e.g., Baral v. Schnitt, 376 P.3d 604, 616 (Cal. 2016) (holding that when the California Legislature used the term "cause of action" in its anti-SLAPP statute, "it had in mind allegations of protected activity that are asserted as grounds for relief" (emphasis original)). Regardless of the term used by a state, the Act can be utilized to challenge part or all of a single cause of action, or multiple causes of action in the same case. See id. at 615 ("A single cause of action . . . may include more than one instance of alleged wrongdoing."). Otherwise stated, a single civil action can contain both a cause of action subject to the Act and one not subject to the Act.

6. Sections 2(b)(1) and (2) apply to a cause of action brought against a person based on the person's communication. "Communication" should be construed broadly—consistent with holdings of the Supreme Court of the United States—to include any expressive conduct that likewise implicates the First Amendment. See Texas v. Johnson, 491 U.S. 397, 404 (1989) ("[W]e have long recognized that [First Amendment] protection does not end at the spoken or written word."); Spence v. Washington, 418 U.S. 405, 409-11 (1974) (holding that conduct constitutes "communication" when it is accompanied by an intent to convey a particularized message and, given the surrounding circumstances, the likelihood is great that the message will be understood by those who view it); Rumsfeld v. Forum for Acad. and Institutional Rights, 547 U.S. 47, 65-66 (2006); Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 505-06 (1969). Conduct is not specifically mentioned in the Act so as to avoid parties from attempting to use it to shield themselves from liability for nonexpressive conduct that nevertheless tangentially relates to a matter of public concern. See United States v. O'Brien, 391 U.S. 367, 376 (1968) ("We cannot accept the view that an apparently limitless variety of conduct can be labeled 'speech' whenever the person engaging in the conduct intends thereby to express an idea."). But the Act is intended to protect expressive conduct. For example, a person's work on behalf of a political campaign might include constitutionally protected expressive conduct, such as putting up campaign signs or organizing a rally. The Act would protect that conduct. But a person who damages another candidate's campaign signs or physically threatens attendees at an opposing rally would not be engaging in expressive conduct, and therefore should not be able to utilize the Act, even though the conduct tangentially relates to matters of public concern.

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COMMITTEE AMENDMENT "A" to S.P. 367, L.D. 870 (S604)

7. Sections 2(b)(1)-(3) identify three different instances in which the Act may be utilized. Section 2(b)(1) protects communication that occurs before any legislative, executive, judicial, administrative, or other governmental proceeding—effectively, any speech or expressive conduct that would implicate one's right to petition the government. Section 2(b)(2) operates similarly, but extends to speech or expressive conduct about those matters being considered in legislative, executive, judicial, administrative, or other governmental proceedings—the speech or conduct need not take place before the governmental body. Section 2(b)(3) operates differently than (1) and (2) and provides the broadest degree of protection; it applies to any exercise of the right of free speech or press, free association, or assembly or petition, so long as that exercise is on a matter of public concern.

8. The terms "freedom of speech or of the press," "the right to assemble or petition," and "the right of association" should all be construed consistently with caselaw of the Supreme Court of the United States and the state's highest court.

9. The term "matter of public concern" should be construed consistently with caselaw of the Supreme Court of the United States and the state's highest court. See, e.g., Snyder v. Phelps, 562 U.S. 443, 453 (2011) (holding that "[s]peech deals with matters of public concern when it can 'be fairly considered as relating to any matter of political, social, or other concern to the community,' or when it 'is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public'" (citations omitted)); Brown v. Entm't Merchs. Ass'n, 564 U.S. 786, 790 (2011) ("The Free Speech Clause exists principally to protect discourse on public matters, but we have long recognized that it is difficult to distinguish politics from entertainment, and dangerous to try."). "The [matter-of-public-concern] inquiry turns on the 'content, form, and context' of the speech." Lane v. Franks, 573 U.S. 228, 241 (2014) (quoting Connick v. Myers, 461 U.S. 138, 147-48 (1983)). The term should also be construed consistently with terms like "public issue" and "matter of public interest" seen in some state statutes. See, e.g., CAL. CIV. PROC. CODE § 425.16 (employing the terms "public issue" and "issue of public interest"); FilmOn.com Inc. v. DoubleVerify Inc., 439 P.3d 1156, 1164-65 (Cal. 2019).

The California Supreme Court breaks "matter of public concern" (or in its statute, "public issue" "First, we ask what 'public issue or [ ] issue of public interest' the speech in question implicates—a question we answer by looking to the content of the speech. Second, we ask what functional relationship exists between the speech and the public conversation about some matter of public interest. It is at the latter stage that context proves useful." Id. (citation omitted). The court observed that the first step is typically not difficult for the movant: "[V]irtually always, defendants succeed in drawing a line—however tenuous—connecting their speech to an abstract issue of public interest." Id. But the second step is where many movants fail. The inquiry "demands 'some degree of closeness' between the challenged statements and the asserted public interest." Id. (citation omitted). As other California courts have noted, "it is not enough that the statement refer to a subject of widespread public interest; the statement must in some manner itself contribute to the public debate." Wilbanks v. Wolk, 17 Cal. Rptr. 3d 497, 506 (Cal. Ct. App. 2004); see also Dyer v. Childress, 55 Cal. Rptr. 3d 544, 548 (2007) ("The fact that 'a broad and amorphous public interest' can be connected to a specific dispute is not enough." (citation omitted)).

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COMMITTEE AMENDMENT "A" to S.P. 367, L.D. 870 (S-604)

The California Supreme Court explains that what it means to "contribute to the public debate" "will perhaps differ based on the state of public discourse at a given time, and the topic of contention. But ultimately, our inquiry does not turn on a normative evaluation of the substance of the speech. We are not concerned with the social utility of the speech at issue, or the degree to which it propelled the conversation in any particular direction; rather, we examine whether a defendant—through public or private speech or conduct—participated in, or furthered, the discourse that makes an issue one of public interest." FilmOn, Inc., 439 P.3d at 1166.

Further discussion of how a court adjudicates whether a cause of action is based on the moving party's exercise of First Amendment rights on a matter of public concern, including the movant's burden and the materials a court should review, appears in Comment 2 to Section 7.

10. Section 2(c) provides a list of exemptions, or situations to which the Act does not apply. It is the burden of the responding party to establish the applicability of one or more exemptions. Thus, even if a movant can show the Act applies under Section 2(b), the Act may nevertheless not apply if the non-movant can show the cause of action is exempt. Further discussion of how a court adjudicates whether a cause of action is exempt, including the responding party's burden and the materials a court should review, appears in Comment 3 to Section 7.

11. The term "governmental unit or an employee or agent of a governmental unit acting in an official capacity" includes any private people or entities working as government contractors, to the extent the cause of action pertains to that government contract.

12. The term "dramatic, literary, musical, political, journalistic, or artistic work" used in Section (a)(3) should be construed broadly to include newspapers, magazines, books, plays, motion pictures, television programs, video games, or Internet websites or other electronic mediums.

13. Section 2(c)(3) carves out from the scope of the Act "communication[s] related to [a] person's sale or lease of [ ] goods or services" when that person is primarily engaged in the selling, leasing, or licensing of those goods or services. In other words, "commercial speech" is exempted from the protections of the Act. By way of illustration, if a mattress store is sued for false statements made in its advertising of mattresses—whether by an aggrieved consumer or a competitor—the mattress store would not be able to avail itself of the Act. But if the same mattress store were sued for tortious interference for organizing a petition campaign to oppose the building of a new school, its activity would not be related to the sale or lease of goods or services, and it could use the Act for protection of its First Amendment conduct.

But the "commercial-speech exemption" does not apply to the creation, dissemination, exhibition, or advertisement of a dramatic, literary, musical, political, journalistic, or artistic work. This is consistent with the holdings of most courts that the contents of works protected by the First Amendment are not considered "goods or services," even if sold for profit. See, e.g., Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 501 (1952) ("That books, newspapers, and magazines are published and sold for profit does not prevent them from

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COMMITTEE AMENDMENT "A" to S.P. 367, L.D. 870 (S-604)

2019) (describing the California statute as a "summary-judgment-like procedure"); Gundel v. AV Homes, Inc., 264 So. 3d 304, 312-13 (Fla. Dist. Ct. App. 2019) (equating a motion under Florida's law to one for summary judgment). So, consistent with summary-judgment practice, parties should submit admissible, competent evidence—such as affidavits, deposition testimony, or tangible evidence—for the court to consider. See Sweetwater Union High Sch. Dist., 434 P.3d at 1157 ("There are important differences between [anti-SLAPP motions and motions for summary judgment]. Chief among them is that an anti-SLAPP motion is filed much earlier and before discovery. However, to the extent both schemes are designed to determine whether a suit should be allowed to move forward, both schemes should require a showing based on evidence potentially admissible at trial presented in the proper form."). A court should use the parties' pleadings to frame the issues in the case, but a party should not be able to rely on its own pleadings as substantive evidence. See id.; Church of Scientology v. Wollersheim, 49 Cal. Rptr. 2d 620, 636, 637 (Cal. Ct. App. 1996), disapproved of on another point in Equilon Enters. v. Consumer Cause, Inc., 124 Cal. Rptr. 2d 507, 519 n.5 (Cal. Ct. App. 2002). A party may rely on an opposing party's pleadings as substantive evidence, consistent with the general rule that an opposing party's pleadings constitute admissible admissions. See Faiella v. Fed. Nat'l Mortg. Ass'n, 928 F.3d 141, 146 (1st Cir. 2019) ("A party ordinarily is bound by his representations to a court"); PPX Enters., Inc. v. Audiofidelity, Inc., 746 F.2d 120, 123 (2d Cir. 1984) ("[S]tipulations and admissions in the pleadings are generally binding on the parties and the Court.").

2. The question of whether the Act requires a live hearing or whether a court may consider the motion on written submission should be governed by the local customs of the jurisdiction.

§738. Dismissal of cause of action in whole or in part

1. Dismissal with prejudice. In ruling on a motion under section 734, the court shall dismiss with prejudice a cause of action, or part of a cause of action, if:

A. The moving party establishes under section 733, subsection 2 that this Act applies;

B. The responding party fails to establish under section 733, subsection 3 that this Act does not apply; and

C. Either:

(1) The responding party fails to establish a prima facie case as to each essential element of the cause of action; or

(2) The moving party establishes that:

(a) The responding party failed to state a cause of action upon which relief can be granted; or

(b) There is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

2. Dismissal without prejudice; right to costs, attorney's fees and expenses. A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 734 does not affect a moving

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party's right to obtain a ruling on the motion and seek costs, attorney's fees and expenses under section 740.

3. Dismissal with prejudice; prevailed on motion. A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 734 establishes for the purpose of section 740 that the moving party prevailed on the motion.

Comments

1. Section 7(a) recognizes that a court can strike or dismiss a part of a cause of action—for example, certain operative facts or theories of liability—and deny the motion as to other parts of the cause of action. E.g., Baral v. Schnitt, 376 P.3d 604, 615 (Cal. 2016) (holding that California's statute can be utilized to challenge all or only part of a single cause of action, because a single cause of action may rely on multiple instances of conduct, only some of which may be protected).

2. Section 7(a)(1) establishes "Phase One" of the motion's procedure—applicability. In this phase, the party filing the motion has the burden to establish the Act applies for one of the reasons identified in Section 2(b). To use the Act, a movant need not prove that the responding party has violated a constitutional right—only that the responding party's suit arises from the movant's constitutionally protected activity. THOMAS R. BURKE, ANTI-SLAPP LITIGATION § 3.2 (2019). Nor does the moving party need to show that the responding party intended to chill constitutional activities (motivation is irrelevant to the phase-one analysis) or prove that the responding party actually chilled the movant's protected activities. Id. But "[t]he mere fact that an action was filed after protected activity took place does not mean the action arose from that activity for the purposes of the anti-SLAPP statute. Moreover, that a cause of action arguably may have been 'triggered' by protected activity does not entail it [as] one arising from such." Navellier v. Sletten, 52 P.3d 695, 708-09 (Cal. 2002). Rather, the Act is available to a moving party if the conduct underlying the cause of action was "itself" an "act in furtherance" of the party's exercise of First Amendment rights on a matter of public concern. See City of Cotati v. Cashman, 52 P.3d 695, 701 (2002). The moving party meets this burden by demonstrating two things: first, that it engaged in conduct that fits one of the three categories spelled out in Section 2(b); and second, that the moved-upon cause of action is premised on that conduct. See id. In short, the Act's "definitional focus is not the form of the [non-movant's] cause of action but, rather, the [movant's] activity that gives rise to his or her asserted liability—and whether that activity constitutes protected speech or petitioning." Navellier, 52 P.3d at 711.

In many instances, the moving party will be able to carry its burden simply by using the responding party's pleadings. See Hersh v. Tatum, 526 S.W.3d 462, 467 (Tex. 2017) ("When it is clear from the plaintiff's pleadings that the action is covered by the Act, the defendant need show no more."). As pointed out in Comment 2 to Section 6, a party is always free to use an opposing party's pleadings as stipulations and admissions, and when the Complaint spells out the cause of action and the activity underlying that cause of action, the moving party will be able to satisfy its burden rather easily. For example, if a defendant is sued by a public official for defamation, and the Complaint identifies the allegedly defamatory statement made by the defendant, then the defendant should need to do no more

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than attach the Complaint as an exhibit to its motion—the Complaint itself would clearly demonstrate that the defendant is being sued for speaking out about a public official (undoubtedly a matter of public concern).

In other instances, the moving party will have to attach evidence to its motion to establish that the cause of action is based on the exercise of protected activity. That's because a creative plaintiff can disguise what is actually a SLAPP as a "garden variety" tort action. "Thus, a court must look past how the plaintiff characterizes the defendant's conduct to determine, based on evidence presented, whether the plaintiff's claims are based on protected speech or conduct." BURKE, supra at § 3.4. But the fact that the movant's burden must be carried with evidence—whether that be the responding party's pleadings or evidence the movant presents—does not mean the inquiry is a factual one. On the contrary, the motion is legal in nature, and the burden is likewise legal. Thus, the court should not impose a factual burden on the moving party—like "preponderance of the evidence" or "clear and convincing evidence"—typically seen in fact-finding inquiries. Rather, like other legal rulings, the court should simply make a determination, based on the evidence produced by the moving party, whether a cause of action brought against the moving party is based on its (1) communication in a legislative, executive, judicial, administrative, or other governmental proceeding; (2) communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or (3) exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, on a matter of public concern. It should do so without weighing the parties' evidence against each other, but instead by determining whether the evidence put forth by the movant establishes the legal standard. If the moving party fails to prove the Act applies, the motion must be denied.

3. Section 7(a)(2) is also part of "Phase One" of the motion's procedure. Even if the Act applies for one of the reasons identified in Section 2(b), the Act may nevertheless not apply if the party against whom the motion is filed can establish the applicability of an exemption identified in Section 2(c). A party seeking to establish the applicability of an exemption bears the burden of proof on that exemption. Like establishing applicability under Section 2(b), the burden to establish non-applicability under Section 2(c) is legal, and not factual. The responding party may use the moving party's motion, or affidavits or any other evidence admissible in a summary judgment proceeding, to carry its burden. And like the Section 2(b) analysis, the court should decide whether the cause of action is exempt from the act without weighing the evidence against that of the moving party, but instead by determining whether the evidence produced by the responding party establishes the applicability of an exemption. If the responding party so establishes, the motion must be denied. If the moving party proves the Act applies and the responding party cannot establish the applicability of an exemption, the court moves to "Phase Two" of the motion's procedure.

4. Section 7(a)(3)(A) establishes "Phase Two" of the motion's procedure—prima-facie viability. Anti-SLAPP laws "do not insulate defendants from any liability for claims arising from protected rights of petition or speech. [They] only provide[] a procedure for weeding out, at an early stage, meritless claims arising from protected activity." Sweetwater Union High Sch. Dist. v. Gilbane Bldg. Co., 434 P.3d 1152, 1157 (Cal. 2019) (emphasis original) (citations omitted). Phase Two (as well as Phase Three) is where that "weeding out" occurs.

Exhibit 10

P.L. 2025, ch. 403 (L.D. 385) (2025 amendment to UPEPA)

An Act to Protect Communications by Alleged Victims Regarding Sexual Assault, Sexual Harassment, Sexual Misconduct, Cyberbullying or Discrimination from Litigation. Amends 14 M.R.S. § 732 and § 733(2)(C)–(E). It does not amend the exceptions in § 733(3).

Referenced in Defendant's Reply at page 3:

Reply p. 3: P.L. 2025, ch. 403 → **App. 47–48**

This exhibit: Stade App. 46–48 (this cover is Stade App. 46).

Official source:
https://legislature.maine.gov/legis/bills/getPDF.asp?paper=SP0154&item=3&snum=132

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LAW WITHOUT GOVERNOR'S SIGNATURE

JUNE 22, 2025

CHAPTER 403

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-FIVE

S.P. 154 - L.D. 385

An Act to Protect Communications by Alleged Victims Regarding Sexual Assault, Sexual Harassment, Sexual Misconduct, Cyberbullying or Discrimination from Litigation

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §732, as enacted by PL 2023, c. 626, §2 and affected by §§3, 4 and 7, is amended to read:

§732. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Governmental unit. "Governmental unit" means a public corporation or government or governmental subdivision, agency or instrumentality.

1-A. Cyberbullying. "Cyberbullying" has the same meaning as in Title 20-A, section 6554, subsection 2, paragraph C.

1-B. Discrimination. "Discrimination" has the same meaning as in Title 5, section 4553, subsection 2, and includes:

A. Subjecting to harassment;

B. Failing to prevent an act of discrimination;

C. Aiding, abetting, inciting, compelling or coercing an act of discrimination; or

D. Retaliating against a person for reporting an act of discrimination.

2. Person. "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit or other legal entity.

3. Sexual assault. "Sexual assault" means conduct described under Title 17-A, chapters 11 and 12.

4. Sexual harassment. "Sexual harassment" means verbal or physical conduct of a sexual nature directed at a specific person, including:

A. Unwelcome sexual advances;

B. Sexually suggestive remarks or actions;

C. Unwanted hugs, touches or kisses;

D. Requests for sexual favors; or

E. Retaliation for communicating about or filing a complaint of sexual harassment.

5. Sexual misconduct. "Sexual misconduct" means conduct described in Title 17-A, chapter 35.

Sec. 2. 14 MRSA §733, sub-§2, ¶C, as enacted by PL 2023, c. 626, §2 and affected by §§3, 4 and 7, is amended to read:

C. Exercise of the right of freedom of speech or of the press, the right to assemble or petition or the right of association, guaranteed by the United States Constitution or by the Constitution of Maine, on a matter of public concern; ~~or~~

Sec. 3. 14 MRSA §733, sub-§2, ¶D, as enacted by PL 2023, c. 626, §2 and affected by §§3, 4 and 7, is amended to read:

D. Written or oral statement made in connection with a discrimination complaint pursuant to the Maine Human Rights Act or any written or oral statement made in connection with a complaint pursuant to Title 20-A, chapter 445 or the so-called Title IX provisions of the federal Education Amendments of 1972, Public Law 92-318~~.~~; or

Sec. 4. 14 MRSA §733, sub-§2, ¶E is enacted to read:

E. Communication, made without malice, regarding an incident of sexual assault, sexual harassment, sexual misconduct, cyberbullying or discrimination experienced by the person, who has or at any time had a reasonable basis to file a complaint concerning the sexual assault, sexual harassment, sexual misconduct, cyberbullying or discrimination, whether the complaint was filed or not. For purposes of this paragraph, discrimination may include any conduct prohibited by Title 5, chapter 337, subchapters 3, 4 and 5-B.

Exhibit 11

Testimony of Jamie Beck, Executive Director, Dignity First, on L.D. 1116 (Apr. 24, 2023)

Written testimony of Plaintiff Jamie Beck to the Joint Standing Committee on Labor and Housing, 131st Legislature. A record of the Maine Legislature, offered to show Plaintiff's public role, not for the truth of its contents.

Referenced in Defendant's Reply at page 4:

Reply p. 4: J. Beck L.D. 1116 Test. (Ex. 11), and n.2 (full citation) → **App. 50**

This exhibit: Stade App. 49–50 (this cover is Stade App. 49).

Official source:
https://legislature.maine.gov/testimony/resources/LBHS20230425Beck133268354299780894.pdf

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April 24, 2023

Dear Senator Tipping, Representative Roeder, and members of the Labor and Housing Committee,

My name is Jamie Beck, and I am writing to offer my strong support for LD 1116, an act to provide rural sober living housing for mothers. As Executive Director of Dignity First, a nonprofit organization working to create a village of permanent, recovery-oriented, supportive tiny homes for unhoused people and intentional neighbors, I have seen firsthand the transformative power of stable, supportive housing.

For mothers in recovery, having safe and stable housing is absolutely crucial to keep custody of their children and maintain or reestablish secure relationships with them. Addiction often leads to a loss of stability and safety, which can result in children being placed in foster care or other out-of-home settings. This separation can be incredibly traumatic for both the mothers and their children, making it all the more important to provide safe and stable housing that can support reunification and family preservation. Access to sober living options for mothers and their children which provide dedicated recovery support for both the mother and her children does not exist in many communities where the need is desperate.

By providing rural sober living housing for mothers, LD 1116 would help to address this urgent need for stable and supportive housing that is essential to family preservation and reunification. This housing would provide mothers with a safe and stable environment in which to focus on their recovery and rebuild their lives, while also providing the necessary support and resources to keep families together. Sober living options for mothers in recovery would also reduce the strain on DHHS and the foster care system, keeping children in safe and supported relationships with their families.

At Dignity First, we have seen firsthand the positive impact that stable, supportive housing can have on families of all kinds, including mothers in recovery and their children. By providing a safe and stable home environment, mothers are better able to maintain sobriety, regain custody of their children, and establish or reestablish secure relationships with them. This not only benefits the mothers and their families, but also contributes to the overall health and well-being of our communities.

I urge you to vote ought to pass on LD 1116 and help to create a more supportive, compassionate, and equitable society for all, particularly for mothers in recovery and their children.

Sincerely,
Jamie Beck
Executive Director

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109 State St. Ste 6, Bangor, Maine 04401-5343

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(207) 331-4489

EMAIL
info@DignityFirst.ME

Exhibit 12

Testimony of Michael Beck, Advocacy Team Lead, Dignity First, on L.D. 226 (Apr. 14, 2023)

Written testimony of Councilor Michael Beck to the Joint Select Committee on Housing, 131st Legislature. A record of the Maine Legislature, offered to show his public role, not for the truth of its contents.

Referenced in Defendant's Reply at pages 4, 5:

Reply p. 4: n.2 (full citation of both testimonies)	→ **App. 52**
Reply p. 5: M. Beck L.D. 226 Test. (Ex. 12)	→ **App. 52**

This exhibit: Stade App. 51–52 (this cover is Stade App. 51).

Official source:
https://legislature.maine.gov/testimony/resources/HOU20230414Beck133259516291218079.pdf

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April 14, 2023

Dear Senator Pierce, Representative Gere, and members of the Joint Select Committee on Housing,

My name is Michael Beck, and I'm the Advocacy Team Lead for Dignity First, a Bangor-based nonprofit, working to create and sustain a village of no-barrier, recovery-oriented, permanent supportive housing for unhoused people and intentional neighbors. We are writing to express our strong support of LD 226 and urge you to vote ought to pass on this bill.

LD226 is not just a bill. It is an opportunity for the state of Maine to make a profound and lasting investment in its people. For too long, affordable housing has been an elusive dream for many Maine residents, including those in the Greater Bangor area. As a recent study by the Bangor City Council has shown, the need for affordable housing is dire, with a projected funding shortfall of $26.2 million over the next 5 years for workforce housing alone.

Since 2009, the City of Bangor's Fiscal Report shared simultaneously a slight increase in foreclosures and lien rates and an essentially slowed or flat rate of new housing construction. Further, the City of Bangor conducted an extensive housing study in 2019. Having reported Maine's housing stock is older than the rest of the country (75% of homes were built before 1990 vs. 68% nationally), the longitudinal unaffordability of rental units, and the lack of data and accountability for the quantity, quality, and safety of units, the Housing Workgroup recommended taking swift action to create and implement an affordable housing production plan. For years, the City of Bangor has reported lack of financial resources hinders planning and development of affordable housing.

The current vacancy rate for rental units in the city of Bangor is less than 5%, which is, in reality, even lower for people with low or no income, criminal history, low or no credit, previous evictions, or are currently unhoused. Despite the reported Housing Choice Voucher waitlist of more than 15,000 applicants, those who do have vouchers in this area are unable to use them due to a lack of housing options. For example, in June of 2021, Penobscot Community Health Care (PCHC) granted over 150 housing vouchers to applicants, yet only seven were able to be used.

The creation of affordable housing is not just about building new structures. It is about providing a foundation for dignity, security, and opportunity for our fellow Mainers. LD226 represents a critical step towards addressing this urgent need. By investing in affordable housing, we can ensure that Mainers have access to safe, stable, and affordable homes. This will not only benefit individual families, but also have ripple effects throughout our communities and economy. Affordable housing means more money spent in local businesses, fewer evictions, healthier residents, more job opportunities, and increased revenue for municipalities. LD226 is an investment in the people of Maine, and the benefits will be felt for generations to come.

We urge you to support this critical bill to make affordable housing a reality for all Mainers.

Thank you,
Michael Beck

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