

Maine Town & City

The magazine of the Maine Municipal Association

November 2021

A photograph of a man mountain biking on a wooden trail through a forest. He is wearing a white helmet, sunglasses, and a blue and orange cycling jersey with 'NEWB' and 'NEWBERRY' visible. The background is a dense forest of tall, thin trees under a clear blue sky.

Summer 2021 brought relief, resurgence

Across the state, COVID's
financial squeeze eased

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Soaking Up the Sun



The summer of 2021 did not disappoint. After a dreadful "summer of COVID" in 2020, the Maine tourism economy roared back this year.

Shifting Congressional Line

The action was in Kennebec County again as new U.S. Census data prompted some towns to switch Congressional districts. Page 17

Meet Our New President

In many corners of our state, Biddeford City Manager – and incoming MMA President – James "Jim" Bennett needs no introduction. Page 13

Small, But Meaningful

Read how preserving a small but vital affordable housing center in Calais made a big difference, and why this issue resonates. Page 21

MMA Executive Director

Catherine Conlow recaps the 2021 MMA Convention and hopes for an in-person event next fall. Page 5

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Carrabassett Valley mountain bike trail. Photo submitted by David Cota

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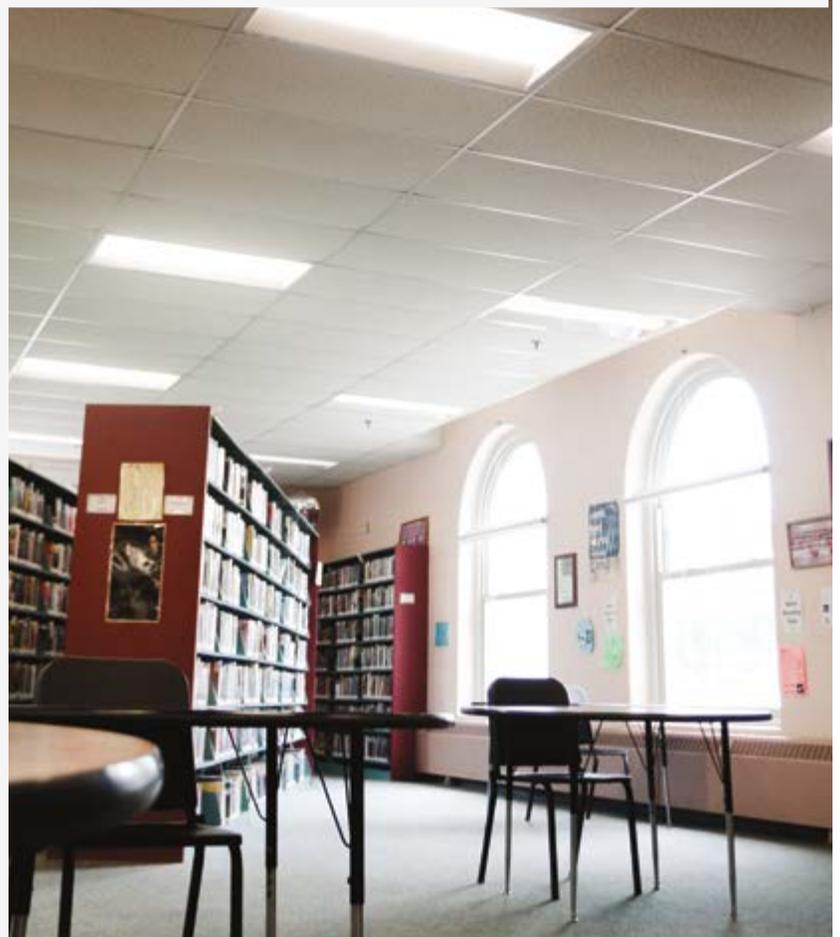
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A MESSAGE FROM MMA

BY CATHERINE M. CONLOW / EXECUTIVE DIRECTOR

On MMA conventions, past and future

Last year, the Maine Municipal Association provided a convention wrap-up with the hopeful anticipation that the virtual conference was a one off. We were optimistic, with widespread rollout of vaccines in 2021, that this pandemic would be in the rear-view mirror and that we would celebrate again, in person. And, like all of you, we watched with disappointment as the prevalence of the virus in our communities increased. To ensure the continued safety of our members, we made the difficult decision to pivot to a virtual conference.

With lessons learned from last year, our staff worked with our featured speakers to quickly transition our convention to a fully virtual format. Throughout that transition, our members supported and encouraged the staff, and for that we are grateful. A special thank you goes to the folks who work for the Augusta Civic Center, Portland Head Light, our sponsors and exhibitors, and last but certainly not least, our committed Executive Committee and MMA staff.

You only need to watch the news to understand that civility has taken a beating over the past few years. The erosion of civility can negatively impact a community's ability to collectively work through difficult issues. Our featured session on Thursday was titled, "Can Civility Make a Comeback?," and included a conversation between renowned Chris Gates, and Scarborough Town Manager Tom Hall. Gates, a Maine resident and an expert in local government and governance, is the former President of the National Civic League and current co-director of Philanthropy at Bridging Divides. Gates and Hall provided some thought-provoking conversation as they explored how our public discourse has become so polarized, and thoughts on what we can do to reverse the trends. This important conversation is available in the Members Area of the MMA website for your viewing.

Other important sessions available to view include our Keynote Speaker Diane Francis who spoke on critical issues for Maine-Canada trade and its impact on border-states and communities. Maine State Economist Amanda Rector provided us with updates on the Maine economy, demographics, and trends. Other topics of interest included a session on managing expectations for our new residents,

a session spearheaded by MMA staff on the American Rescue Plan Act (ARPA), and a session on police engagement under COVID. All of these sessions are available online at www.memun.org.

One of my favorite events at the MMA Convention is the presentation of the MMA Ethel N. Kelley Memorial Award. With such a rich field of talented municipal officials across the state of Maine, narrowing down to one candidate can be a challenge for our selection committee. Robbie Moulton, retired police chief from the Town of Scarborough, was this year's recipient. Robbie was honored for more than 40 years of municipal public safety service. It wasn't just the time served or his kindness, but the impact he has had on his community with lasting programs like Operation Hope, which helped over 500 individuals in recovery from substance use disorder and his work to develop a Law Enforcement Diversion Program for people suffering from mental health and substance use disorders.

And finally, MMA swore in its next President, Jim Bennett, City Manager in Biddeford. Jim is somewhat unique in that he brings to MMA experience both as a municipal manager and as an elected municipal official. During his swearing-in speech, Jim spoke earnestly about the importance of local government and the role that municipal officials play in creating that sense of community and togetherness. MMA also had the opportunity to recognize incoming and outgoing members of the MMA Executive Committee, several of the professional municipal association awards and the winners of the annual Municipal Report Competition.

I conclude this message with a warm thanks to the Executive Committee and MMA President Jim Gardner Jr, who have kept a steady hand in uncertain times and done an outstanding job representing the needs and concerns of all Maine communities.

As we approach yet another holiday season in the throes of this pandemic, I want to wish you all a safe and peaceful Thanksgiving. I am hopeful, as we enter a new year, that we will once again meet with each other in person and enjoy an opportunity to train, network and socialize at the MMA Convention. Our next annual convention will be held in Bangor at the Cross Insurance Center, Oct. 5-6, 2022.

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Summer of relief: Across Maine, an economic recovery

From Stonington to Jackman, and for very different reasons, the summer economy in Maine soared. But a universal challenge was finding enough seasonal workers.

By Janine Pineo

It was, by all the usual metrics, a hopping summer tourist season in Stonington. If those metrics weren't enough, however, then the 400,000 gallons of water hauled in from Bucksport would seal the deal.

"We probably topped out with the most people we've seen in a long time," said Stonington Town Manager Kathleen Billings. "Our water demand was right through the roof."

Stonington's summer was but a drop in the flood of tourists across the state, answering the question at the season's start of whether visitors would return to Vacationland as COVID-19 restrictions were lifted in Maine and across the country.

Added to the mix were several obstacles: a noticeable statewide shortage of workers who fill those transitory jobs in hospitality and restaurant businesses every summer, a border with Canada being closed until mid-August and a surge in new infections fueled by the Delta variant of the virus.

A robust real estate market continues across much of the state, and the unemployment rate — which was at 2.7 percent in July 2019 and 8.8 percent in July 2020 — hit 4.9 percent this July. "Help wanted" signs were everywhere.

The tourism surge spotlighted perennial issues in some municipalities, leaving officials to wonder what business was lost during these unusual circumstances while already making plans to address the problems crucial to their communities.

Janine Pineo is a freelance writer from Hudson and regular contributor to Maine Town & City, jepineo@gmail.com.



Carrabassett Valley mountain bike trail (Photo submitted by David Cota)

Greenville bustled

"We have been rediscovered... or discovered," said Greenville Town Manager Mike Roy. "We are just a booming, booming town."

Greenville is the hub of the Moosehead Lake region, with the lake at center stage as the state's largest at 40 miles long with 400 miles of shoreline and more than 80 islands.

Long a tourist destination, the town struggled in recent years to reverse its flagging numbers and build back not only its tourism, but the community and businesses to support it. The pandemic may have kick-started something.

"It was nonstop traffic," Roy said, last September. "It's been a fantastic summer for the town."

The Fourth of July was especially busy, with Greenville one of the few with fireworks. Roy said the "sheer number" of people in town was unbelievable.

This year, the Piscataquis County town has recorded an \$800,000 surplus in the budget, Roy said, giving it the chance to pay off "a bunch" of debt and save interest. Boat excise tax is up, he said. "We actually ran out of boat registration stickers."

Building permits are 550 percent over budget, he said, with year-over-year comparisons telling the story. In July 2019, 41 permits were issued and in July 2020, 32 permits. This July, 117 permits were issued by the code enforcement officer, which was a part-time job in 2019. It's now a full-time position.

Police calls went up, Roy said, while fire calls were down over last year's numbers. The transfer station was busier too.

Another unusual change is that when the school year started on Sept. 1, 18 new students were enrolled. "Which is big for us," Roy said.

The impact of growth and a surplus has the town looking at the fire station, built in 1963. A committee was

formed and an initial meeting held to get under way with a plan on a future facility. A police car was purchased, as well, Roy said.

With property evaluations going up, Greenville was able to drop its mill rate from 17.1 to 16.75 this year, he said.

The difficulty last summer was that businesses in town didn't have all the employees they needed, Roy said. Res-

taurants in particular couldn't fully open and had tables closed. "You have to wait a little longer" for service, he said. But it worked out alright. "We're just laid back."

Roy added, "Who would've thought that a pandemic would have Greenville rediscovered?"

Lubec also sees increase

"The people came, the tourists came," said Lubec Town Administrator Renee Gray.

The Washington County town is the easternmost municipality in the contiguous United States, with the easternmost point of land at West Quoddy Head, home of the famed red and white lighthouse. The town also connects by bridge to Canada's Campobello Island, summer home of President Franklin D. Roosevelt.

The years have not been easy on Lubec, nor the county as a whole. But this summer saw a lot more visitors, Gray said.

It was difficult for some businesses, especially the mom and pop ones, she said, because they couldn't find



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enough employees. She gauged how it was going by the number of restaurants running.

“Only one (was) open for breakfast, lunch and supper,” she said. The others had a different combination or weren’t open daily.

The motels were full, Gray said, and so were the campgrounds. The passenger ferry ran from Eastport and there were whale-watching tours.

Adding to the mix was Cobscook Shores, a new destination that links 15 new parklands offering public access for walking, picnicking, hiking, biking, camping and paddling in Cobscook Bay.

“That’s a big attraction,” Gray said. “We have a lot of public land,” she added, pointing to Mowry Beach Preserve and its 48 acres located on the edge of the village that include 1,800

feet of sandy beach and a 1,700-foot wooden boardwalk.

The Bay of Fundy International Marathon between Lubec and Campobello was canceled, she said, but the pirate invasion from Eastport did happen. Concerts were held at Stockford Park, courtesy of the Lubec Area Musicians Philanthropic Society. The park is also home to one of the granite sculptures in the Schoodic International Sculpture Symposium Trail.

The town also saw movement in its real estate this year, Gray said, with a lot of new people in town. Following that was an increase in enrollment at the elementary school, from 67 pupils to 88 when school resumed.

Carrabassett Valley building surge

“Our tourism is different,” said Carrabassett Valley Town Manager David Cota. “We have a second-home economy here.”

Nor is that changing anytime soon



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because of the pandemic. “We’ve seen quite a resurgence in second home (building),” Cota said.

The town is home to Sugarloaf Mountain, with its ski resort and year-round outdoor center. Cota calls Sugarloaf the “epicenter” for the Franklin County town, which was once only a winter tourism hotspot but is gradually becoming a four-season destination.

One of the big investments has happened over the last decade, as over \$1 million has been spent to develop 80 miles of mountain bike trails, he said.

“We have restaurants open in summer now,” Cota said. “It’s quiet. It’s

not hectic. There’s a lot of reasons to come here.”

More and more activities are scheduled during the summer, and hiking trailheads are full. “People are getting out,” he said.

The “tremendous increase” in second-home building has helped the local building trade, Cota said. Fueling that is the fact there is little to no real estate inventory and prices are high.

Additionally, school enrollment was up and not just a little: This year the usual enrollment of 65 to 70 students jumped to well over 100.

Cota said there is one looming issue the region needs to confront. “We

don’t have enough employees, especially in the winter,” he said. “They’ve got no place to live up here.”

The combination of strong real estate sales, folks retiring to their second homes and available housing being rented Airbnb-style mean possible employees cannot find housing, he said. Nor is there affordable housing year-round for the locals.

Carrabassett Valley has a committee now working on developing employee and affordable housing, Cota said. Involved are Eustis, Kingfield and Sugarloaf, with the committee having met three or four times, he said.

Jackman infrastructure work

“There’s so much variety of work going on,” said Jackman Town Manager Cheryl Nadeau.

A number of infrastructure projects are under way, she said, with workers staying in the accommodations in town occupying many of what otherwise would be available rooms.

So while there hasn’t been a surge of tourism in the Somerset County town, Jackman has been busy with improvements to the rail line, road pav-

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William Brunell	David Conason	Vacancy Five	Corinne LaRoche

ing, work on utilities for broadband expansion and a long-anticipated change to the airport runway.

Nadeau said the runway has been extended and widened, with the primary goal to make it accessible for the LifeFlight of Maine fixed-wing aircraft to land.

The closest medical care is in Greenville, with Skowhegan being even farther away, Nadeau said, but with the plane, a patient can be transported in a matter of minutes.

The town saw visitors coming on the weekends to ride the ATV trails, 300 miles of such in the Jackman-Moose River area. What she didn't see were Canadian tourists – due to COVID-19 restrictions – despite the border being a short distance away.

Like everywhere else, local businesses were short of employees. Nadeau said there are five or six places to eat between Jackman and Moose River. None are open seven days a week, nor open all day. One used to be open all day, she said, but is now only serves breakfast. Others are closed a couple of days a week.

Even the deli at the convenience store has been closed because they don't have enough staff. And the grocery store has cut back its hours.

"It's sad," Nadeau said. "Because it's taking away the tourism."

Stonington was full

"The season was, I think, really, really good," said Kathleen Billings, Stonington town manager. Places booked up early, she said. "There were a lot of new faces."

But having so many visitors was a drain on a limited island resource: fresh water.

Mid-July, a mandatory water-conservation notice was posted and the decision was made to truck in 200,000 gallons of water. And then the town had to do it again, at a total cost of about \$40,000 to keep the town going and fill the standpipe, which holds half a million gallons of water.

"We just didn't have any choice," Billings said, noting that the island community hadn't had as much precipitation this summer as some of the surrounding areas. Last year's drought

continued to affect levels in the water district's drilled wells this year.

Outdoor activities were the attraction in the Hancock County town, with "tons and tons and tons of campers" and lots of kayakers. "There seemed to be a good amount of boaters" at the public landing, she said. "Places to eat were just off the wall ... trying to feed all the people."

Restaurants didn't have enough employees, she said, adding that demographics is playing into this because fewer young people are in town to fill open jobs.

The economic development committee met in September and the work force was a topic of discussion. Also, the real estate market is "blowing up," and it's hard to find housing for seasonal workers, Nadeau said.

She estimated that with the town about 70 percent seasonal homes, housing is an issue that will need to be addressed.

But for now, Billings said, "I was glad that the businesses were able to recapture some of their losses." ■



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Other levels of government must step up to help municipalities

Veteran manager and incoming MMA President James Bennett says local government could use more help from others.

By Liz Mockler

James “Jim” Bennett began his nearly 40-year career in municipal government in 1982 as a then-selectman in his hometown of Lisbon at the age of 21. He was encouraged early to pursue a public management job and went on to earn Bachelor’s and Master’s degrees in business administration and management from the University of Southern Maine.

He began his municipal career in mid-1980s.

After decades of managing cities and towns, Bennett shows no signs of slowing down: He is the incoming president of the Maine Municipal Association, serves as a member and former president of the International City/County Management Association, and adjunct professor for the Muskie School of Public Policy at USM. He was named Maine Manager of the Year in 2002 (Linc Stackpole Award), one of many awards and commendations he has earned over his career.

Bennett has managed, in order, the towns of: Dixfield, New Gloucester and Old Orchard Beach, and the cities of Westbrook, Lewiston and Presque Isle, before taking the top management job in Biddeford in 2015.

Bennett agreed to share his thoughts on good government, effective management and the challenges facing local government.

Q. Why did you make municipal management a career? Did anyone or anything in particular inspire you?

A. Growing up in Lisbon Falls, as a teenager I would often attend our



James Bennett

annual town meetings. Lisbon has its own school department, and both the annual municipal budget and the school budgets were approved at the town meeting. When I was senior in high school, the school system was in danger of losing its accreditation because of the condition of buildings.

When an underage high school student was not allowed to speak at town meeting, as an 18-year-old, I took my fellow student’s written comments and read them on his behalf. I further gave my opinion on how I felt about town meeting not allowing him to speak. This moment probably solidified my interest in local government.

I ran for the board of selectmen when I was 21 against the three-term chairman of the board and won

(1982). Three years later, I was re-elected. When I completed my undergraduate work, I was encouraged by John Bubier, Lisbon’s town manager, and John Bibber, Brunswick’s town manager, to consider being a municipal manager. In February of 1986, I became Dixfield’s town manager.

Even with all that I have been through in this profession and the impact that being a municipal manager has had on my family, I still find municipal service rewarding and enjoyable.

Q. Biddeford’s growth has been impressive and extensive. What do you credit for the resurgence and interest in Biddeford?

A. The change, and especially the rate of the change, has been beyond anyone’s expectation. Many factors have contributed.

The most important has been the leadership of the elected officials. Not only have they made solid decisions to foster the change, they have also been respectful with each other when they have disagreed.

Too many people discount the importance of “how” elected leadership interact with each other. The private sector sees the “how” as a critical component when making investment decisions.

The decision by the mayor and city council in 2012 to buy and tear down the trash incinerator is arguably one of the boldest decisions made by Maine municipal officials.

It signaled the end of Biddeford’s “trash town” reputation and the negative images of the community. While being appropriately critical, the elected leadership continued to support recommendations for the continued

Liz Mockler is a freelance writer from Eagle Lake and regular contributor to Maine Town & City, lizmockler@hotmail.com.

resurgence. They also challenged staff to find new and/or better ways to move the community forward.

Thanks to this, as well as some luck and change in the market, Biddeford is now the youngest city in Maine. It has become one of, if not the preferred “urban-burbs” in Maine. The community has taken advantage of its existing assets – including the existing mill district and dense downtown – to cultivate a lively, walkable environment that is desirable to people looking to find a place to call home.

Q. As the incoming 2022 president of the Maine Municipal Association, what

do you consider the most challenging issues facing Maine communities in the coming year?

A. There are the most obvious issues that are immediately challenging local government. The ability to attract and retain highly qualified employees, especially public safety personnel, is high on the list. No less challenging is to encourage community volunteers to serve, including in the elected leadership. Local leaders can never overlook our important relationship with state government and their leaders. Their election will be in November 2022.

However, I think there is a larg-

er issue that I would identify as the most challenging issue. Local government is always the place our neighbors turn to when they have unmet needs. In fact, if you look for the formal creation of local government in our country’s history, you won’t find it. The first local government was formed for fire suppression. People learned pretty quickly that they were not very effective at putting out their own house fires. From that need, neighbors created local government.

2022 will be another year in what I believe will be “the decade” of local government. I would argue that the needs and challenges that all of us face today are large in scale and cross community boundaries, and yet they are not being addressed very well by other levels of government. These are often referred to as “wicked” problems. Maine government leaders have always committed to taking steps to address the concerns that they hear from community members, even the root causes are more than what one town or city can tackle alone.

Everyone wants to live in a place where they feel like they have a voice

and that it is special and valuable, not only to them, but to their neighbors. That has eroded and most especially with the pandemic, which physically kept people apart from their neighbors and communities. The sense that we are all in this together has been fractured by the politics of division. I believe that attitudes will swing back at some point, but not without really hard work. In my opinion, there is no group that is in a better position to turn this around than the people that make Maine local government work. This is what I believe is the most critical challenge.

Q. What advice would you give a newcomer to municipal government?

A. No matter the role you serve in local government, each of us has been trusted with something that is very important. I believe that our neighbors want to be proud of where they grew up and where they live now. A story about one's hometown is always grounded in pride.

Every person in local government – the volunteers that serve on committees, the employees, and the elected

leadership -- is given the awesome responsibility of making a difference in a person's life. All of us are temporary custodians of the positions we

hold. I would encourage all, whether a new or a longtime holder of those positions, to approach your responsibility with a keen understanding of



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the opportunity you have to make a difference in someone's life and make your community a place that everyone is proud to call home.

Q. What do you think is the most misunderstood aspect of running a town or city?

A. Jim Collins (author of "Good to Great") shared with ICMA members his opinion of the real challenge of being a municipal leader. He shared that in the private sector, if there is a decision to be made, there is usually one person that holds more than 50% of the formal (and informal) authority to make that decision. No single person in local government has anywhere near that authority. Any person that thinks they have that much power (or any person that believes someone does or desires that much) will be sadly deceived.

Achieving great results in local

government requires the work of many. It requires many to arrive to a common goal, a common strategy and common purpose. The really great leaders make this work look easy. It is anything but.

Q. What do you like the best about being a municipal government?

A. Every day is a new opportunity to make a difference in another person's life. Every day I am entrusted with the awesome responsibility of making the place I work and call home a place where others want to be proud of.

My family and I have experienced our share of the downsides of working as a municipal manager. We certainly have been provided plenty of excuses to resent this profession. I don't. There is no other profession that I can think of where you can directly impact so positively so many of your

neighbors' lives. You will have people tell you that you have made a difference. You will get to see others smile because of the hard work that you have done. It is in those moments that are you will be reminded why you have chosen a career in local government. ■

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Congressional line shifts, but locals remain confident

Consensus among municipal officials in the Kennebec County towns affected by redistricting is that Maine's delegation serves its communities well.

By Betty Adams

Most officials in the Kennebec County municipalities shifting between the 1st and 2nd Congressional Districts expect to see few changes as they adjust to their new representative in the U.S. House early next year.

But Augusta Mayor David Rollins sees the move as a positive one for Augusta because it will gain a bigger voice as the fourth largest city in the 2nd District.

And in Readfield, Town Manager Eric Dyer says that his community already is working with Democratic U.S. Rep. Jared Golden's representatives involving a number of regional projects, along with other 2nd District communities.

The shifts in Congressional districts are a direct result of the reapportionment and redistricting processes which follow a 10-year U.S. Census. In April 2020, Maine had a population of 1,362,350, according to the U.S. Census Bureau.

That triggered a process to ensure that the population in each of Maine's two Congressional Districts is roughly equal.

And the result continued to leave only Kennebec County (population 123,642) municipalities split between the two districts.

Under the plan crafted by the Apportionment Commission, approved by the Legislature, and signed into law Sept. 29 by Gov. Janet Mills, Augusta, Chelsea, Farmingdale, Hallowell, Manchester, Readfield and Winthrop move to the 2nd Congressional District, currently represented by Golden.



Eric Dyer



David Rollins



George Lapointe

And Albion, Benton, Clinton, Litchfield and West Gardiner move to the 1st Congressional District represented by Democrat Chellie Pingree.

The plan resulted in a population of 681,179 in the 1st District and 681,180 in the 2nd District, and left the placement of Maine's other 15 counties unaffected.

"The changeover will take place on Jan. 3 (the first business day of the new year), so that candidates who want to take out papers in January for 2022 races can do so first thing," according to an email from the Maine Secretary of State's Office.

Secretary of State Shenna Bellows said, "Following the Legislature's bipartisan success in swiftly analyzing census data and agreeing to new district maps, our teams in Elections and Information Services have the hard work of applying the districts to the central voter registration system, so that candidates, voters, and municipal officials will know who is in which districts for the 2022 elections.

"It is an important step we go through every decade so that Mainers have equal representation in Augusta and in the U.S. House. And for those of us living in new districts, it is a

fascinatingly personal look into the process."

Bellows, of Manchester, was elected by the Legislature to the post of Secretary of State and sworn in on Jan. 4, 2021. Prior to that, she was a Democratic state senator representing a number of southern Kennebec County municipalities: Chelsea, Farmingdale, Gardiner, Hallowell, Manchester, Monmouth, Pittston, Randolph, Readfield, West Gardiner, and Winthrop.

While both representatives to Congress are Democrats, the 2nd District is typically considered more conservative than the 1st District.

Affiliation has little impact

Town officials say that political tendency is less likely to matter in the long run.

For instance, Greg Couture, chairman of the West Gardiner Select Board, said, "Politically whether we're in District 1 or District 2 doesn't change much. Right now they're both Democrats, but who knows what will happen with voting? They're not going to stay there forever. Someone else will come in down the road."

Betty Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsbetty00@gmail.com.

West Gardiner is shifting to the 1st Congressional District.

The 1,008 registered Republicans in the town outnumber Democrats by 189, but the unenrolled or indepen-

dent voters number 1,110, in what is considered to be a conservative-leaning town.

“We try to be careful with our money, that’s for sure,” said Couture,

who has been a selectman for 28 years.

He said the town does not contact the Congressional delegation frequently although the town likes to see the federal shipbuilding contracts continue with Bath Iron Works.

“We have a lot of people that work at BIW. As long as that stays open, we’ll be good.”

Couture and other municipal officials say their government contact is mostly at the state rather than the federal level. He noted that if the town needs to contact a federal representative, the process is easy.

In Hallowell, active voter registrations as reported on the Secretary of State’s website in mid-October showed Democrats outnumbering Republicans 1,229 to 480, with 509 people unenrolled in any party.

“We’re a heavily Democratic city, and certainly that’s our history,” said Mayor George Lapointe. The mayor doesn’t expect that to change, even as the city is folded into a more conservative district.

“The change is the flavor of the district,” Lapointe said. “We’ll have to grow our way into that.”



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Despite the shift, he expects the community identity to remain stable. "It will take a lot more than switching congressional districts to change the community identity. We're one city of many in CD 2, and we'll have to establish new relationships and move on. My experience in working with the Congressional delegation is that they're always responsive to our needs. I don't expect that to change."

He said the city will have to learn how to interact with the new representative and staff in the 2nd District. Lapointe, like Couture, noted that interactions occur much more frequently at the state level.

"One of the things that our congressional delegation has done, and continued to do, is celebrate Hallowell just as they celebrate all the other towns," Lapointe noted. "We're much more Augusta-focused than Washington-focused."

Lapointe also noted that Hallowell is starting a similar reapportionment at the city level to look at the population divisions within the city's five wards. "It's probably an easier process than at the state level," he said.

Augusta impact

In the capital city, Rollins, who will soon close out seven years as mayor and 16 in city government in all, anticipates that the shift to a new congressional district will bring two significant changes, one beneficial and the other less so.

"We'll be one of the bigger players in the district," he said. "In the southern one, there are many cities or voting blocs that are bigger than us. Instead of being at the back of the room saying, 'Me too,' I think we'll be at the front table. Being the fourth biggest

voter bloc in District 2 will bring us more attention at the federal level. I certainly hope that, and no matter which side of the party line, we'll be a more significant voice."

Data from the Census Bureau puts Augusta's population at 18,899 in

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April 2020, and the state Bureau of Elections, Corporations and Commissions shows a total of 15,425 registered voters.

Rollins said he sees a lot of attention played to southern Maine. “We’re in the transition area between the two districts,” he added, saying he believes that there are not “two Maines,” meaning north and south, but three: “Central Maine is different from northern and southern Maine with its own situations and needs.”

On the other hand, Rollins said there’s more of a rural influence in the 2nd District, and it often has different needs from the more urban 1st District.

“The irony of that is that rural areas in all of Maine rely heavily on urban centers and sales taxes,” he said. “People in urban areas love rural areas, we don’t want to impact them negatively. We have different and greater needs for capital to maintain

infrastructure and development. We want the rural areas of Maine to be protected and thrive, and in order to do that the service centers and income centers of Maine have to thrive. We don’t want to deteriorate either. We have to work together.”

Rollins said he expects little else to change as a result of moving to a new district.

“I don’t know that it will change the fabric of Augusta, although the fabric of Augusta is changing,” Rollins said. “I don’t know that being on one side or the other of the line is going to make a difference on that change in demographics and political thinking. Whatever is in place is going to remain for a while.”

To Readfield’s surprise

In Readfield, Dyer said the news of the change in the town’s congressional district came as a surprise. “I wasn’t aware it was even happening

until we started to get indications it was a possibility from MMA. Who really follows redistricting unless you’re in state government?”

He said he believes that many town residents will likely discover the shift at the polls, although he is considering sending out information notifying people that they are in a new district.

“In elections, avoiding confusion is helpful,” he said.

The Town of Readfield is already involved with the Western Kennebec Lakes Community Broadband Association, where most towns are in the 2nd District.

“The fact of the matter is, because we’re on the fringe, we have some established connections and certainly through our regional organizations like KVCOG (the Kennebec County Council of Governments) we have a lot of those connections already,” Dyer said. He said he was looking forward to working with Golden and the staff in the 2nd District.

“We have a lot of representation statewide, and we’re happy with our new partner,” he added. ■

If your municipality submits a news item for the *Maine Town & City*, consider sending a corresponding photo to Sue Bourdon: sbourdon@memun.org

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Why a small, 26-unit senior housing complex matters

Calais, like much of Washington County and much of Maine, faces a dearth of affordable housing for lower-income seniors. One project makes a difference.

By **Stephanie Bouchard**

When Laurel Perkins was a girl, the poshest clothing store in Calais was Unobskey's.

"I remember being a little kid and going there, you had to sit down and be good because you were at this big, prestigious place," she said. "You didn't go buy things there every day."

Unobskey's had humble beginnings. It opened in 1912 on the first floor of the home of Joseph and Sarah Unobskey, who moved from Russia to Maine in 1906. The couple and their children lived above the store until they became prosperous enough to relocate to bigger spaces, both for their personal home and for the store.

One of the properties the Unobskey family called home is today St. Croix Apartments, a 26-unit complex sitting on Calais' Main Street with waterfront on the St. Croix River. For many years, the building still referred to by many Calais residents as the Unobskey house was operated as an apartment complex for adult, low-income residents, but in 2016, after many years of deferred maintenance, the building was declared unsafe and all the residents had to move out.

The loss of those 26 units was devastating to the area, said Mike Ellis, Calais' city manager, especially since it followed the 2012 shut down of the city's only nursing home, Atlantic Rehabilitation and Nursing Center.

But those 26 independent living units are due to return, thanks to an award from the U.S. Department of Housing and Urban Development's (HUD) Section 202 Supportive Housing



ing for the Elderly Program. The nearly \$3.2 million award was announced in September and caused immediate excitement and anticipation.

"There's a desperate need for housing for older adults," Ellis said.

Struggling with housing

Like many Maine communities, Calais, and Washington County at large, struggles with affordable housing – for everybody, not just older adults, said Perkins, who is director of Downeast Economic Development, which serves Calais and Baileyville. "There's a huge need for it in our area," she said.

Washington County has one of the highest poverty rates in the state. According to the Department of Labor's Center for Workforce Research and Information, in 2019, 18.9% of Washington County's residents lived

in poverty, compared to an 11.8% statewide level.

Maine Children's Alliance's KIDS COUNT project, which tracks various factors impacting the well-being of Maine children, found that Washington County, in 2020, had the second lowest household median income in the state.

With need outstripping demand, wait lists to get into affordable housing for families or for older adults, are notoriously long. For older adults, that often means remaining in homes they can't afford to maintain, and frequently, that they don't have the physical ability to maintain, or moving away from communities they love, said Jess Mauer, the executive director the Maine Council on Aging.

"There's a significant mismatch between the housing needs of... older adults and the housing stock we have

Stephanie Bouchard is a freelance writer from Nobleboro and regular contributor to *Maine Town & City*, stephanie@stephaniebouchard.net.



available,” she said. “The situation is that the things that have always worked for us over our lifetime, sometimes don’t work for us when we get older.”

The restoration of St. Croix Apartments is “going to be a real godsend for people who want to stay in their community whose homes aren’t working for them,” she said.

Working to meet housing needs

When St. Croix Apartments closed in 2016, Sunrise Opportunities/

WCARC had been working with the then-owner to try to find ways to keep the complex open, said Tom Michaud. He is the executive director of Sunrise Opportunities/WCARC, a Washington County-based nonprofit that provides support services and housing to children and adults living with disabilities and mental illness.

After the complex was closed, Sunrise Opportunities/WCARC kept tabs on what was happening with the property, and when it was put up for auction in late 2017, it placed a successful

bid and then began working toward obtaining funding to bring the apartment complex back to life, Michaud said.

In September, those efforts finally came to fruition, when the nearly \$3.2 million HUD award was announced. With the award from HUD and funding from other local financial institutions, the St. Croix Apartments revitalization project currently has more than \$4 million in funding.

Sunrise Opportunities/WCARC plans on doing a structural overhaul and making improvements that will support the older adults that will live there when it finally reopens. A time line for opening hasn’t been determined yet, Michaud said, but future residents can look forward to walk-in showers, level flooring areas throughout to make walking or using a walker or wheelchair easy, community gardens, free Wi-Fi, and transportation so that apartment residents can get to local appointments or shopping.

Benefits beyond housing

Given the huge need and demand for affordable housing for older adults, 26 independent living units hardly seems like enough, but, “26 units in Calais is like 260 units in Portland,” Michaud said.

While 26 units won’t solve Calais’ or Washington County’s affordable housing problems, he said, it will have a huge impact on the area, and in more ways than one. On the housing front, the homes or apartments occupied by those who move into St. Croix Apartments will open up for others to move into, he said.

Then there’s a wider economic impact on the community, said Ellis and Perkins. Once the apartment complex is operational again, the city will be able to collect payment for water and sewer usage, said Ellis.

And the project will bring in economic opportunities, said Perkins. Rehabbing the building requires construction workers, which can employ many local people. “And even if (the construction workers) aren’t from Calais,” she noted, “if they’re from out of town, they’ll be coming here and will stay here, which will help our motels and restaurants. So it’s a win-win all the way around.” ■

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ELECTIONS

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How to approach elderly housing

It's easy for municipalities to feel overwhelmed about addressing affordable housing challenges for older adults, but there are things municipal leaders can do.

Apply for grants. "I'm not saying you're going to get it all," said Laurel Perkins, "but, hey, you know, there is money out there. There is help."

Be supportive. While municipal involvement in private housing projects typically should be limited, towns and cities can offer support by being willing to talk to those developing such projects, and by getting project leaders the information they need that the municipality can provide.

Maintain good lines of communication. Being able to align with the needs of a community helps to ensure that affordable housing projects are a good fit. Keeping the lines of communication open and in good standing results in a process and a project that makes everyone happy.

Think differently. There are many opportunities to address our housing challenges, but municipal leaders, as well as others in the community, have to think outside the box to find and make those opportunities work for them. For example, right now, many communities have zoning constraints that limit accessory dwelling units. Municipalities could be proactive about allowing accessory dwelling units, particularly detached ones.

Provide access to affordable home repair. Many older adults are on fixed incomes and struggle to meet their basic needs, never mind paying for home maintenance. If they are also physically unable to maintain their homes, their homes fall into disrepair.

Be intentional. Have a community conversation about who is in the community, what the housing stock is like. Consider what, if any, options can be used to allow people to remain in their homes.

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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.

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2022 Holiday Schedule

MAINE MUNICIPAL ASSOCIATION

Holidays

Day/Date to be observed

Christmas Day (2021)	Friday – December 24, 2021
New Year's Day	Friday – December 31, 2021
Martin Luther King, Jr. Day	Monday – January 17, 2022
Washington's Birthday/Presidents' Day	Monday – February 21, 2022
Patriots Day	Monday – April 18, 2022
Memorial Day	Monday – May 30, 2022
Independence Day	Monday – July 4, 2022
Labor Day	Monday – September 5, 2022
Indigenous Peoples' Day/Columbus Day	Monday – October 10, 2022
Veterans' Day	Friday – November 11, 2022
Thanksgiving Day	Thursday – November 24, 2022
Thanksgiving Friday	Friday – November 25, 2022
Christmas Day	Monday – December 26, 2022
New Year's Day	Monday – January 2, 2023



Please note: For MMA, holidays that fall on Saturday are observed on the preceding Friday, and holidays that fall on Sunday are observed on the following Monday.

PEOPLE



Susan Robertson

Augusta Assistant City Manager **Susan Robertson** has been named permanent manager, replacing **William "Bill" Bridgeo**, who ended his 43-year municipal career in September. The city council wasted little time in asking and convincing Robertson to take the job, despite her plan to retire within the next three to five years. She did not seek the full-time position. There were 15 applicants for it.



William Bridgeo

Robertson, 62, also continued her work as human resources director while working as interim manager. Robertson is the first woman to win the top administrative job for the Capital City. In fact, Robertson said breaking that career ceiling was among the reasons she agreed to take the job. Robertson's career spans 36 years. She was hired as Augusta Human Resources Director in 2019. Previously, Robertson served as city administrator in Sun Valley, Idaho, for six years, preceded by 17 years as village manager in Fox Point, Wis. Both positions are equivalent to a city manager. She also worked as assistant city manager in Laramie, Wyo., and Canandaigua, N.Y. Bridgeo retired in September after a 43-career municipal career, the final 23 years as Augusta city manager. Bridgeo, 71, said he'd been pondering retiring for a year. He is the longest-serving Augusta manager, beginning his tenure in 1998.

Orono Police Chief **Josh Ewing** announced last month he will leave the department in November. He has been chief since 2013 and served a total of 22 years for the city. His resignation highlighted the need for more public safety resources and human resources such as first responders. Officials' goal is a combined police and fire department, to be led by current Fire Chief **Geoffrey Low**. During the transition, a current police officer will be tapped as deputy chief to supervise the daily workload and operations.



Tara Henderson

Tara Henderson was hired in late September as the new Limestone town manager. She replaces **Elizabeth Dickerson**, who resigned last December. Henderson worked since 2005 for the Aroostook Area Agency on Aging and the Limestone job is her first in municipal government.

Frankfort First Selectman **Steven Imondi** died in early October at the age of 59 from COVID-19.



Steven Imondi

Compelled into municipal service more than a decade ago over proposed windmills on Mount Waldo, Imondi never stopped giving, supporters said. He ran the town food pantry out of his home and was known for helping anyone, whether a veteran or new resident. His effort to stop the turbines was successful when voters enacted a strict ordinance against them in 2011. Imondi worked at the paper mill in Bucksport, where he was injured. With his wife's help, he has spent the last several years homeschooling his grandchildren, running the unofficial food bank, and providing meals to Bangor homeless residents.



William "Bill" Kitchen

Former Machias Selectman **William "Bill" Kitchen** was named permanent town manager in late September, after serving as the interim manager since May. He replaces **Christine Therrien**. A marketing consultant since 2002, Kitchen also has found a home in reality TV, after living alone in a lighthouse off Cutler for 16 months. Kitchen is a former reporter and photographer for the weekly Machias Valley News Observer for five years, ending in 2019. This is Kitchen's first foray into municipal management.

Scarborough Fire Chief **Michael Thurlow** will end his 46-year career when

he retires on Jan. 7. Since the day he became eligible to serve as a volunteer, at age 16 in 1976, Thurlow has never been far from a fire station. He has served as Scarborough chief for the past 20 years. When Thurlow started, the department boasted 340 volunteers, which has dropped to 55 now. Today, the department includes 38 full-time and 86-part time employees, in addition to its volunteers. They handle 4,300 calls a year, up from 1,000 when Thurlow began his career. Thurlow was named Fire Chief of the Year in 2015 by the Maine Fire Chiefs' Association.



Michael Thurlow

Edgecomb select board members honored **Jack Sarmanian** during their Sept.



Jack Sarmanian

20 meeting, noting the late selectman and budget committee member, who died on Sept. 11, had dedicated 18 years in service to the town. He was proud of being part of the team to finally find a site for a new fire station, which took 13 years. Sarmanian resigned from the board when he moved to Wells, but town officials and residents will discuss recognizing Sarmanian by donating to the Midcoast Humane Society, his desire, at an upcoming meeting. He earned various degrees and taught at Tufts Medical School, among many medical accomplishments; and was a mental health worker for the American Red Cross.

Rockland Police Chief **Chris Young** has resigned to take a job in the private sector. He said his departure was bittersweet, but that "I've been offered a (job) that I just can't refuse." Young worked for the department for 25 years, the last three as chief. He also served as a detective and deputy chief. He replaced **Bruce Boucher** as chief in 2018. Young also worked on the Rockport department and at the Knox County Sheriff's Office. Meanwhile, **Michael Godin** is the department's newest patrol officer after spending one year with the Lincoln County Sheriff's Office.

BELFAST

A resident's dream of planting daffodils throughout the city moved closer to reality when 15 volunteers from downtown business owners and their friends planted 5,500 bulbs during one morning last month. They focused on the paved walking path in the downtown district. Elisabeth Wolfe envisions 1 million daffodils scattered throughout the city, with 26,000 bulbs planted this year alone. To date, 157,000 bulbs have been planted over the past four years. The 5,500 bulbs planted this year, in addition to 3,000 that have not yet been planted, were donated to the Belfast Daffodil Project by 23 Belfast-area businesses. Although the golden flowers look delicate, they are in fact hardy plants that grow in various kinds of soil.

BRUNSWICK

\$4.1 million worth of infrastructure improvements are underway at the former Naval Air Station now known as Brunswick Landing. The multiple projects are part for the Landing's long-term development strategy, developed and managed by the Midcoast Regional Redevelopment Authority (MRRRA). The base was vacated in 2011 by the Navy and is now home to 150 companies which employ almost 2,500 full- and part-time workers. The companies operate on the industrial district's own renewable energy grid. The new improvements will include runway repaving, airport maintenance, installation of two electric vehicle charging stations, a walking trail extension that will connect with the Allagash trail, water and electrical improvements and new LED streetlights. The work started in July and should be done by the end of next June. Last month, the Brunswick council authorized the town's contribution of \$748,600 toward the total cost. The remainder includes a mixture of funding from the federal and state governments, as well as the MRRRA's resources.

DOVER-FOXCROFT

A group of 19 downtown buildings has been recognized as a historic district, earning it a place on the National Register of Historic Places. The designation will aid the property owners with access to grant opportunities, federal income tax advantages for renovation projects and recognition for the community of 4,000 in Piscataquis County. Another 56 buildings and sites throughout the county also are listed on the national register, but Dover-Foxcroft is the first community to win the designation as a commercial downtown historic district.

FRENCHVILLE

The town has protected 120 acres of forest, fields and wetlands from future development after the select board approved a conservation easement on tax-acquired land that has been used for woodland and ecology research by the University of Maine at Fort Kent and the St. John Valley Technology Center. The town used a \$55,500 grant from the Maine Natural Conservation Program to create the conservation district, which includes the town's only walking and biking trails. The town has been attempting to garner a grant since 2009. The easement is one example of northern Maine officials trying to preserve the forest for wildlife habitat and public enjoyment rather than cutting the trees for its fiber, officials said.

LIMESTONE

A bumper potato crop this year forced farmers to find new places to store their spuds, including the warehouses and airplane hangars at the former Loring Air Force Base that have been empty for nearly three decades. Millions of Maine potatoes are being stored not only in strange spots like an airplane hangar, but also other often-makeshift storage areas that have been created to hold the burgeoning crops. The good harvest news has been hampered by the lack of storage space. Many farmers are stockpiling their potatoes in storage facilities not intended to hold and properly store the excess potatoes. One farmer grew so many potatoes this year he has already filled a football-sized hangar and thinks he will need a second.

MILFORD

The town of 3,000 residents has been awarded nearly \$100,000 in federal funds to install a new sprinkler system at the town fire department. The effort centers on protecting millions of dollars' worth of firefighting equipment and records. U.S. Sen. Susan Collins joined town officials last month in celebrating the Federal Emergency Management Agency's (FEMA) award as part of its program for firefighters. Collins noted the irony of the fire department lacking a sprinkler system, which the federal government encourages be installed in fire stations. She said many fire departments in the country also lack such a system. Collins was among the lawmakers who wrote the bill creating the FEMA funding source for departments nationwide.

THOMASTON

The town's police department became the one of the first in Maine to buy an electric vehicle to be used as a patrol car. Officials used a rebate program offered by Efficiency Maine to help municipalities transition some cruisers to electric-only vehicles. Thus far, 33 Maine cities and towns are participating in the program. Bangor also bought an all-electric vehicle for the police department. The Efficiency Maine program is designed to help municipalities buy electric vehicles to save money and help the environment. Thomaston officials used \$12,000 from trading one of the old cruisers, plus the \$12,000 rebate to buy a four-door Ford Mustang Mach-E. They expect to pay \$700 a year for electricity for the car, compared to thousands of dollars in fuel. The cruiser will get about 240 miles on a full battery. It is charged every few days to avoid draining the power below 70%. The town has installed two charging stations at convenient downtown locations. In Rockland, which abuts Thomaston along the Midcoast, employees such as the code enforcement officer drive an all-electric car to do city business as a pilot effort before making more investments. Efficiency Maine said municipalities are transitioning some vehicles to electric as part of their local environmental protection goals.

MUNICIPAL BULLETIN BOARD

ZOOM EVENT

NOV. 30

Elected Officials Workshop

Attorneys and staff from MMA's Legal Services will lead Zoom workshop for Elected Officials on Nov. 30. The evening workshop begins at 4 p.m. and ends at 7 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; and, conflicts of interest, among others. Cost for the workshop is \$45 for MMA members and \$90 for non-members.

ZOOM EVENT

DEC. 8

Planning Boards & Boards of Appeal

Attorneys from MMA's Legal Services Department will lead Zoom workshop for local Planning Board and Land Use Boards of Appeal members from 4 p.m. to 7:30 p.m. on Dec. 8.

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 \$45 for MMA members and \$90 for non-members.

ZOOM EVENT

Dec. 14

Managing Freedom of Access Requests

Attorneys from MMA's Legal Services Department and Jay Feyler, town manager in Union, will be the presenters for an afternoon-only session about how to manage Freedom of Access Act requests. The session is designed to help public access officers, staff and elected officials manage requests for public records and data.

The workshop will run from 2 p.m. to 4:30 p.m. on Dec. 14. Cost to attend is \$35 for MMA members and \$70 for non-members. Attendees will receive certificates saying they have met the educational requirements under the state's FOA law.

All of the upcoming workshops can be found on the MMA website. Use the following link:
<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

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Outside County	0	0
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Total free distribution or nominal rate distribution	209	219
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Total	4,368	4,383
Percent Paid	100%	100%

I certify that the statements made by me above are correct and complete.

Cathy Conlow, Editor

NEW ON THE WEB www.memun.org

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

Fair Chance in Employment Act: MMA's Legal Services has issued an update on this Maine act which prohibits employers – including municipal employers – from seeing a job applicant's criminal record information during the first round of the application process, in most cases.

The American Council for an Energy-Efficient Economy is offering no-cost technical assistance to at least five local governments across the country. Its goal is to help municipalities and community-based organizations create efficiency upgrades in rental housing.

The Mills Administration wants Maine municipalities to apply for \$119.2 million in federal funding available through the American Rescue Plan Act of 2021.

LEGAL NOTES

Coal Tar Sealants Banned

Two years ago the Maine Legislature prohibited both the sale and application of coal tar sealants on driveways and parking areas (see PL 2019, c. 493, § 1). We learned about this only recently, when a municipal official contacted us to inquire whether municipalities are preempted from enacting more restrictive ordinances governing the same subject matter (coal tar sealants).

This still fairly new law (38 M.R.S. § 419-E) has deferred implementation dates. It bans the wholesale and retail sale of coal tar sealants beginning October 1, 2023. The application of these products on driveways and parking areas is not prohibited until October 1, 2024, however. These deferments are presumably intended to give sellers and contractors an opportunity to clear their inventories of product before it is completely outlawed.

Coal tar is a notorious hydrocarbon pollutant and is strongly suspected of being a human carcinogen and toxic to aquatic life. Based on our legal analysis, the new statute does not bar or preempt municipalities, either expressly or by clear implication, from regulating coal tar sealants more strictly. For example, an ordinance prohibiting the sale or application of coal tar sealants sooner than the new law would, in our opinion, be permissible since it would further rather than frustrate the purpose of the statute (see 30-A M.R.S. § 3001(3)).

We call attention to this subject and the new law not because municipalities have any role in enforcing the ban but because municipalities, among other property owners and managers, are common users of coal tar sealants. For this reason, municipalities, especially municipal public works departments, should be aware of the law and should be planning for alternatives to coal tar sealants. For more information, see this U.S. Environmental Protection Agency (EPA) factsheet: https://www.epa.gov/sites/default/files/2018-02/documents/pah_coal-tar_sealcoat-swpoll.pdf

Although the new law does not preempt municipalities from exercising their “home rule” power to enact ordinances that more restrictively regulate coal tar sealants, there are numerous other statutes that do preempt municipal regulation of a wide variety of subjects. For a

MUNICIPAL CALENDAR

NOVEMBER 25 — Thanksgiving Day, the last Thursday in November, is a legal holiday (4 M.R.S. § 1051).

ON OR BEFORE DECEMBER 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).

DECEMBER 25 — Christmas Day, is a legal holiday (4 M.R.S. § 1051).

NOVEMBER-DECEMBER — Towns that elect officials by secret ballot under 30-A M.R.S. § 2528 must make nomination papers available 40 days before the filing deadline, which is 60 days before the election date. For most towns with March elections, papers must be made available beginning sometime in November-December, depending on the date of the election.

BY JANUARY 1 — Each owner or keeper of a dog or wolf hybrid at the age of 6 months or more shall obtain a license for that animal from the municipal clerk (7 M.R.S. § 3922).

full list, more or less, see “Municipal Home Rule Power: Statutory Preemptions (1 of 2),” and “Municipal Home Rule Power: Statutory Preemptions (2 of 2),” *Maine Town & City*, Legal Notes, April and May 2021, respectively. (By R.P.F.)

Fire Departments Not Liable for Installation of Detectors

A new law shields fire departments and their members from liability for installing smoke and/or carbon monoxide detectors in residential premises.

PL 2021, c. 214, eff. Oct. 18, 2021, immunizes municipal fire departments and volunteer fire associations and their members from all liability for installing these devices in residential properties provided: (1) the device is new and meets all applicable safety and manufacturing standards; (2) the installation is performed in accordance with the manufacturer’s instructions; and (3) the installation is performed in the fire department’s official capacity and with the authorization of the municipal officers (select board or council).

This immunity is apparently available whether the device and installation are provided free of charge or for a fee or donation. Immunity also includes the installation of batteries for these devices,

but immunity does not extend to the installation or alteration of electrical wiring.

A fire department that installs or delivers a detector or batteries for a detector under this law must keep a record of it for at least five years thereafter.

Note that for volunteer fire associations (non-municipal fire departments recognized and supported by appropriations from a municipality), this immunity is available only if they are incorporated (see 30-A M.R.S. § 3151(3)). This is yet another reason why it is vitally important for volunteer fire associations to maintain their good corporate standing (see “Unincorporated Volunteer Fire Departments – So What?,” *Maine Townsman*, Legal Notes, August 2008).

Also note that fire departments and their members are *not* immune from liability for activities, such as filling swimming pools, which are not firefighting or fire prevention functions and which are not performed within the course and scope of their official duties (see, e.g., “Fire Departments Filling Private Swimming Pools,” *Maine Town & City*, Legal Notes, July 2020).

The new immunity law for installing smoke and carbon monoxide detectors is located at 14 M.R.S. § 173. (By R.P.F.)

LEGAL NOTES

Public Hearings on Referendum Questions Must Consider Merits

A little-noticed amendment to the municipal referendum election law requires that the mandatory public hearing prior to the election include a discussion on the merits of the ballot question.

PL 2021, c. 185, eff. Oct. 18, 2021, demands that the public hearing already required for municipal referendum questions “be held in a manner that solicits and allows for a discussion on the merits of the [ballot question].”

We’re not aware of what circumstances may have prompted this rather odd requirement. But we can’t imagine what a public hearing on a ballot question would be for other than to talk about its merits, so we’re not clear why the Legislature found it necessary to mandate it. In any case, it’s now the law, though it doesn’t appear to require anything more or different than what public hearings on ballot questions have always done, that is, solicit and allow for a discussion on the merits of the question. Again, odd.

And another oddity: The title of the act that resulted in this new requirement specifically refers to “citizen-initiated” municipal referenda. But as drafted and enacted, the new requirement applies to *all* public hearings on municipal ballot questions, including questions initiated by the municipal officers. The title may be a clue to what prompted this legislation, but beyond this we have no idea.

The new requirement is incorporated in 30-A M.R.S. § 2528(5).

For full details on the conduct of municipal referendum elections, including the required public hearing prior to the

election, see MMA’s *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

Are U.S. Coins Legal Tender?

(Reprinted from the March 2017 *Maine Townsman* Legal Notes)

Question: Are U.S. coins legal tender, and are municipalities required to accept them in payment of taxes, charges, fees and so forth?

Answer: Yes, U.S. coins – in any quantity or denomination – are deemed legal tender for all debts. According to the federal Coinage Act of 1965 (31 U.S.C. § 5103), “United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes and dues.”

This was not always so. Until the late 19th century, pennies and nickels were not deemed legal tender at all. Then, in the 1870s the law was amended to include all coins but with limits on the quantity that could be tendered, depending on the amount of the debt. But with passage of the Coinage Act of 1965, *all* coins became legal tender in *any* amount; this remains the law today.

But just because all coins are legal tender does not mean municipalities must accept them as payment for all purposes. In fact, no law requires public or private entities or individuals to accept all coins or currency as payment for anything. (This is why, for example, convenience stores can refuse bills larger than a twenty, and public transit can require exact change or a fare card.)

Municipalities, like other entities and individuals, may adopt policies governing payment in coins. Such a policy could, for instance, prohibit payment in coins except for amounts under a dollar, or it could limit the total payable in coins, or require that coins be rolled, etc. If coins are acceptable in large quantities, the policy should also specify when, after they have been tendered, coins will be counted and credited to the payer’s account. The overall aim of the policy should be to minimize inconvenience to staff by limiting payment in coins to manageable amounts.

We think the chief administrator of a town or city office has the authority to adopt such a policy, or absent an administrator, the municipal officers (select-

men and councilors) surely do. The policy should be in writing and should probably be posted wherever municipal payments are accepted. (By R.P.F.)

Balloon Releases = Littering

It should not be surprising, in this era of “green” public policy, that the Maine Legislature has made outdoor balloon releases a punishable form of littering. (The Town of Unity may have pioneered this initiative when it adopted a similar ordinance in 2019, see “Balloon Ordinances,” *Maine Town & City*, Legal Notes, April 2019.) It is well-known that outdoor balloon releases litter the landscape and pose a serious threat to wildlife and marine animals, which tend to ingest the remnants.

PL 2021, c. 374, eff. Oct. 18, 2021, amends the state’s litter laws to make the intentional outdoor release of inflated or gas-filled balloons a violation of these laws (see 17 M.R.S. § 2263-A(1)). Exempted are the intentional outdoor release of a balloon carrying scientific instruments, a balloon used for meteorological observation by a governmental or scientific organization, and a hot air balloon that is recovered after launching.

Violations are a civil offense, punishable by a fine ranging from \$100-\$2,000, depending on the number of balloons released (see 17 M.R.S. § 2264-A). Plus, a violator who intentionally releases more than 24 balloons at one time may be required to perform a minimum of 100 hours of community service cleaning up litter and may have their driver’s license and other licenses and permits suspended. These penalties may be imposed only by court order.

The state’s litter laws, including the new provisions on outdoor balloon releases, are enforceable by any law enforcement officer, including state, county, and municipal, as well as fish and wildlife wardens, forest rangers, and liquor inspectors (see 17 M.R.S. § 2268).

We’ve written here before about Maine’s “war” on plastics and similar pollutants (a war we generally support). See, for instance, “Municipal ‘Styrofoam’ Ban,” *Maine Townsman*, Legal Notes, January 2016; “Maine’s New Plastic Bag Ban,” *Maine Town & City*, Legal Notes, July 2019; and “Maine Bans Polystyrene Food & Drink Containers,” *Maine Town & City*, Legal Notes, August 2019. (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.



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Patrick Marass

The COVID-19 public health crisis has and will continue to cause severe disruptions to the ways in which municipalities and taxpayers conduct business, including how real and personal property is locally assessed.

Our team is here to help municipal assessors navigate these novel challenges with a seasoned approach that is informed, compassionate, cost-effective and value-oriented. We understand what keeps you up at night, and we're here to help.

We'll get through this, **together.**



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