

# Maine Town & City

The magazine of the Maine Municipal Association

July 2021

## Campus Town Collaboration

**Orono, Durham N.H.  
and modern policing**



**ALSO IN THIS ISSUE**  
Municipal Training Study  
EPR Approach to Recycling  
MMA 2021 Convention Lineup!



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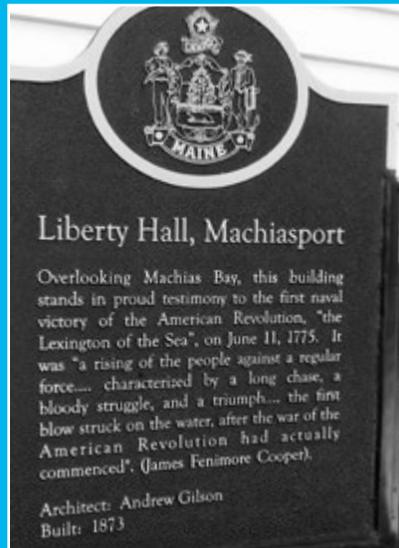
# Maine Town & City

July 2021 | Volume 83 | Issue 7

The Magazine of the Maine Municipal Association

## FEATURED STORY | 29

### Glory Days



*The postcard-perfect Town of Machiasport builds momentum toward restoring beloved Liberty Hall.*

**Municipal training in Maine** can seem diffused and complex. MMA is teaming with Berry Dunn Consulting to clarify and coordinate municipal curriculum. **Page 7**

**Diane Francis, an expert** on US-Canada relations and trade, has much to say about the future of the two nations. **Page 5**

## New Push in Recycling

**Extended producer responsibility (EPR)** is a term municipal leaders should get used to hearing – and just might like. **Page 23**

## Community Policing

**Orono and Durham, N.H.** have much in common: Small, yet home to major colleges. Read how they cooperated on police response. **Page 13**

## 2021 MMA Convention

**Our big annual event is back!** And in-person, on Sept. 30 and Oct. 1. Turn here to see the preliminary convention program. **Page 10**

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## A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

# Where do Canada, the U.S. and Maine go from here?

“Our best friend in Canada is America. And America’s best friend is Canada.”

With those words, **Diane Francis** – a top expert on Canada-U.S. trade, technology sharing, cultural similarities and more – went on to explain why that is.

Francis, who will keynote the **Maine Municipal Association’s 2021 Annual Convention**, said Canada and the U.S. are exceptionally similar in cultural norms and values. There are two exceptions, she said: In Canada, the Province of Quebec pulls that country “to the left” politically. And in the U.S., the Deep South pulls Americans to the right.

Otherwise, Francis – who was born in Illinois and immigrated to Canada at age 19 – maintains that the two nations and tight allies are quite similar. How much so?



“I predict that by the end of this century, we’ll be one country.”

That sounds provocative. Preposterous, even. But, Francis maintains the border between the U.S. and Canada, and between Maine and Canada, is being erased already. “Economically it is, for sure,” she said.

Plus, both countries face unprecedented threats. China’s economy soon will overtake that of the United States in size. Canada is held back by a lack of military might, available employees and cutting-edge technology.

In addition to being a dual citizen of the U.S. and Canada, Francis’ credentials in analyzing the two countries are impossible to match. Among many other things:

- She was the first woman editor of *The Financial Post*, which was Canada’s version of *The Wall Street*

*Journal*, and now is named *The National Post*. She remains an editor-at-large and columnist there.

- She has served on the board of the Atlantic Council in Washington, D.C., a think tank that studies international security and economic prosperity. Ms. Francis continues to write for the council, particularly in the area of U.S.-Russia and U.S.-Ukraine relations.
- She is a broadcaster, writer and author of 10 best-selling books, primarily focused on Canadian socio-economic issues, but four of which explore white-collar crime.
- She is a visiting professor and fellow at the Ryerson University’s Ted Rogers School of Management in Toronto.

Ms. Francis is scheduled to speak at 3 p.m. on Thursday, Sept. 30. The theme of her address will be: “Where Do We Go from Here? Canada and the U.S.”

If COVID-19 showed Maine government and business leaders anything, it’s how inter-dependent our state is with our Canadian friends. The timing is perfect for municipal leaders in Maine to learn from an international expert, who can drive this point home.

The MMA Convention will be held two days (Sept. 30 and Oct. 1), and in-person, at the Augusta Civic Center. Ms. Francis is scheduled to speak remotely, from Toronto. ■



(To see the 2021 convention program, please see P. 10 of this magazine or go to the MMA website: [www.memun.org](http://www.memun.org).)



# HOMETOWN CAREERS

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## ABOUT OUR CAMPAIGN



Maine Municipal Association's Hometown Careers campaign was born out of necessity. Maine is one of the "oldest" states in the nation, many municipal employees are nearing retirement and the unemployment rate is low. Plus, municipal jobs are so important. The need for municipal services will never go away.

In January 2018, MMA launched a statewide social media and web advertising campaign designed to make people - especially young people - more aware of the exciting career options available within municipal government.

That effort drives people to our interactive website, [www.mainehometowncareers.org](http://www.mainehometowncareers.org). Upon arrival, readers learn what local government does, they see and hear real Mainers talk about the rewards of municipal employment. And, they have searchable access to MMA's municipal Job Bank, the most extensive listing of local government job openings in Maine.

For MMA members, even more tools are available. The Members Area of the MMA website provides handouts that municipal employers can use, logos and instructions about how to promote Hometown Careers on municipal websites and Facebook pages.

The sky is the limit! Municipal careers in Maine offer unparalleled quality of life and they provide deep satisfaction, knowing that you serve a community in meaningful ways.

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# MMA project looks at training needs for modern work force

*The extensive research effort, led by consulting firm Berry Dunn and an MMA team, will include a 'gap analysis' and print report available later this summer.*

*By Eric Conrad, Director of Communication & Educational Services, MMA*

The Maine Municipal Association and Portland-based consulting firm Berry Dunn are working on a comprehensive, statewide examination of municipal training offerings that may be the first of its kind in the nation.

The project, which began in earnest last winter, but was approved by MMA's Executive Committee early in 2020, has now recorded more than 80 one-on-one interviews by Berry Dunn researcher and consulting manager Michelle Kennedy. More than 800 electronic survey results are in hand.

At this point, all 27 municipal "affiliate groups" – such as the Maine Town, City & County Management Association and Maine Town & City Clerks' Association, to name two – are involved. The interviews and surveys also included Maine colleges and community colleges, state government, relevant non-profit organizations and elected municipal officials.

Berry Dunn's charge from MMA includes compiling a complete list of training opportunities that exist in the state, plus developing a "gap analysis," which will show areas where municipal employees and officials say more help is needed in order to better serve their communities.

"This curriculum inventory and gap analysis presents a great opportunity for municipal employees and professional associations across the state to continue to expand upon and promote the great educational programs that have been offered to new and tenured municipal professionals," said Ryan Doil, a senior manager with Berry Dunn and senior

manager on the MMA project.

"Based on our understanding, this is the first comprehensive analysis of municipal training within the State of Maine, and perhaps among the first at a statewide level that we are aware of in any state," Doil said.

MMA expects to receive a complete report from Berry Dunn in August. Much of the remainder of 2021 will be spent sharing the findings with MMA's Executive Committee, members, municipal affiliate groups, educational institutions and other training partners. MMA's leaders on the project have been: Eric Conrad, Director of Communication and Educational Services, and Alicia Stokes Gaudet, Manager of Educational Services.

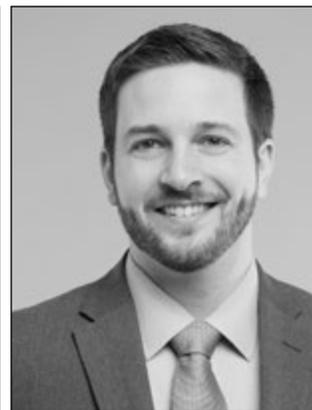
Jon Beekman, a member of MMA's Executive Committee and selectperson in the Town of Fayette, was involved in the effort from the beginning, when Berry Dunn was chosen to conduct the review. The timing could not be better, he said.

"As Maine town and cities experience continued growth and increased demand for services, new challenges are constantly being faced by our team members," said Beekman. "I expect MMA's curriculum analysis will define the training needs for our municipal teams as they deal with and move forward with these new challenges."

Although the project is far from complete, Kennedy of Berry Dunn said clear themes are emerging from her research and interviews:



*Michelle Kennedy*



*Ryan Doil*

- **Municipal staffing and capacity:**

Attendance at in-person training events that require travel can present a significant challenge for small- and even medium-sized municipalities in Maine. Survey respondents named time and capacity as the No. 1 barrier to participating in training. It was reported through interviews that individual professionals often fulfill several different professional roles within a single organization, and leaving to attend training that requires overnight travel can mean shutting down service delivery for two or three days and then returning to a backlog of work. Cost can be another significant factor. Survey respondents named cost as the third most significant barrier to participating in training. While some associations have funding to pay some or all of the costs for their members, other associations do not, so municipalities must pay both travel expenses and registration fees for the training class or conference.

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*Members who have questions about the study are encouraged to contact either **Eric Conrad** ([econrad@memun.org](mailto:econrad@memun.org)) or **Alicia Stokes Gaudet** ([agaudet@memun.org](mailto:agaudet@memun.org)) at MMA. The telephone number is: 207-623-8428.*

- **Timing, frequency, and location of training:** Many Maine municipalities rely upon volunteers to run local government and deliver services to residents, including – for example – firefighting and harbor management. Because most training is delivered on weekdays, staff with other jobs may be unable to participate. This can also be a barrier for employees who serve in multiple roles and have significant demands on their time during stan-

ard business hours. Location is also a barrier; survey respondents named location as the second most significant barrier to participating in training. Many of the Affiliate Groups are self-supporting and run by volunteers who also work within their professions, making it difficult to provide training in multiple locations or with greater frequency than a one-time offering. Some communities do not have adequate training space to host regional

training. Some professions require hands-on training, such as live fire training for firefighters and laboratory training for water resources professionals, which cannot be delivered virtually and can be difficult and costly to take on the road.

- **Perceived value of training:** Interview participants and survey respondents reported that elected officials do not always understand the importance and value of municipal training, its impact on effective management and reducing risk and liability, and the role training plays in the recruitment and retention of qualified staff. If employee training is not perceived as a priority and supported by municipal leadership, employees who want and need to attend training might not have the resources and backing to participate.
- **Unfunded mandates and less support from the state:** Cuts to state agency budgets, and staffing and

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new requirements legislated without accompanying funding, have resulted in reductions in state-provided training and increased demand for associations to fill the gaps without any increased financial support to meet the demand. The MMA and its Affiliate Groups, in an effort to encourage smaller municipalities to send employees to training offerings, offer low-cost (\$25 – \$50) programs. This has consequentially increased the burden for associations to cover their costs of offering training, which further aggravates the problem of enough supply to meet the demand.

- **Decentralized delivery and dispersed resources:** Municipal training in Maine is not centralized in delivery, nor is it reportedly strategically planned and scheduled, which can lead to sporadic opportunities and might result in a newly hired employee waiting one or two years to receive necessary training. There is no consolidated source of information listing available municipal training opportunities across professions, which makes it difficult for municipal employees to know the broad range of offerings that are available and how to access them. Interview participants and survey respondents

reported that having to search multiple training and continuing education providers makes it challenging to piece together an individual training and development plan that will meet an employee's unique needs. Because there is no existing inventory of the available resources, Affiliate Groups believe they might be duplicating efforts, which diminishes the return on investment of training provided to their membership and municipalities as a whole.

- **Appetite for virtual training:** Restrictions created by COVID-19 and the increased use of virtual platforms increased employees' comfort level with remote learning, as well as their desire for more training opportunities delivered in this format. While interview participants and survey respondents acknowledge that some training must be conducted in a hybrid format or in person, online training – whether conducted live as a webinar or offered as a video recording for self-paced learning – was mentioned most often as the way to make training more accessible and available. This finding illustrates a significant opportunity for the MMA and its Affiliate Groups to expand the availability of training by offering more training in live webi-

nar formats and recording sessions and posting them online. This also increases the likelihood that volunteers and elected officials would participate in training and with greater frequency because they can access it 24/7.

On this last topic, much progress already has been made. Since March 2020, MMA has offered scores of live training opportunities via Zoom. It now boasts 49 video-recorded webinars at the MMA website ([www.memun.org/](http://www.memun.org/) / Video Training Library).

Kennedy said a surprising aspect of her research in this project is how consistent the feedback has been across widely varied disciplines and fields that fall under the municipal umbrella.

“While each municipal profession identified some areas of need unique to its profession, all identified the need for more management and supervisory training, interpersonal and soft skills training, as well as an increased appetite for remote, web-based learning,” she said.

MMA's curriculum development project began in a rather unexpected way, back in 2019.

The Executive Committee was discussing results from MMA's Hometown Careers project, which promotes municipal employment opportunities, when former MMA President Laurie Smith, who serves as Kennebunkport's town manager, said recruiting new workers does not go far enough. Smith said a need in virtually every municipal field was to better train workers *after* they start, and to keep seasoned employees up to date on things in a fast-changing world.

That prompted a series of Executive Committee approvals – budgetary in nature, hiring Berry Dunn and potentially making future MMA workforce changes – that led to the project being where it stands now.

Once the Berry Dunn report is complete, it will be widely disseminated. All MMA members will be told where they can find it and read it. It will be shared with all 27 municipal affiliate groups, post-secondary learning institutions, state government agencies and more.

MMA expects a lot of dialogue to occur in the second half of 2021, with an eye toward implementing agreed-upon MMA/Berry Dunn recommendations soon thereafter. ■



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### KEYNOTE SPEAKER: DIANE FRANCIS

#### Where Do We Go From Here? Canada & the U.S.

Ms. Francis draws upon her experience as a renowned Canadian journalist, author and educator to present scenarios, warnings, trends and solutions that are critically important to Maine-Canada trade and our border communities.

### GUEST SPEAKER: HEATHER JOHNSON

#### Broadband, Growth and the Future of Maine

As we emerge from the COVID shadow, and with better funding potential than we've seen in years, Maine municipalities can look ahead to broadband expansion, renewable energy and new approaches to growth and development in ways that were hard to envision just a few years ago.

### FEATURED SPEAKER: CHRISTOPHER T. GATES

#### Can Civility Make a Comeback?

Civility and ethics expert Christopher Gates – a Maine resident – compares the national ethos of the U.S. and Canada in an enlightening way, as he explores the trend of polarization in governance.

### GUEST SPEAKER: AMANDA RECTOR

#### Is the Maine Economy Hot – or What?

What is the outlook for 2022 and beyond? Will a tight labor market and aging population be our undoing? How will the state's geographic disparities play out? If you want to position your community's economic future in the best way possible, this address is a can't-miss event.

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# BRAVE NEW WORLD

Thursday, September 30, 2021

7:30 a.m. . . . . Registration Begins

7:30 – 10:30 a.m. . . . . Continental Breakfast

9:00 – 10:30 a.m. . . . . WELCOME AND FEATURED SPEAKER

## Can Civility Make a Comeback?

It's hard to deny that civil discourse – in the U.S. and in Maine – has had a rough go of it in recent years. But, will this last? And is there anything local leaders can do to make “agreeing to disagree” the norm again, if it ever truly was? Civility and ethics expert Christopher Gates – a Maine resident – compares the national ethos of the U.S. and Canada in an enlightening way, as he explores the trend of polarization in governance.

**Presenter: Christopher T. Gates**, former President of the National Civic League and the Sunlight Foundation

*Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Elected Relations.*

10:30 – 10:45 a.m. . . . . BREAK

10:45am – 12:00 p.m. . . . . Concurrent Sessions

## New Faces, High Expectations

As social and technological advances like the acceptance of telecommuting enables out-of-state residents to move to small towns in Maine, local leaders find themselves explaining what services they do – and do not – offer more and more. This workshop will offer examples of the “expectation gap” between Mainers and new residents, and will offer ways to communicate about it.

**Presenters: Jon Beekman**, Selectperson, Town of Fayette and member, MMA Executive Committee; **Jay Feyler**, Manager, Town of Union and President, Maine Town, City & County Management Association; **Mark Robinson**, Manager, Town of Fayette; Eric Dyer, Manager, Town of Readfield

*Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.*

## Connecting Resources Post-Pandemic

Maine Community Development Association (MCDA)  
Details and presenters TBA

## Biddeford: Transformation in Progress

Not long ago, it was a city under two shadows: Of Portland, located 25 minutes away, the trash-burning incinerator located literally in middle of town. Today, Biddeford is undergoing a massive rejuvenation, concentrating in the downtown mill area that it serves with Saco, but also in the area of arts, culture, restaurants and more. Two Biddeford leaders will walk at-

tendees through the lessons they've learned, in a presentation relevant both to small towns and larger cities.

**Presenters: James Bennett**, Manager, City of Biddeford; **Alan Casavant**, Mayor, City of Biddeford

*Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget.*

12:00 – 12:15 p.m. . . . . BREAK

12:15 – 1:30 p.m. . . . . Awards Luncheon

1:30 – 1:45 p.m. . . . . BREAK

1:45 – 2:45 p.m. . . . . **MMA Annual Business Meeting**

Please join us as MMA President James Gardner, Vice President James Bennett and Executive Director Cathy Conlow shed light on MMA's upcoming priorities and reflect on the events and activities in 2021.

*Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.*

## Managing Your Investments & Economic Outlook

Maine Municipal Tax Collectors' & Treasurers (MMTCTA) & Maine Government Finance Officers Association (MEGFOA)

**Presenter: Robert Cyr**, Senior Vice President/Portfolio Manager, Bangor Wealth Management

## General Assistance 101

Maine Welfare Directors' Association (MWDA)

This session will provide an overview of General Assistance and the responsibility of municipalities to administer the program according to State guidelines. This will be a basic presentation with ample time for questions and is ideal for those new to General Assistance.

**Presenters: Rindy Fogler**, GA Administrator, City of Bangor; **Stacey Parra**, Town Clerk/ Deputy GA Administrator, Town of Union; **KaTina Howes**, GA Administrator, City of Ellsworth

2:45 – 3:00 p.m. . . . . BREAK

3:00 – 4:15 p.m. . . . . KEYNOTE SPEAKER

## Where Do We Go From Here? Canada & the U.S. (VIA ZOOM)

Canada and the United States are sibling nations that, along with Mexico, have been involved in NAFTA since 1994. The three form a symbiotic economic and social relationship that is frayed and uncertain. What does the short-term future look like for Canada, the U.S. and the State of Maine, whose socio-economic interdependence is among the most intense in the world? What is the future based on who controls the Presidency and Congress? Moreover, what is the impact of

technology, harmful global trade, illicit financial flows, real estate bubbles, employment, educational systems, deflation, the EU's challenges, China's slowdown and the pushback toward global trade in general? As the saying goes, "Can't we all just get along?"

**Presenter: Diane Francis.** Ms. Francis draws upon her experience as a renowned Canadian journalist, author and professor to present the scenarios, warnings, trends and solutions that are critically important to Maine-Canada trade and our border communities.

*Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.*

**4:20 – 6:00 p.m.**  
**Member Appreciation Reception**  
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**Friday, October 1, 2021**

7:30 a.m. . . . . Registration

7:30 – 9:00 a.m. . . . . Continental Breakfast

9:00 – 10:15 a.m. . . . . Guest Speaker

**Broadband, Growth and the Future of Maine**

As we emerge from the COVID shadow, and with better funding potential than we've seen in years, Maine municipalities can look ahead to broadband expansion, renewable energy and new approaches to growth and development in ways that were hard to envision just a few years ago. Please join Heather Johnson, Maine's Commissioner for Economic and Community Development, as she examines the opportunities and challenges that lie ahead.

**Presenter: Heather Johnson,** Maine Commissioner of Economic and Community Development

*Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget.*

10:15 – 10:45 a.m. . . . . BREAK

10:45 a.m. – 12:00 p.m. Concurrent Sessions

**Is the Maine Economy Hot – or What?**

From a white-hot housing market to a summer tourism bounce that exceeded many expectations, the economy in many parts of our state is bustling. What is the outlook for 2022 and beyond? Will a tight labor market and aging population be our undoing? How will the state's geographic disparities play out? If you want to position your community's economic future in the best way possible, this address is a can't-miss event.

**Presenter: Amanda Rector,** Maine State Economist

*Certification: Valid for 1.25 MTCMA Certification credits in the following category: Finance/Budget.*

**Police Engagement Under COVID**

This presentation will review the function and outcomes of Virtual Municipal Police Town Hall public engagement sessions held this spring, explore future opportunities for community engagement, and discuss how municipalities can support increased police story sharing, sensible reform and transparency. Updates and impacts of criminal justice and police reform legislation passed in the 1st Session of the 130th Legislature will also be explored. Participants will also be provided a sneak peek at known and proposed legislation for the 2nd Session.

**Presenters: Rebecca Graham,** Legislative Advocate, Maine Municipal Association; **Noel C. March,** Director, Maine Community Policing Institute, UMA; **Chief Jared Mills,** President, Maine Chiefs of Police, Augusta PD; **Chief Jason Warlick,** District 6 Maine Chiefs of Police Rep., Damariscotta PD

*Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership, Ethics, Elected Relations*

12:00 – 1:00 p.m. . . . . Networking Luncheon

1:00 – 2:15 p.m. . . . . Concluding Session

**Update on the American Rescue Program Act**

The federal ARPA program provides new funding streams for many municipalities but it also raises many questions about what qualifies, what doesn't and what deadlines are important to remember. Now's the time to listen, and ask questions, as key Maine Municipal Association staff brief attendees about ARPA with the best current information available.

**Presenters: Rebecca McMahon** and **Richard Flewelling,** MMA Legal Services Department; **Kate Dufour** and **Neal Goldberg,** MMA State & Federal Relations Department

*Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership, Finance/Budget and Legal.*

2:20 p.m. . . . Convention Adjourns



# Two major college towns work together on community policing

*While their schools may be rivals in collegiate sports, municipal leaders and police in Orono and Durham, N.H. cooperated on modern police techniques – and got results.*

By **Betty Adams**

The outcries following the murder of George Floyd by Minneapolis Police Officer Derek Chauvin in the spring of 2020 served to jump-start a formal program to improve police and community relations halfway across the country in Orono, Maine.

There had been community policing earlier in Orono. The town includes the University of Maine and serves as home to many students living off campus, but Floyd's death and the resulting concerns over racial injustice and use of force were a big wake-up call for both law enforcement and community members.

"It was a clear indication that law enforcement needed to focus on relationship building and partnership building and make it a very overt part of the agency," said Orono Police Chief Josh Ewing, who heads a 15-person force. "This is something that larger agencies do all the time. They have community policing divisions or community services divisions. It is not something that a small agency can typically do. But, still, it was so necessary to act on our own before perhaps it hadn't been thought through by the public, and something was forced upon us."

The new program formally launched in February 2021, but it was in Ewing's mind for two decades after he attended a course on the philosophy of community policing taught by Noel C. March and later visited officials in Durham, New Hampshire, home to the University of New Hampshire. The



*University of Maine at Orono*

two municipal police forces work closely with their respective campus police departments as the communities face similar challenges.

March, currently director of the Maine Community Policing Institute at the University of Maine at Augusta said, "The incident of the death of George Floyd in Minneapolis was a watershed event in police-community trust in that the hue and cry of citizens demanding transparency and accountability gave rise to a refocus and a renewed commitment to the principles of community policing within our law enforcement agencies throughout the country."

March, who is facilitating a series of regional police "Town Halls" in conjunction with the Maine Municipal Association, offered a definition of community-oriented policing: "Community policing is both a philosophy (a way of thinking) and an organizational strategy (a way to carry out the philosophy) that allows the police and the community to work closely together in creative ways to solve the problems of crime, illicit drugs, fear of crime, physical and social disorder (from graffiti to addiction), neighborhood decay, and the overall quality of life in the community. The philosophy rests on the belief that people deserve input into the

**Betty Adams** is a freelance writer from Augusta and regular contributor to *Maine Town & City*, [adamsbetty00@gmail.com](mailto:adamsbetty00@gmail.com).

**Collaboration Corner** is a regular feature in *Maine Town & City*, highlighting ways that municipalities work together to become more efficient and better serve citizens.



University of New Hampshire

police process, in exchange for their participation and support. It also rests on the belief that solutions to today's community problems demand freeing both people and the police to explore creative, new ways to address neighborhood concerns beyond a narrow focus on individual crime incidents."

### Visiting 'rival' town

Ewing pointed to a 2016 trip to Durham arranged by Orono Town Manager Sophie Wilson for the town's senior administrators.

"We all went down and met with our counterparts and just chatted with

them about how they do business in the community," Ewing said. That information helped form the foundation of Orono's new commitment to community policing. "This model has been here, and since we had the model to use, we just implemented it," he said.

In Durham, Paul Dean, chief of police and associate vice president for public safety and risk management at the University of New Hampshire, said the department works closely with the town police force.

"Really what this comes down to is partnerships: two police forces in one community," he explained. "His-

torically, colleges and universities with populations of 10,000 or more have their own police forces, mostly so it shouldn't be a burden on the community. We are guests in a lot of ways in the host community and look at being part of that community."

Dean noted that he and David Kurz, former chief of the Durham, N.H. Police Department, co-authored an article titled, "Town vs. Gown: From Conflict to Collaboration," that appeared in a 2017 issue of the *Campus Law Enforcement Journal* of the International Association of Law Enforcement Administrators.

Today the "Town and Gown" portion of Durham's website says, "The university's location within the Town of Durham creates a special relationship that requires mutual respect, open and continuous communication, and the fulfillment of civic responsibilities by community members. We are collectively committed to cooperation in the resolution of mutual problems."

The federal Department of Justice website notes: "Community policing begins with a commitment to building trust and mutual respect between police and communities. It is critical to public safety, ensuring that all stakeholders work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources."

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## 'Build a rapport'

Community policing was part of the federal Violent Crime Control and Law Enforcement Act of 1994 and Orono's Wilson noted that many communities have done some form of community policing.

"I was in a small town before I came to Orono and community policing was kind of a checklist: You went and rattled business doors after hours, and you'd go say 'hi' to kids and people get caught being good, they get an ice cream cone, kind of thing. Orono has always been a lot more active in community policing, really trying to build relationships in the community, really trying to build a rapport with the community."

Wilson said Ewing came to her and they promoted the new program. "It is really about trying to take non-law enforcement or noncriminal matters and resolve them without burdening our patrol," Wilson said.

She said the town created a budget of \$30,000 for the new division of community policing which came out of the traditional police department budget.

"This was a mid-year shift that did

not require additional tax dollars," Wilson said. "I believe the reason that we made the budget shift was to very clearly identify and demonstrate the dollars that were being allocated toward community policing." Edward Leskey, a longtime Orono police officer and a former officer with the U-Maine Police Department, was named Director of Community Policing.

"He's working with our life-safety people, our code enforcement people, community and neighborhood groups to try to solve long-standing community conflicts, whether they be around criminal behavior or just like a junkyard, which is not criminal behavior," said Wilson. "We are seeing significant success. The other piece that makes Orono unique is part of what we're trying to do is build neighborhoods. We have such a transient population that you need something consistent there to help try to knit that neighborhood back together every couple of years."

Wilson said one of Leskey's biggest successes is "getting neighborhoods to understand that kids aren't bad. And getting kids to understand that living in a neighborhood means modifying

your behavior a little bit. It's not a frat house all the time."

Leskey noted that the biggest change with the new post is that Ewing allows him to make his own schedule. "It gives me time off the road so I can spend quality time with what I call 'communities within the larger communities,' so each day I have the opportunity to focus on smaller communities.



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## Hashing things out

He offered an example of one his first assignments in the new post where he was asked to resolve a conflict in a residential neighborhood that had been very quiet for years until college students moved into two of the homes and began having parties.

"The neighbors would have noise at 3 o'clock in the morning, which they were not used to, and they would call the police often," Leskey said. He went there during the day, meeting with the long-time residents to hear their complaints and concerns and then talking to the college students, and finally the

property manager. He continued to meet with all three parties over several months.

"Every now and then there would be a party, and I would go back to the college students and say, 'Guys, you took it too far,' and they would actually apologize, and I'd be in contact with the residents." He said the issue resolved itself after some give and take for both sides. "If I worked the road, I would never have been able to have these extended meetings. I have time now to reach people and get both sides and work it out."

He anticipates working with prop-

erty managers this summer so that students who move in will better understand the rules of the neighborhood.

Ewing said that example shows the value of "solving problems instead of trying to enforce our way out of the problem."

And Wilson added, "That investment of time allows this to not be a law enforcement issue, but it actually allows students and the community to take ownership of the problem. The idea that the community decides how it is going to be policed is still true here."

"I think every agency probably does some version of this," Ewing said. "We just wanted to make it more formal and dedicate officers to it."

The Durham (N.H.) Police Department also has one officer dedicated to community policing. Chief Rene Kelley said Detective Holly Malasky has held the post of "problem-oriented policing" officer for the past three years.

"We don't pigeon-hole what our POP officer does," Kelley said, noting that Malasky deals with problems with students in off-campus housing, scams targeting the elderly, and issues



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where individuals wander away from local memory care units. The post was originally funded for three years by a federal grant with the condition that the town support it for an additional three years. Now, the position is built into the regular police budget.

Kelley is from Rockland, Maine, and graduated from Rockland High School in 1979. He attended the Maine Criminal Justice Academy and was a Rockland Police officer from 1988-1989, before relocating to New Hampshire.

He credited his predecessor, former Durham Police Chief David Kurz, who retired in July 2020, with initiating community policing efforts there 25 years ago.

### Building bridges

“When he was hired, he went to downtown businesses and to residents he’d meet on the street and at the coffee shop and said, ‘Tell me about the police department and what you want to see done. What do you expect?’ ”

Kurz also built a partnership with the UNH Police Department, Kelley said, sharing information and arrest



Rene Kelley



Todd Selig

logs and doing some patrols jointly.

“The university committed to the Town of Durham that if one of our students is involved in criminal activity, you let us know and we can initiate conduct violations. If it’s significant enough, a student could be expelled for a semester. It got to a point where students would much rather deal with consequences from the police than the university,” Kelley said.

Kelley also pointed to an adopt-a-cop program where each fraternity and sorority has an officer assigned to it. “It kind of humanized the police department to the Greek life community.”

UNH Police Chief Dean said the university and town police forces strive to have a unified strategy. Students cited for such things as drugs or alcohol violations are sent to counseling and their behavior is monitored by their



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deans, which keeps the recidivism rate low. “I don’t want their money,” Dean said. “I want their compliance.”

Kelley is proud of the fact that officers who worked in Durham have gone on to become chiefs in other police departments in New Hampshire and brought many of Durham’s community policing methods along with them.

Durham Town Administrator Todd Selig offered three pieces of advice to community leaders regarding police departments and community policing:

- Have a good process in place for hiring police officers, one that includes representatives from the community, and keep the post vacant rather than hire the wrong person.
- Have policies that are up to date and reflective of best practices in policing.
- Train, train, train: Show them

what to do, reinforce it and hold them accountable.

Ewing spoke of the value of building relationships so that people – especially college students – would feel more comfortable around police officers, and cited a long-standing relationship with a U-Maine sorority where members pitched in to help if the police needed volunteers for community programs.

This past semester, at the invitation of UMaine Police Department Lt. Robert Norman, Leskey attended a meeting held via Zoom with a number of international students, including students of color, and answered questions about why police officers did things in a certain way.

“It was a wonderful conversation,” Leskey said. By the end of that meeting Leskey made an offer. “I said, ‘For you to understand what police do, once

COVID is over, I’m opening up the opportunity for you to go on ride-alongs with me on busy nights so you can see the police in action.’ Almost 90 percent of them said, ‘Yes, please.’ ”

U-Maine Vice President Robert Dana said the university has been doing community policing for many years and he added, “The collaboration and cooperation between the town and the university is very strong. We have thousands of students who live in student housing and they also live in neighborhoods. They have unique needs, and the town has been mindful of creating environments where students and long-standing town members can live in harmony. It’s worked very well.”

### Off-campus students

Dana estimated that 3,600 students live on campus with an additional 4,000-5,000 within the Town of Orono. Many others live in surrounding communities. The university reported 11,700 students, with about a quarter of those attending part-time.

U-Maine Police Chief Roland LaCroix emphasized the importance of his department’s collaboration with the town’s law enforcement department, particularly in staffing large events at the university. “We couldn’t do it without the Town of Orono,” he said.

March said that while Maine is rated as the safest state in the country by *U.S. News & World Report*, “We still are feeling the effects of questioning the credibility of law enforcement, and this is where community policing becomes more important than ever.”

Ratings published this year by the magazine indicate that Maine “ranks first in the nation for public safety,” with the lowest violent crime rate and the fourth lowest property crime rate. New Hampshire placed second in both categories. The figures are based on national data from 2019.

In Durham, Police Chief Rene Kelley said, “Here we have a view that our police officers are guardians of the community to ensure people can live their lives happily and they want to keep them safe.”

UNH Police Chief Dean has a similar view: “My goal is to make sure the 16,000-plus students at UNH can concentrate on their education and not worry about their safety.” ■

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# the Municipal RISK MANAGER

SUMMER 2021 A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

## Ransomware Alert: You must protect yourself

Ransomware is a form of malware designed to encrypt files on your computers, rendering any files and the systems that rely on them, unusable. Malicious actors then demand ransom in exchange for decryption. In recent years, ransomware incidents have become increasingly prevalent among the state, local government entities, and critical infrastructure organizations. Ransomware incidents can severely impact an organizations leaving them without the data they need to operate and deliver critical services. The monetary value of ransom demands has also increased, with some demands exceeding \$1 million. Ransomware incidents have become more destructive and impactful in nature and scope. The key is to be prepared.

### Ransomware Prevention Best Practices

- 1) Ensure antivirus and anti-malware software and signatures are up to date.
- 2) Implement a cybersecurity user awareness and training program that includes guidance on how to identify and report suspicious activity (e.g., phishing) or incidents.
- 3) Conduct organization-wide phishing tests to gauge user awareness and reinforce the importance of identifying potentially malicious emails.
- 4) Train staff to question the validity of all emails and to verify emails that they find are questionable.
- 5) Use strong passwords and do not reuse passwords for multiple accounts. Change default passwords. Enforce account lockouts after a specified number of login attempts. Password managers can help you develop and manage secure passwords.
- 6) It is critical to maintain offline, encrypted backups of data, and to regularly test your backups. Backup procedures should be conducted on a regular basis. It is important that backups are maintained offline as many ransomware variants attempt to find and delete any accessible backups. Maintaining offline, current backups is most critical because there is no need to pay a ransom for data that is readily accessible to your organization.
- 7) Retain backup hardware to rebuild systems in the event rebuilding the primary system is not preferred. Hardware that is newer or older than the primary system can present installation or compatibility hurdles when rebuilding from images.
- 8) Be Prepared



For further assistance and access to governmental resources, please contact the Cybersecurity & Infrastructure Security Agency at <https://www.cisa.gov/cybersecurity> 

### InforME (Information Resource of Maine)

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Through InforME, all municipalities have access to a free subscriber account that allows municipal staff to interact with state government. With a subscriber account, municipal staff can search vehicle information including driver, registration and title records, corporate information including corporate records search, and, in some cases, no cost Public Criminal Records. You can take comfort in knowing that the NIC Maine staff is a phone call or email away if you have questions about any of these services. MMA Risk Management services encourages you to use this service when obtaining annual MVR checks and/or background checks for new hires.

To learn more about NIC Maine, InforME, and the services available to your municipality, please visit [www.maine.gov/informe](http://www.maine.gov/informe) or contact [municipalservices@informe.org](mailto:municipalservices@informe.org). 

# MMA RISK MANAGEMENT SERVICES

## Announces new *grant opportunities* exclusive to Property & Casualty Pool Members

### RISK REDUCTION GRANT PROGRAM



Risk Management Service is pleased to announce the new Risk Reduction Grant Program (RRGP) for members of the Property & Casualty Pool. The RRGF is crafted to assist members in the reduction of liability and property exposures and to aid members in their efforts of applying effective risk management and loss control techniques.

- Members are eligible for 100% reimbursement, up to \$3,000.
- Grants must be submitted by September 15<sup>th</sup> (only one grant submission per year).
- Submissions must demonstrate a proactive approach to mitigate property & liability losses.

#### Eligible Grant Purchase Suggestions

- Plow Wing Lasers
- Water Alarms
- Backup Cameras
- Lightning Protection
- Generators
- Financial Controls Training
- Human Resources Training
- Sewer Line Inspection Tools
- Computer Surge Protections
- Security and Emergency Lighting
- Automatic Water Shut Offs
- Side View Cameras
- Protective Barriers
- Backing Proximity Alarms

### MAINE LAW ENFORCEMENT ACCREDITATION GRANT PROGRAM



The Maine Law Enforcement Accreditation Grant Program is designed to encourage and support MMA Property & Casualty Pool Member Law Enforcement Agencies to improve policy management and officer training with the potential of achieving certification in the Maine Law Enforcement Accreditation Program (MLEAP).

The grant will reimburse up to \$5,000 (\$2,500 allowed upon award and proof of contract with outside agency, and \$2,500 at end of award period with requirements met).

- Member's with Law Enforcement Agencies must be a current Member of the Pool on or after July 1, 2021.
- Grant requests must be submitted no later than September 1, 2021.
- Up to 10 Law Enforcement Agencies will receive this award.



\*The MMA Property & Casualty Pool is also offering Agencies that are MLEAP certified up to 15% credit on the annual Police Professional Liability contribution.

For more information contact MMA Risk Management Services:

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# RMS Online University & Safety Management System

## Achieving Your Goals Together

MMA Risk Management Services is committed to providing members of our Workers' Compensation Fund and Property & Casualty Pool with the highest quality educational resources. The Online University & Safety Management System is provided as a value added service at no cost to you.

The Online University is an educational portal which grants your staff access to more than 225 health, safety, and liability prevention courses at your fingertips.

Did you also know that the Online University & Safety Management System grants your entity the ability to:

- Organize training by departments
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- Upload 90 uniquely named Operating Procedures (policies) with an automatic acknowledgment statement
- Upload up to 6 entity wide Personnel Policies
- Assign Policies and Standard Operating Procedures just like the training modules.
- Retain documentation, training, Policies, and acknowledgments all in one place.

City of Augusta Police Chief Jared Mills shared the following about the Online University & Safety Management System:

“MMA has been instrumental with enabling our department to achieve the MLEAP. The software, provided free of charge by MMA, allows us to store our policies and track our changes while allowing us to upload trainings for all employees to take online. The services is convenient and has made us much more efficient as an agency in the realm of policies, procedure, and training.”

We are pleased to offer members of our Workers' Compensation Fund and Property & Casualty Pool with this powerful safety and administrative tool. If you would like more information or to setup and explore the Online University & Safety Management System, please contact us by email at [rmslosscontrol@memun.org](mailto:rmslosscontrol@memun.org) or by phone at 1-800-590-5583. 🏠

## Benefits of Financial Controls

Unfortunately, embezzlements occur in communities and districts of all sizes. As a result, it is of great importance to protect your entity, community, and staff from such events by establishing a positive work environment and by instituting sound internal controls.

One of the primary goals of internal controls is to create a separation of accountability and custodianship; i.e. to assure that municipal officials or employees who have responsibility for keeping records of municipal finances are not also the same individuals who have custody of its assets. In the accounting world, the principle of separation of accountability and custodianship dictates that a person who handles bank deposits or keeps cash books, should not also receive bank statements or make bank reconciliations.

Internal control is a process is designed to provide reasonable assurance that the following objectives are performed:

- Effectiveness and efficiency of operations
- Protect the entity and staff
- Reliability of financial reporting
- Compliance with applicable guidelines and standards.

Generally internal controls are achieved through education and the institution of written policies:

- a. Education.** Financial policies help educate those municipal officials who may not have a background in government financial management. Written financial policies can help inform officials of good financial practices, making it more likely that these good practices will be implemented and followed.
- b. Prevention and Resolution of Conflicts.** Financial policies may help prevent and resolve conflicts in local government. The key to effectively navigating this complexity is effective communication and cooperation among local officials, management, and staff. Financial policies can clarify both the responsibilities of local officials and lines of authority. The process of adopting written financial policies can also afford local officials the opportunity to engage in communication and develop common financial goals for their municipalities. Active participation in the process makes it more likely that all the parties involved in financial decision-

making will abide by a common set of rules.

- c. Continuity and Efficiency.** Financial policies can aid in the continuity and efficiency in the municipality's financial operations. Elected officials may serve relatively short terms and new officials may not be experienced with financial issues. Instituted financial policies can eliminate the need to reinvent responses to recurring situations, thereby increasing efficiency, by standardizing operations and retaining institutional knowledge built up over the years.
- d. Transparency and Confidence.** The adoption of financial policies can foster confidence in local government by increasing transparency, accountability, and consistency in municipal decision-making. The policies can help local officials make more informed decisions about providing services, acquiring and managing capital assets, safeguarding a municipality's resources, and promoting financial stewardship, all of which helps to support your entity and community. 🏠

# The Compensation Corner

## The Importance of the Selection Process

Controlling workers' compensation costs actually starts before the hiring begins. By developing and utilizing sound hiring and training methodologies, you can create a positive selection process that is designed to foster a safe and healthy work environment. Well written job descriptions are an essential tool in the employee selection process. Not only will a good job description help you recruit the right employees, a job description can prevent injuries by ensuring that an applicant is qualified and capable to perform the job, while preventing misunderstandings about performance expectations. It is recommended that you detail the physical requirements and working conditions within the job description.

## Orientation and Training

Whether lifting files, exiting a vehicles, general housekeeping, collecting trash, firefighting or pursuing a fleeing suspect, everyone needs training and to be reminded of their own safety and the safety of others. Such safety awareness begins with a culture of safety in the workplace. It is critically important for management to be a positive example of the safety culture and to encourage employee safety. Provide trainings, safety resources, and positive reinforcement through visual and verbal reminders. The goal is to develop a safety culture.

The Workers' Compensation Fund (WC Fund) provide resources to help members address potential loss exposures of local governmental entities. This includes on-site visits by experienced Loss Control staff that can provide hazard identification, training, and education. The Fund also offers Best Practices, Grant Programs, Safety Shorts, an Online University, and more all located at:

<https://www.memun.org/Insurance-Services/Risk-Management-Services>

Please take advantage of these free services to improve your own programs and foster a safe workplace. 🏠



### The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

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## FREQUENTLY ASKED QUESTIONS

### What are the Top 4 Cyber-Attacks Now?

Cyber-attacks are on the rise and understanding how they work and educating yourself and your staff is a key in prevention.

**MALWARE** - It is any malicious form of software designed to harm, monitor, or control a computer system

- Malware performs a malicious function such as stealing, deleting, or encrypting data, monitoring a computer users' activity or hijacks core computing functions.
- Common malware includes worms, viruses, Trojan horses, and spyware.
- Malware is commonly distributed through physical hard drives, USB external drives, or internet downloads.

**PHISHING** - Phishing is when a hacker uses a false identity/email to trick someone into: providing sensitive information, clicking on a link to downloading malware, or visiting a site containing malware.

- The most common phishing attack targets people through email. An attacker creates an email looking like it comes from a trusted source, like your local bank or the IRS, and the email asks you to visit a website or click a link, which in turn, unknowingly infects your computer.

**RANSOMWARE** - Ransomware is a form of malware designed to encrypt files on a system or device, rendering them unusable. Hackers demand ransom in exchange for decryption.

- This type of malware can be spread through phishing emails or visiting an unknowingly infected website.
- Ransomware can be devastating if proper data backups are not in place and tested often.
- BEWARE: Not all hackers will release/return/unlock data files and systems once the ransom is paid!

**SOCIAL ENGINEERING ATTACKS** - Attacks use human interaction (social skills) to obtain or compromise information about an organization or its computer systems.

- One of the most common tactics is trick someone into thinking they are helping someone in need.
- A hacker may seem unassuming and respectable, possibly claiming to be a new employee, repair person, or researcher and even offering credentials to support that identity.
- The hacker may also ask questions to piece together enough information to infiltrate an organization's network. 🏠

MMA Risk Management Services welcomes its newest member to the **PROPERTY & CASUALTY POOL**

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# Packaging EPR program would address Maine's recycling woes

*Maine towns and cities struggle to keep up with waste management demands and the recycling markets. Product packaging accounts for 40% of our waste stream.*

*By Neal Goldberg, Legislative Analyst, MMA State & Federal Relations*

Since the first known landfill dating back to 3000 B.C. in Knossos, Crete, people have depended on municipal waste management. Modern day waste management has advanced far beyond those early practices to include collection and hauler services, waste-to-energy facilities, and blue recycling bins and green triangle logos. All this progress might indicate municipal waste is on a course of progress and improvement, but in reality the problems with garbage are only piling up.

There is no single event that explains our waste predicament. The last hundred years have seen a series of waste management nightmares for local governments to overcome: various new composite materials like plastic and fiberglass were invented; hazardous chemicals such as refrigerants and PFAS became prevalent in consumer products; delivery services ignited a flood of boxes; and societies started consuming more. Municipalities are doing their best, but struggle to keep up with all the trash.

The biggest thorn in our waste management supply chain is packaging material. Packaging materials such as cardboard, glass, plastic and flexible plastic comprise almost 40% of our waste stream and are frequently non-recyclable. Producers that create packaging material for their products are generally unconcerned about the amount of waste they generate because they have little profit motive correlated to the problem. Bottom

line business profits are driven by using the cheapest packaging to produce, not dispose.

Producers sell products covered in packaging material and pass the financial responsibility of that material onto the consumer. Ultimately, municipalities and the property taxpayers who fund them, pay the price of managing this material. In Maine, managing packaging materials costs taxpayers about \$17 million per year.

Saddled with rising waste management costs and absent of markets for recyclable material, local recycling programs are difficult to fund or justify. Per ton tipping fees for recycling are about twice the cost as solid waste. Single-stream recycling facilities charge even more. Sometimes no facility exists for a recyclable material. To the demur of municipal officials, landfilling is often the most sensible option for property taxpayers.

Ogunquit's longtime Transfer Station Manager, John Fusco, knows the story well: "When (international markets) stopped taking recycling, we instantly saw an increase in prices. More started going in the trash."

Ogunquit has managed to hold on to its recycling program, but some options are still off-limits. Fusco noted that 98% of glass food containers are not recycled because "no one will take them." He also lamented, "Single-sort recycling is the devil to me because the MRFs (material recovery facilities) can charge whatever they want."

Ogunquit's recycling choices are driven by market forces not by the desires of its residents. This lack of municipal agency to make free-market recycling choices is repeated nationwide.

In the end, all municipal officials understand they are the ones with sole responsibility right now. Fusco would like that to change. "We're the ones this all falls down on," he said. "Municipalities are bearing the cost of this. It's such a huge scale. (The solution) needs to be at a federal level."

Fortunately, experience has produced a proven solution to help share this financial burden with minimal disruption to our practices. It's called extended producer responsibility stewardship programs – and you probably participated in one today.

## **EPR stewardship programs**

Extended producer responsibility (EPR) stewardship programs are a public policy approach to sharing responsibility for end-of-life management of products with all participants involved in the life cycle of a product.

Bottle deposit programs are a common example, and they demonstrate the success EPR stewardship can have on modifying behavior by passing accountability onto the parties responsible for generating waste. In Maine, there are already eight different EPR programs. More are considered every year because of how effective they are at reducing waste, diverting products for reuse or recycling, and sharing the financial costs of managing waste with those that generate it. Stewardship programs specific to packaging material are also proven to work. Much of Europe and Canada already have this producer responsibility in place.

The Province of New Brunswick, which shares many similarities to Maine, is currently taking bids for its new packing stewardship program. Both are largely rural and have iso-

**Neal Goldberg** ([ngoldberg@memun.org](mailto:ngoldberg@memun.org)), is a legislative analyst with Maine Municipal Association's State & Federal Relations Department.

lated or island communities that must be serviced under such a program. For instance, an approved stewardship organization like Recycle NB must plan for collection of waste from Campobello Island, which entails sending trucks through international borders to Maine. As fate will have it, packaging stewardship will soon occur in Maine's backyard.

Frank Leblanc, CEO of Recycle

NB, which currently manages at least four EPR programs in the province, is excited about a new stewardship opportunity, "(Packaging material) is the 10,000-pound elephant in the room. It makes up 65% of waste."

Leblanc anticipates Recycle NB will be contracted by many producers to manage their packaging waste. With decades of EPR related experience, Leblanc believes "if industry

has to pay for bulky material, they might find ways to reduce it." Leblanc expects the program to save taxpayers between \$15 million and \$17 million per year and notes that since Maine is more populated than New Brunswick, larger taxpayer savings can be expected here.

A big portion of the largest producers of packaging waste are already equipped to support such programs. According to the Natural Resources Council of Maine, over 500 packaging producers in Maine are participating in Canadian programs. On that list are some of the world's largest producers of packaging waste: Amazon, Walmart, Johnson & Johnson, Proctor & Gamble, Tyson, Hasbro and McDonald's. These companies have EPR policies in place that would make participating in Maine's program a familiar operation. It deserves noting for businesses that do not distribute outside of the state, like our beloved Reny's, an EPR packaging program would be a hefty undertaking at first. Fortunately, there are clear models to follow.



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There are legitimate concerns that EPR programs lead to price hikes for consumers. While this is always a possibility in the free market, the concerns are generally unfounded or inconsequential. LeBlanc quickly put these fears aside.

“Price hikes aren’t going to be an issue because the expense to industry is a fraction of a penny per unit,” he said. “These are big, multinational companies with (standardized prices),” referring to a box of cereal. “Prices are the same in Vancouver as in New Brunswick.” The possibility that EPR will make consumer goods unaffordable is not likely. In fact, the opposite is just as likely. As producers learn to create less packaging and use less hazardous packing materials, the per unit price of goods could actually decline over time.

While EPR for packaging material would be new in Maine, the procedure is old hat to municipal officials and industry worldwide. At least eight other states in the country are considering implementing such an EPR program.

**How EPR works**

The success of an EPR program hinges on convenience. Packaging waste travels from the point of distribution, to the consumer, to a collection medium like haulers or transfers stations, then finally to either a landfill or MRF for recycling. For packaging EPR to be effective, there must be minimal distribution to this process. Proposals suggest adding one additional step into the process and establishing a stewardship organization to oversee the entire course from

distribution to either landfill or MRF.

The additional step is an accounting stage in which producers keep a record of packaging material distributed in the state. That record is simply what volume and material type was generated. For producers, this step is easily digitized. This is the bulk of the new activity that private industry will be expected to conduct.



**MTCMA is accepting nominations for the Annual Managers Awards. Nominations may be made by Elected Officials, Staff, Citizens and Colleagues of the Managers, or may be self-nominated.**

**Linc Stackpole Manager of the Year Award** – Accepting nominations of Public Administrators who have contributed to the public management field in some outstanding fashion; displays integrity and leadership; received the respect and confidence of his/her peers.

**Leadership Award** – Accepting nominations of Public Administrators for a particularly bold and innovative project or for solving an unusually difficult problem.

**Rising Star Award** – Accepting nominations of Public Administrators who have been in the profession for five years or less; who has done a particularly good job in a community; and to provide encouragement to stay in the profession.

**Distinguished Service Award** – Accepting nominations of an assistant manager or manager who has made an outstanding contribution to the management profession and local government. The award recognizes a manager whose service has been judged by peers as exceptional, and who has made major contributions beyond direct service to local government.

Nomination forms are available on the MTCMA website: <https://www.mtcma.org/about-mtcma/awards/>. Nominations are accepted until June 30, 2021.

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At the same time, a stewardship organization, accountable to a state agency, will audit producer reports with the data coming out of landfills and MRFs. The stewardship organiza-

tion will then use a predetermined formula based on volume and material type to bill producers for their share of generated packaging waste. These payments will be paid to a stew-

ardship fund.

From this fund an assortment of possibilities exists including reimbursement, grants, statewide recycling projects or education. Reimbursements could be offered to eligible entities that paid upfront costs to manage packaging waste. The reimbursements received will go towards new and enhanced recycling programs and waste-related infrastructure. Eligible entities would include municipalities that operate transfer stations or collection and hauling services. These reimbursements are investments that will produce long-term savings for property taxpayers who benefit from lower recycling costs for local programs.

The current waste related problems, where EPR injects a solution, and how that solution is executed is depicted the illustration on Page 27.

#### **LD 1541**

Given the popularity and proficiency of EPR packaging stewardship programs elsewhere, it should be expected that Maine is giving the issue serious consideration. At present,

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## Meet Our Attorneys Jonathan A. Pottle

Jon provides legal services to both public and private sector clients in the areas of environmental law, land use law, municipal law, utilities law, economic development, project development and finance, renewable energy, real estate, timberlands, and natural resources law. Jon's practice in these areas helps clients with their strategic and tactical planning, day-to-day operations and troubleshooting, project development and financing, real estate and business transactions, municipal and utility district governance, and resolution of related legal disputes, including representation before Maine and Federal Courts as well as Local and State administrative boards and agencies.

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nearly 30 municipalities representing over 300,000 Maine residents have independently expressed support for more packaging EPR legislation. Half of those municipalities are relatively small, under 5,000 people, highlighting the benefits a packaging stewardship program offers to a broad array of communities.

Deer Isle’s Selectboard unanimously supports LD 1541 on the basis that it provides two benefits, “Producers will be discouraged from using excessive and non-recyclable packaging, and we will receive financial support that we need to increase our recycling rates.” The problem, according to the select board, is pervasive across Maine, “Solid waste and recycling are among our most costly municipal services and for more than a year our recycling rate has declined due to the very high cost of transporting materials and tipping fees. “ Without an EPR program Deer Isle’s desire for higher recycling rates seems hopeless, “We want to do more, but the cost is a burden on local tax-payers.”

Maine Municipal Association supports such legislation as well. Rebecca Graham, Legislative Advocate for MMA, has been working toward a solution agreeable to all parties since the 129<sup>th</sup> Legislature. “It puts pressure where it needs to be, where change can actually happen. Municipalities are stuck in the middle and have to deal with the entire problem,” said Graham.

From this widespread public support came LD 1541, *An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money*, sponsored by Rep. Nicole Grohoski of Ellsworth. To date, this bill is Maine’s most comprehensive attempt at EPR packaging legislation.

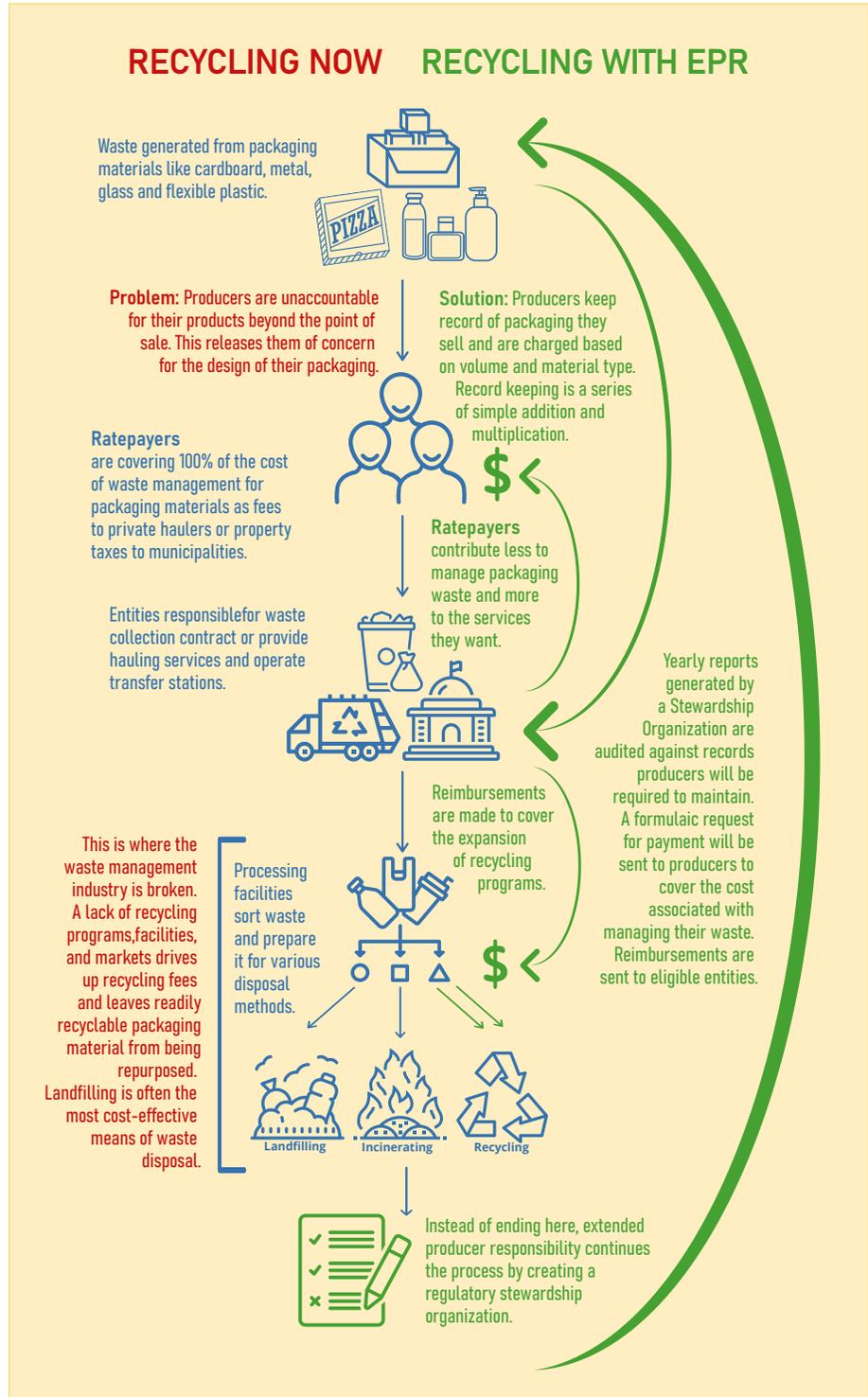
LD 1541 builds off the EPR framework explained above with numerous additional benefits. Most significant are the producer incentives to generate less packaging material and incorporate more recycled materials in packaging rather than using virgin material. The bill also provides generous exemptions to Maine’s small businesses and perishable food producers. This ensures that the stewardship organization has time to formulate the best method of determining producer payments that holds them responsible for their waste without

imposing economic hardship. Finally, the legislation incorporates litter audits which will reveal producers most responsible generating the litter in the state.

From the municipal perspective LD 1541 satisfies two primary concerns.

First, it has an opt-in clause, meaning those that prefer to manage 100%

of the packaging material responsibility can continue to do so without any interruption to their operations or recycling programs. Second, it gives municipalities the broad flexibility to use reimbursements for a wide array of waste management needs, including but not limited to, launching or expanding recycling programs, upgrading transfer stations, and safely



decommissioning landfills.

Numerous communities showed up in force to support the bill during its public hearing this spring. Testimony from Orono's Town Councilor, Cheryl Robertson, characterized the municipal support, "We believe LD 1541 gives relief to taxpayers, creates a more sustainable, non-taxpayer-funded and equitable recycling program, and protects the beautiful state and community we live in by keeping

producers of packaging accountable in these particularly fluctuating global recycling markets."

In the opinion of both chambers, it is time for Maine to adopt an EPR program for packaging material. The bill passed through the Legislature with little deliberation and is awaiting signature from Governor Janet Mills. The governor's decision could decide the fate of local recycling programs.

Fortunately, no proof of concept

is needed. EPR has worked for other products. Packaging material stewardship programs have been successful in numerous countries. Maine's largest producers already operate under multiple and similar programs.

There is no shortage of support either. Local officials and state lawmakers alike agree this is the best hope of jumpstarting our failing recycling programs. To echo the sentiments of Deer Isle, we want to recycle more. ■



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# Campaign is on to restore Liberty Hall in Machiasport

*Named after the Revolutionary War naval showdown, Liberty Hall fell into disrepair around 2000. Locals aim to bring back the historic building's glory days.*

By Susan Cover

Machiasport locals remember a time when Liberty Hall, an 1870s Italianate style building on the shores of Machias Bay, was home to the town office, basketball games and theater productions.

But the building closed in 2000 after falling into disrepair.

Now, a group called the Committee to Save Liberty Hall dreams of the day when the town-owned building will once again serve as a community gathering place and tribute to the area's rich history.

"This is a really wonderful space," said Anna Grimshaw, a committee member and primary grant writer. "We would love to have it restored."

During a recent tour, Grimshaw and her partner David Freedberg, chairman of the committee, pointed out the basketball court lines painted on the floor of the large gathering room once used for many events including community suppers, Christmas parties and musicals. Designed by Machias architect Andrew Gilson, the building took six months to complete from June to December 1873 and is named in honor of the first sea victory of the American Revolution, when Americans captured the HMS *Margaretta* in 1775.

"It's probably the biggest civic space in all of Washington County," said Freedberg, professor of art history at Columbia University and Machiasport seasonal resident.

To date, the committee has spent about \$1 million and 10 years stabilizing and restoring the exterior, said



*This image depicts the old town office in Machiasport. (Submitted photo)*

Grimshaw, a professor of anthropology at Emory College. Using about \$6,000 from the town as seed money, the group applied for and received grants, including Community Development Block Grant funds, she said. Until 2000, the main floor of the building under the basketball court served as the town office.

Like many historic buildings across the state, Liberty Hall was once included on a list of Maine Preservation's "Most Endangered Historic Places." Since the nonprofit began releasing a list in 1996, 165 places have been identified, with 60 being saved, 36 undergoing preservation and 20 being lost, according to the group's website.

The most recent list, which was released in September 2019 – no list was released last year because of the pandemic – included nine places, the Charles A. Jordan House in Auburn; Callendar House in Bar Harbor; Henry Tallman House in Bath and the Chaloner House in Lubec.

While many of these are privately owned, the Town of Machiasport has owned Liberty Hall since its inception in 1873.

Machiasport Select Board member Brian Smith said he remembers when the board would meet in the building back in the 1990s, when he was first elected. At that time, it was a "cold and drafty" place to conduct town business. Although the project still has a long way to go, he hopes the building can one day be used as a town gathering place.

"It's going to take a lot more money to finish it," he said. "I would like to see it come back to a place where people can gather for suppers."

For lobsterman Robert Ingalls, a member of the Committee to Save Liberty Hall, the Revolutionary War history the building commemorates is reason enough to save it. He remembers town meetings and school plays taking place there.

His vision for the future of the

---

*Susan Cover is a freelance writer from Augusta and regular contributor to Maine Town & City, [mainefreelancer@yahoo.com](mailto:mainefreelancer@yahoo.com).*

building includes events on cold spring days where people can visit and enjoy the “smell of beans, hot coffee and rolls.”

**Town identity**

Jonathan Hall, field services manager at Maine Preservation, said there are several success stories around the state of municipalities stepping in to help save historic buildings or working alongside “friends of” groups to preserve important local landmarks.

He listed a former schoolhouse in Surry, the Norway Opera House, the Colonial Theater in Augusta and the Swan’s Island Light Station as examples of projects either completed or still in the works. In Surry, town voters gave

the Old Surry Village Schoolhouse Preservation Group permission in 2016 to rehabilitate the town-owned school, according to the group’s website. Built in 1872, the building served as a school for 80 years and was then converted to be the town’s fire station for another 30 years.

“At no cost to the town, our goal is to preserve the building and have it once more available for use by the residents of Surry,” according to the group.

Hall said in Norway, the Opera House was in in danger of being completely lost, but the town stepped in and bought it. The building, which was constructed after a fire in 1894 destroyed much of the downtown, was

used for town meetings, performances and as town administration offices at various times, according to Maine Preservation.

In the case of Augusta’s Colonial Theater, the city council voted last year to provide up to \$300,000 in city funds to serve as matching grant money to help pay for the renovations needed on the 1913 theater, according to the Kennebec Journal. The total project cost for the theater, which includes a planned expansion, is more than \$8.5 million.

For towns looking to help, but not bear the financial burden, Hall suggested checking with the Maine Historic Preservation Commission to look for grant programs that are open to municipal governments. Also, Maine Preservation is still taking nominations for this year’s list of endangered properties, which often draws attention to sometimes overlooked structures.

Many of these buildings provide much more than just a place to meet, he said.

“Especially in a small community, it’s what provides the identity for the entire town,” he said. “The smaller the community the more significant the impact.”

**‘Source of pride’**

In 1977, the Maine Historic Preservation Commission applied to have Liberty Hall listed on the National Register of Historic Places, describing the building as “a local landmark carried out in an impressive Italianate style” that had “long been a source of pride to the community.”

The application filed with the National Park Service notes that in the late 1800s, Machiasport was a prosperous village with an active lumber shipping trade, a railroad, steamboat traffic and a large hotel. But unlike nearby Machias and East Machias, Machiasport had no building to house government, educational or social functions.

That all changed with the town meeting in March 1873, when the town voted to raise \$1,000 toward building a new town hall and authorized selectmen to borrow whatever else might be needed, according to the national register application. Just four months later, the town hired architect and builder Andrew Gilson of Machias to do the work. A Machias selectman

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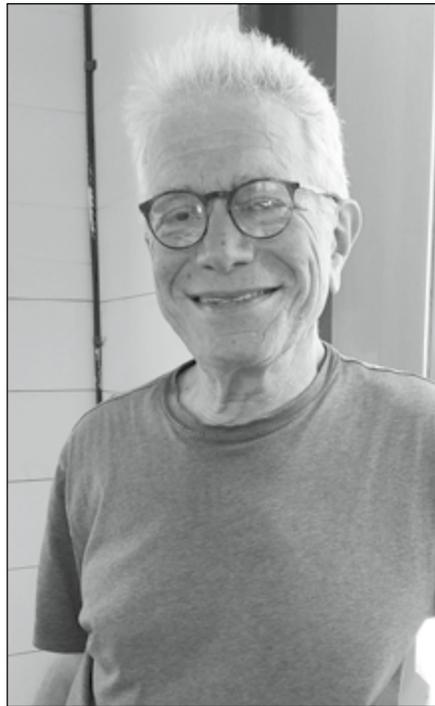




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Liberty Hall (Submitted photo)



David Freedberg

who served several years in the Maine House of Representatives, Gilson completed the \$8,000 project by the end of the year, just in time for an opening bash in January 1874.

“It was used frequently for concerts, public suppers, dances, plays, and performances by travelling lecturers and entertainers,” according to the application. “Older residents of Machiasport recall that almost every night there was some activity in the building.”

But by the year 2000, the building was in such disrepair that the town office had to move farther down Port Road to its current location. Freedberg and Grimshaw purchased the house next door in 2004 and not long after,

founded the Committee to Save Liberty Hall.

The first order of business was to secure the outside, including roof repairs, restoring the belvedere on the top of the building, fixing the foundation, removing a two-hole outhouse and painting the building. On the outside, the building is now an impressive feature of the landscape along the main thoroughfare in town.

“The building is safe now,” Freedberg said. “It’s completely secure.”

On the inside, there is still much to do to restore the large grand hall on the second floor, install all major systems including plumbing, heating and electrical, and make the first floor

usable space. In addition, the building needs an elevator or other ways of making it accessible, Freedberg said. Those repairs are estimated to cost an additional \$2 million. As it is now, two metal ladders lead to the belvedere tower atop the building, which affords a spectacular view of Round Island, the site of the first naval battle of the Revolutionary War.

The citizens of Machiasport took on a British warship, the *Margaretta*, on June 11 and 12, 1775, according to the Maine Daughters of the American Revolution website. One man was killed and six were wounded, with one of the wounded later dying of his injuries, according to the site.

Nearly 100 years later, the town voted to build itself a hall and name it in honor of the battle. Now, nearly 150 years after it was built, the town is once again working to preserve the building and give it a new life for generations to come.

Michael Hinerman, Machiasport select board member, remembers playing basketball at Liberty Hall when he was growing up in town. He also remembers well attended, day-long town meetings with a full lunch served at noontime. He recognizes the work ahead and is mindful that town taxpayers cannot afford to pay for all of the work that is yet to be done.

“It’s a beautiful old building,” he said. “It was rundown and it’s going to cost a small fortune to bring it back. All we can do is keep at it and see what happens.” ■

## FACTS ABOUT LIBERTY HALL

**Built:** 1873

**Architect:** Andrew R. Gilson

**Style:** Italianate

**Location:** Machiasport

**Cost:** At the 1873 town meeting, residents voted to raise \$1,000 toward the new town hall and authorized selectmen to borrow the remaining \$7,000.

**Status:** Listed on the National Register of Historic Places since 1977, the property is undergoing renovations.

**Source:** Nomination form filed with the National Register of Historic Places

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# Ethel N. Kelley Memorial Award

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## NOMINATIONS BEING ACCEPTED

Deadline for Receipt of Nominees – Friday, August 20, 2021 by 12:00 noon.

**ETHEL N. KELLEY** devoted 45 years of service to the Maine Municipal Association –from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the “cement” that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association, including acting executive director. In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel N. Kelley's memory by recognizing others of the same character and dedication. This year MMA will recognize its 36th Award Recipient!

**WHO QUALIFIES:** Elected municipal officers, elected and appointed municipal officials, and employees of any member municipality. This includes those currently serving or retired within the past two years. May also be given posthumously.

**CRITERIA:** Do you know an individual in your municipality who has...

- Straightforward selfless concern for people.
- Demonstrated capability and willingness to “Hold the Community Together.”
- Longevity of conscientious service.
- Dedication to the cause of good local government.

**NOMINATION PROCESS:** Please forward your Nomination and up to five letters of support from local or state officials, business leaders and/ or members of the community. The Nomination Form is available on the reverse side or can be completed interactively on the MMA website at [www.memun.org](http://www.memun.org). The supporting letters are a critical part of the process. Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts.

**SELECTION PANEL:** The Award Selection Panel will consist of three MMA Past Presidents who will meet in early to mid September to make their selection.

**PRESENTATION:** The Award will be presented at the MMA Annual Convention during the Awards Luncheon with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Luncheon is scheduled for Thursday, September 30, 2021 at 12:00 p.m. at the Augusta Civic Center, in Augusta, ME.

**Take this opportunity now to send your nomination. MMA looks forward to the opportunity to recognize that special individual's achievements and dedication to the cause of good local government.**

For more information, please contact:

**Theresa Chavarie**  
MMA Manager of Member  
Relations & Executive Office  
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MAINE MUNICIPAL ASSOCIATION  
**Ethel N. Kelley Memorial Award**

**NOMINATION FORM**

Due Date – Friday, August 20, 2021 by 12:00 noon.  
(Please complete all applicable sections)

Nominee's Name (Individual Only): \_\_\_\_\_

Municipality Served: \_\_\_\_\_

**LIST MUNICIPAL ELECTED/APPOINTED POSITIONS** (Please include services provided to any municipality):

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

**LIST MUNICIPAL VOLUNTEER POSITIONS** (Please include services provided to any municipality):

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

**Please Include Total Number of Years Dedicated to Municipal Service:** \_\_\_\_\_

\*Do not include years that overlap due to service in multiple positions\*

**MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS:** Please provide a brief statement why you believe your nominee is deserving of this award:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IS THE NOMINEE RETIRED FROM HIS/HER MUNICIPAL POSITIONS/CAREER?**

YES (When did Nominee retire?) \_\_\_\_/\_\_\_\_/\_\_\_\_  NO (Anticipated retirement date?) \_\_\_\_/\_\_\_\_/\_\_\_\_

**IS THE NOMINEE RETIRED FROM HIS/HER NON MUNICIPAL WORK CAREER?**  YES  NO

**IS THE NOMINEE DECEASED AND BEING CONSIDERED POSTHUMOUSLY?**  YES

**NOMINATED BY:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

Please complete and return with up to (5) supporting letters. **The supporting letters are critical to your success.** Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by deadline noted above

MMA Ethel N. Kelley Memorial Award – Selection Panel  
Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

# PEOPLE



John Madigan Jr.

**John Madigan Jr.**, one of Maine's longest-serving town managers, died at the age of 71 of cancer. He died on June 2 with his large family at his side – he and his wife, Mary, raised seven children, who

gave their parents 23 grandchildren. Madigan was a U.S. Army salvage diver from 1968 to 1971, when he was discharged with honors from the Vietnam War. A former president of the Maine Municipal Association, Madigan's career success and accomplishments are hard to summarize. He earned a degree from the University of Maine College of Business Administration in 1978. A Massachusetts native, Madigan had worked as a manager or state representative for 43 years, beginning in the Town of Monson in 1978. Madigan managed multiple towns, even serving as manager of his hometown of Rumford and Mexico at the same time. He managed Eastport, Dixfield and Rangeley, as well as serving as interim manager for other towns. During a break in his public service, Madigan worked as a facilities site engineer, construction inspector and general contractor throughout New England from 1993 to 2005. He retired in 2020. His affection for municipal work "shined through," a Mexico selectman told the Sun Journal newspaper.



Ronda Crouse

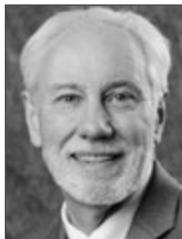
**Ronda Crouse** retired after working 34 years as the office manager and billing clerk for the Guilford-Sangerville Sanitary District. Crouse was hired when the district began operations in 1987 and developed a bookkeeper position "and never looked back," she said. Most anyone, from lawyers to auditors to customers, were greeted by Crouse before anyone else at the district office. Crouse started with handwritten journals for billing to QuickBooks and other computer programs. According to district leaders, Crouse's "dedication, experience, longevity and smiling face will be deeply missed."



Kate Devonshire

A former U.S. Army commander will manage the City of Eastport. **Kate Devonshire** began her first municipal job last month. She holds a bachelor's degree in science from West Point and a master's

degree in business management from Thomas College. Her military experience and private-sector management positions were among the reasons the city council chose her. Formerly, she worked as a technical maintenance supervisor for Nestle Waters at its Poland Spring facility in Hollis; parts and service manager for Dock and Door Handling Systems in Saco; and operations manager for Cellular Sales New England, a division of Verizon. She is proficient in 12 major computer programs, among others. Her experience over her career includes budget, spending and resource management, strategic planning, human resources and community outreach.



Richard "Rick" Erb

The St. George Select Board voted unanimously in June to hire **Richard "Rick" Erb** as its new town manager. Erb's first day on the job was July 6. He replaces **Timothy Polky**,

who has worked for the town in various capacities for 51 years. Polky was promoted to manager in 2017. Erb, of Brunswick, is a Castine native who previously managed the towns of Gouldsboro, Winterport and Kennebunk. Most recently, Erb held the position of chief executive officer of the Maine Health Care Association, based in Augusta. He earned a bachelor's degree in public administration from the University of Maine and a master's degree in community and rural development from Cornell University. Erb's wife grew up on the opposite side of Penobscot Bay, "So there was an immediate appeal for both of us when we visited this spring," Erb told the board. Erb said he respected outgoing manager Polky and what he has accomplished for the town.



James McLamb

Oxford County Deputy Sheriff **James McLamb** was named Dixfield town manager in mid-May, replacing **Dustin Starbuck**, who retired for health reasons. McLamb, 28, earned a bachelor's degree in criminal

justice, with a minor in psychology, from Thomas College, and a master's degree in criminal justice with a focus on advanced counter-terrorism and homeland security from Southern New Hampshire University. McLamb, of Auburn, is known for professionalism, leadership and dedication to his work and to the public. He worked as a supervisor for the sheriff's department, which he joined in February. He served as a Lewiston patrol officer from 2018 to 2020, and a Rumford officer from 2014 to 2016. A graduate of the Maine Criminal Justice Academy, McLamb served in the U.S. Army Reserve from 2012 to 2020.



Dennis Marker

Caribou City Manager **Dennis Marker** resigned effective this month after serving the city since May of 2017, replacing **Austin Bleess**. Marker will return to work for the City of Santaquin, Utah, where he worked previously as

assistant city manager, among other positions. He returns to take the job of operations analyst. He holds a bachelor's degree in geography and a master's degree in public administration, which he earned from Brigham Young University in 2014.

The Town of Washburn's Memorial Library recently welcomed a new director and children's librarian. **Tim Whiton**, who grew up in Portland and often skied in northern Maine as a high school student, is the new director. **Courtney Howe** will direct the children's programs. Among the goals of the new librarians include attracting more students to the library, creating a teen room and developing more events and programs to connect youth with older community members. ■

## STATEWIDE

As of late June, the state's drought monitoring system showed part of Maine was in a severe drought. For example, both Portland and Augusta have received 2.5 inches below the average rainfall in June. All of Maine is in some level of drought. Central Maine covers 7% of the state's land mass; another 70% of Maine is in a moderate drought. Aroostook and Washington counties are being described as "abnormally dry." The areas suffering severe drought are seeing their crop yields and fruit sizes smaller than usual, hay prices increasing as farmers feed their cattle, lower air quality and warnings issued on outdoor fires. In far northern and eastern Maine, the drought's impact includes delayed planting, elevated fire danger, brown lawns earlier than usual and gardens that are beginning to wilt. According to the U.S. Drought Monitor, launched in 2000, the longest duration of drought in Maine lasted 110 weeks, running from June 2001 through July 2003.

## STATEWIDE

Tourism officials said Memorial Day visitors continued a trend of growing tourism in Penobscot and Piscataquis counties, home of recreational favorites such as Baxter State Park and the Katahdin Woods and Water National Monument. High holiday traffic is seen as a good omen for Maine's busiest tourism season, from Memorial Day through Labor Day. Officials said first-time visitors to Maine are helping to offset the lack of tourists from Canada, who typically flock to southern Maine communities such as Old Orchard Beach and Mount Desert Island along the coast. The borders between Canada and Maine remain closed because of the COVID-19 pandemic. Also boosting traffic were Americans who opted to visit Maine instead of international travel.

## AUGUSTA

The Maine Municipal Association has enrolled nearly 400 of Maine's 487 municipalities, townships and plantations in a new cybersecurity insurance program created to help large and small cities and towns that are susceptible to computer hackers. Cyber criminals are attracted to small towns, which might be easier to hit, disrupting business and seeking "ransom" to return stolen data. Recent hacks in Maine occurred during high-profile attacks, such as the one on Colonial Pipeline Co. in late April, which crippled the company and

## NEW ON THE WEB [www.memun.org](http://www.memun.org)

Here are highlights of what has been added to the Maine Municipal Association website ([www.memun.org](http://www.memun.org)) since the last edition of *Maine Town & City*.

**Remote municipal board** meetings are now permissible by law in Maine, under certain circumstances. MMA's Legal Services Department issued guidance about following the new law, as well as a sample board policy. Towns and cities cannot restrict public attendance to remote means only, in normal situations.

**MMA's 2021 Annual Convention** will be held live and in-person this Sept. 30 and Oct. 1. The complete agenda and registration access are available online, as well as in this print publication. We have scheduled an exciting lineup of featured speakers and some fun entertainment by the Motor Booty Affair.

**American Rescue Plan Act:** MMA created a new website area, available through our main home page, devoted to the ever-evolving federal details and requirements regarding ARPA. Please visit this area for important, regular updates from our Legal Services team, State & Federal Relations staff, the National League of Cities – and more.

quickly drove prices higher. Colonial, the largest U.S. fuel pipeline, caused gas shortages along the East Coast. Colonial consists of more than 5,500 miles of pipeline, beginning in Houston, Texas, and ending at the Port of New York and New Jersey. Last year, an estimated 65,000 ransomware attacks were recorded in the U.S.

## BOOTHBAY HARBOR

Town officials inked a contract with the Lincoln County Regional Planning Commission to assess local housing inventory and study trends for future planning. The agency also will inventory downtown apartments and report back to the town council. The commission will review local housing codes, state housing records, home and business sales and rental records. The information will help the town plan for future housing needs. Cities and towns statewide have struggled in recent years with housing shortages, lack of affordable housing and homelessness.

## FREEPORT

Retail giant L.L. Bean withdrew its support for a massive housing project, agreeing with residents who argued the project would overwhelm the town's ability to provide critical services and change the face and character of the shopping village. Bean was poised to sell 250 acres of a land to a local developer, who proposed building 329 single-family homes, 140 homes in 70 duplex buildings, apartment complexes and eight commercial lots over a 20-year span. Bean officials said the retailer will wait to reassess its position once town leaders and residents can agree on a project.

## MADAWASKA

The select board last month unanimously accepted and signed an agreement with Fish River Rural Health (FRRH) to redevelop a vacant shopping plaza site to accommodate the expansion of the health agency. The proposal calls for a new health center that will also require a piece of town-owned land next to the Main Street plaza. The first phase of the project entails razing two downtown buildings, to be paid for by the town with a \$300,000 Downtown Revitalization grant, in addition to part of a \$3 million town revitalization bond. The town acquired the property in 2018 by accepting it as a gift from the plaza owners. FRRH has been seeking a site to expand in Madawaska to meet the growing need for services. The first phase will begin this fall, with demolition planned for early next winter. The new FRRH clinic will help replace blight in the downtown, as well as attract more people to the rural town of 3,700.

## OXFORD

The Select Board voted unanimously in June to reject all bids to expand or renovate the public safety building to make room for a new town office. The current town office is moist and deteriorating, officials said. The board decided the best plan would be to hire a design engineer for a new town office and ask taxpayers to finance the project over two years. The rejected bids for renovating or adding space onto the public safety building ranged in price from \$1.7 million to \$2.8 million. ■

# MUNICIPAL BULLETIN BOARD

## IN PERSON EVENT

**JULY 29**

### Basic Excise Tax: Augusta

The Maine Town & City Tax Collectors' and Treasurers' Association will hold its Basic Excise Tax workshop on July 29, starting at 8:30 a.m. and running all day, at MMA's Christopher G. Lockwood Conference Center in Augusta. This workshop focuses on the procedures of excise tax, with an emphasis on how to calculate them and the mil rate for various types of motor vehicles.

Presenting the workshop will be Tracie York, Tax Collector in the Town of Lincoln. Cost for the workshop is \$55 for MMTCTA members and \$85 for non-members. The workshop is scheduled to conclude at 3:30 p.m.

## IN PERSON EVENT

**AUG. 18**

### Elected Officials Workshop: Saco

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead an in-person workshop for Elected Officials on Aug. 18 at the Saco Ramada Inn and Conference Center. The evening workshop begins with registration at 4 p.m. and ends at 8 p.m. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$65 for MMA members and \$130 for non-members. A light dinner will be provided.

## IN PERSON EVENT

**AUG. 25-27**

### MFCA Professional Development: Newry

The Maine Fire Chiefs' Association will hold a three-day conference on professional development from Aug. 25-27, at the Sunday River Resort Hotel and Conference Center in Newry. The event follows two straight years during which the MFCA conference was canceled due to COVID-19.

The guest presenter will be Jason Hoevelmann, who will speak on Officer Development and Leadership. Among many other topics, there will be presentations on a 10-Alarm HR Alarms for Fire Professionals and a session to Remember the Fallen. The event is co-sponsored by the Maine Building Officials and Inspectors Association, Maine State Federation of Firefighters, Maine Fire Institute and Maine Fire Protection Services Commission. Costs to attend vary depending on lodging, food selection and other variables.

## NEW IN PERSON EVENT!

**AUG. 26**

### Women's Leadership Symposium: Augusta

Women face different issues and challenges while leading people in municipal government and in other workplaces, and the Maine Municipal Association is rising to meet this need with its first-ever Women's Leadership Symposium, to be held on Aug. 26 at the MMA conference center in Augusta.

The in-person event will feature Meredith Strang Burgess as its keynote speaker. Meredith owns a high-profile marketing and communications company in Falmouth, is a breast cancer survivor and former member of the Maine House of Representatives. The symposium

also will feature remarks by Cathy Conlow, City Manager in Bangor who, by Aug. 26, will be Executive Director at MMA. Cost to attend the all-day event is \$85 for MMA members and \$170 for non-members.

## IN PERSON EVENT

**SEPT. 13**

### Planning Boards & Boards of Appeal: Portland

Attorneys from MMA's Legal Services Department will lead an in-person workshop for local Planning Board and Land Use Boards of Appeal members from 4:30 p.m. to 8 p.m. on Sept. 13, with registration opening at 4 p.m. The workshop will be held at Holiday Inn by the Bay in downtown Portland.

The workshop is designed as an introduction for new or less experienced members, but veteran board members may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and variances. The cost is \$65 for MMA members and \$130 for non-members.

## IN PERSON EVENT

**OCT. 14**

### Labor & Employment Law: Augusta

This perennially popular, and important, workshop returns on Oct. 14, as attorneys from the law firm Bernstein Shur join David Barrett, Director of Personnel Services & Labor Relations at MMA, to inform attendees with up-to-date legal and practical approaches to solve the most common employment issues.

The workshop will be held at the MMA Conference Center in Augusta. It will be relevant to most all municipal managers and supervisors, offering advice on legal compliance and how to avoid employment-related claims. It starts with registration at 8:30 a.m. and ends at 2:30 p.m. Cost is \$85 for MMA members and \$170 for non-members. ■

All of the upcoming workshops can be found on the MMA website. Use the following link:

<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>



60 Community Dr., Augusta, ME 04330, 207-623-8428, [www.memun.org](http://www.memun.org)

# LEGAL NOTES

## Remote Board Meetings Now OK'd Permanently

The Legislature has made remote participation in public board meetings permissible on a permanent basis, but only under limited circumstances. PL 2021, c. 290, was enacted as an emergency measure and took effect on June 21, 2021, with the Governor's signature. It adds a new provision (§ 403-B) to Maine's Freedom of Access Act or FOAA (1 M.R.S. §§ 400-414).

Meanwhile, FOAA's temporary provision (§ 403-A) authorizing remote participation in public board meetings during the COVID-19 pandemic remains in effect until July 30, 2021.

Under the new law, board members are expected to be physically present for meetings, but may attend board meetings via remote methods of participation in the case of an emergency or urgent issue that requires the board itself to meet remotely, or an illness or temporary absence that causes a board member significant difficulties in traveling to a meeting.

The public must have a meaningful opportunity to attend via remote methods when board members participate via remote methods. If public input is allowed or required at a meeting, an effective means of communication between the board and the public must also be provided. A board must provide a location where members of the public may attend in person. A board may not limit public attendance to remote methods only except in case of an emergency that requires the board itself to meet remotely.

Remote methods include telephonic or video technology allowing simultaneous reception of information and also permits other means necessary to accommodate disabled persons. But remote participation cannot be by text-only means such as e-mail, text messages, or chat functions

To enable remote participation, a board must first, after public notice and hearing, adopt a written policy governing remote participation by board members and the public that contains the limitations noted above.

Notice of all board meetings is required as usual (see § 406). When the

## MUNICIPAL CALENDAR

**ON OR BEFORE JULY 31** — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit payment as prescribed by the State Tax Assessor (36 M.R.S. § 5253).

**BETWEEN MAY 1 AND OCTOBER 1** — Municipal officers may conduct process to close certain town ways to maintenance during winter months (23 M.R.S. § 2953). For further information, see the MMA Municipal Roads Manual.

**ON OR BEFORE AUGUST 15** — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

**ON OR BEFORE SEPTEMBER 1** — Clerks of organized plantations shall make return to the Secretary of State, on blanks furnished for that purpose, of the names of the assessors and clerks of their plantation and that the same have been sworn. Penalties apply for failure to make the return (30-A M.R.S. § 7005).

public may attend via remote methods, notice must include the means by which the public may access the meeting remotely, and a location for the public to attend in person (except in case of an emergency).

A board must make all documents and materials to be considered by the board available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the board.

All votes during a board meeting using remote methods must be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other board members and the public. A board member who participates remotely is considered present for purposes of a quorum and voting.

Remote participation is not permitted for town meetings or regional school unit budget meetings.

As we noted above, FOAA's temporary provision authorizing remote board meetings, which does not require adoption of a local policy, remains in effect until July 30, 2021 (see § 403-A). After that date, boards are not authorized to permit remote participation without first adopting a written policy in compliance with the new law (see § 403-B). For

a sample remote participation policy, go to [www.memun.org](http://www.memun.org) (By R.P.F.)

## Juneteenth: A New Holiday

*Question:* How does the new holiday Juneteenth affect local governments?

*Answer:* Juneteenth (a blend of the words "June" and "nineteenth") is the new paid federal and state holiday commemorating the emancipation of enslaved African-Americans. The date derives from June 19, 1865, when formerly enslaved residents of Galveston, Texas, learned belatedly of President Abraham Lincoln's signing of the Emancipation Proclamation almost two and a half years earlier.

President Biden on June 17, 2021, signed the new federal law making Juneteenth a paid holiday for federal employees. Maine Governor Mills did the same for state employees on June 10, 2021. The new state law (PL 2021, c. 140) declaring Juneteenth a paid holiday for state employees was not enacted as an emergency, however, so it will not be officially observed until June 19, 2022.

Juneteenth joins a list of more familiar federal and state holidays on the calendar, from New Year's Day to Christmas Day plus all the others in between. But no federal or state law mandates that municipalities recognize them or close their offices or pay their staff for any of

# LEGAL NOTES

these holidays. Although most federal and state holidays are recognized and paid locally as well, whether and to what extent municipalities do so is a local decision that should be incorporated one way or the other in their personnel policies and operating budgets.

For more on this topic, see "Legal Holidays & Commemorations," *Maine Town & City*, Legal Notes, February 2021. (By R.P.F.)

## Sewer Lien Fees Increased

The fees payable by a property owner in order to obtain a discharge of a sewer service charge lien have been increased by a new law enacted by the Maine Legislature.

For many years these fees have included the registry of deeds' recording and discharge fees, all certified mail, return receipt requested, fees, plus \$13 (see 38 M.R.S. § 1208, 4<sup>th</sup> para.).

PL 2021, c. 70, raises the \$13 fee to \$25, to be adjusted annually by the treasurer of the sanitary district (or the municipal treasurer) based on the Consumer Price Index as defined in 5 M.R.S. § 17001(9). Title 38 M.R.S. § 1208, which governs sanitary district sewer service charge liens, is made applicable to municipal sewer service charge liens by 30-A M.R.S. § 3406(3).

Nothing else regarding sewer lien fees, including the \$1 fees payable to the treasurer for mailing the notice of lien and filing the lien, has changed.

The new law takes effect 90 days after adjournment of the current legislative session and apparently applies to all sewer service charge liens recorded after that date.

For a detailed description of the sewer lien process and its legal requirements, together with sample documents, see Chapter 4 of MMA's *Guide to Municipal Liens*, available online and free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## State Auditor Again Asks: No Annual Town Reports!

The State Auditor's office has again asked that municipalities stop sending them annual town reports. (We first relayed this request in "State Auditor: Please Don't Send Annual Town Reports," *Maine Town & City*, Legal Notes, July

2016.) But evidently some town still do, even though it's not legally required, and more importantly, the State Auditor's office no longer has the storage capacity. (For the same reasons, the Maine DOT doesn't want annual town reports either.)

For the record, we note that municipal auditors *are* required to send their full annual post-audit report to the State Auditor (see 30-A M.R.S.A. § 5823(3)(B)), but this of course is different from the annual town report, which contains only excerpts from the municipal audit.

Annual town reports should still be mailed to: Maine State Library, Collection Services, State House Station #64, Augusta, ME 04333; Maine Revenue Services, Property Tax Division, P.O. Box 9106, Augusta, ME 04332-9106; The Fogler Library, Special Collections, 5729 Fogler Library, University of Maine, Orono, ME 04469-5729; and Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. (By R.P.F.)

## The Oath of Office

(Reprinted and revised from the June 2015 *Maine Townsman* Legal Notes)

For some municipal officials, taking the oath of office may seem a small and ceremonial detail. But in truth, taking the oath is an all-important legal prerequisite: Maine law requires every municipal official to "be sworn" (take an oath) before assuming the duties of office (see 30-A M.R.S.A. § 2526(9)). Failure to do so can seriously or even fatally jeopardize an official's actions.

Every elected or appointed municipal official must take an oath. An official is one who performs duties or exercises authority under law, whether the constitution, statutes or ordinances. (For a list of municipal officials required under Maine law, see Chapter 9 of MMA's *Municipal Officers Manual*.)

The generic oath for all public officials is prescribed by the Maine Constitution (see Me. Const. art. IX, § 9). For municipal officials, this oath is usually supplemented with a reference to the duties of municipal office as well. The words "So help me God" appear in the constitutional oath and in the more limited "affirmation" provided for those who object to an oath, but a person cannot

be compelled to recite them.

The municipal clerk or any *dedimus* justice, notary public or attorney may administer an oath to a municipal official (see 30-A M.R.S.A. § 2526(9)). The clerk must make a record that the person was sworn to a stated office, but it need not include the entire oath. If anyone other than the clerk administers the oath, they must give the clerk a certificate with the particulars.

A person must take a separate oath for each office to which they have been elected or appointed (for example, selectman/assessor/overseer of the poor or tax collector/treasurer).

Also, for anyone reelected or reappointed to the same office, a new oath is required for each new term.

Which reminds us: Certain municipal officials, namely, selectmen, councilors, school board members, and both elected and appointed clerks, treasurers, assessors and budget committee members, as well as every municipal public access officer, must complete training in Maine's "Right to Know" law within 120 days of taking the oath of office. Again, this applies to each new term. For details, see "Right to Know Training Requirement Expanded," *Maine Town & City*, Legal Notes, August 2019.

For more on the oath of office, including samples, see Chapter 4 of MMA's *Municipal Clerks Manual*. All of MMA's manuals are available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.) ■

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# Maine Municipal Bond Bank

## 2021 FALL BOND ISSUE SCHEDULE

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. Traditionally twice a year, in the spring and fall, the Bond Bank will consolidate eligible applicants and engage in a bond sale. From application to receipt of funds the bond issuance process usually lasts three to four months. Below is the schedule for the Bond Bank's Fall Issue.

AUGUST						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

### Monday, August 2nd

Application Deadline

### Wednesday, August 25th

Application Approval (Board Meeting)

### Thursday, September 9th

Preliminary opinions and loan agreements due from bond counsel of each borrower

### Friday, September 10th

Last date for signing school contracts and rates in place for water districts. PUC approvals due

### Week of October 4th

Maine Municipal Bond Bank Pricing

### Monday, October 25th

Final documents due from bond counsel

### Wednesday, November 3rd

Pre-closing

### Thursday, November 4th

Closing - Bond proceeds available (1:00pm)

If you would like to participate in or have any questions regarding the 2021 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



When you need a

**TIF team** that feels like

part of **your community.**



**Philip Saucier**



**Shana Cook Mueller**



**Amanda Methot**

Meet the Municipal TIF Team. We provide comprehensive expertise and partner with you to solve tough challenges.