

# Maine Townsgman

The Magazine  
of the Maine Municipal Association

DECEMBER 2017

## 2018 LEGISLATIVE SESSION PREVIEW

Marijuana, senior  
property taxes  
seen as top issues

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York County's 12-Town Group  
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**MAINE TOWNSMAN (ISSN 0025-0791)** is published monthly, except in September, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Townsman, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$15 per year.



# Maine Townsman

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The Magazine of the Maine Municipal Association

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### Back in the Saddle



*The 2018 elections will loom over the upcoming, "short" legislative session. Still, lawmakers have some important municipal issues to lasso.*

**Meet the new advocacy team.** Maine Municipal Association Executive Director Stephen Gove introduces our new State & Federal Relations staff. [Page 5](#)

**An outreach example:** York County's 12-Town Group is the kind of municipal-legislative outreach effort that effectively drives messages home. [Page 15](#)

**ABOUT THE COVER:** MMA's Ben Thomas captured this festive image of the Hubbard Free Library while prowling the streets of Hallowell.

## A Pretty Big Dig

*The City of Hallowell will go through a major and much-needed road construction project in 2018. Read how the community is bracing for what lies ahead. [Page 17](#)*

## The Month After

*Voters in Auburn and Lewiston rejected a plan – years in the making – to merge their cities. People on both sides of the idea talk about moving on. [Page 22](#)*

## Election Roundup

*Maine media used to do statewide recaps about municipal referendum items and prominent local elections. Now they don't; the Maine Townsman still does. [Page 24](#)*

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## A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

### New SFR team ready for legislative session

One of the greatest joys of managing individuals and work teams is providing them the opportunity to grow in an organization and watching them thrive. That's a joy for me this holiday season as I look to a new Director of MMA's State and Federal Relations (SFR) staff and her team of advocates – including a new member – to prepare for the upcoming second session of the 128<sup>th</sup> Maine Legislature. MMA selected Kate Dufour to lead the SFR department in July, following the retirement of long-time Director Geoff Herman and a competitive search process. Kate has served our members since 1995, when we hired her, at that time, to serve as Information Specialist for the new MMA Resource Center. Soon after, Kate moved to the SFR staff as a legislative advocate, advancing to the position of senior advocate.

Kate and MMA's legislative activities are supported by Garrett Corbin, Legislative Advocate, our new Legislative Advocate, Rebecca Graham, and Advocacy Associate Laura Ellis. Garrett has been a valuable part of the SFR team since 2013. His advocacy is focused on the areas of energy, inter-governmental relations, and judiciary. This year, Garrett diligently represented municipal interests before the Marijuana Legalization Implementation Committee. Rebecca joined the SFR Department on Oct. 30 and hit the ground running. In addition to taking the lead on the association's criminal justice, environment and agriculture related advocacy matters, Rebecca oversees our Fiscal Survey process. This one-of-a-kind resource provides valuable information on municipal revenues and expenditures in a single document. Finally, Laura, SFR's Advocacy Associate, provides an invaluable variety of administrative services to the department and to our 70-member Legislative Policy Committee.

The SFR staff divvies up legislative committees at the start of sessions to ensure MMA is monitoring all the many issues of importance to local government. Even though there will be a "short session" in 2018, MMA expects to monitor over 100 bills. I sat down with Kate to ask a few questions about the upcoming legislative session and MMA's advocacy efforts.

#### What are your goals as the new Director of State and Federal Relations?

A. Restoration of the state-municipal partnership is our department's top priority. Absent a constructive state-municipal working relationship, it will continue to be difficult to advance important municipal policy goals and priorities. In the coming year, the department's off-session advocacy



Left to right: Laura Ellis, Rebecca Graham, Garrett Corbin and Kate Dufour. (Photo by Ben Thomas)

efforts will focus on encouraging municipal officials and candidates for the Maine House and Senate to exchange thoughts and ideas and establish working relationships well in advance of the 2018 election. The grassroots "back home" connection is vital to future lobbying successes.

#### What can municipalities expect in the upcoming session? What will be the big municipal issues?

A. With the open seats in both the Blaine House and State House, we anticipate that the Legislature will be motivated to conduct its business quickly and without adversely impacting special interest groups. However, the Legislature will decide the fate of several important municipal issues before finally adjourning.

First, the Legislature will take final action on three bills that were included as part of our LPC's legislative platform. Those bills seek to advance a \$10 million broadband bond, replace the leased hospital property exemption with the tax benefit provided under the Business Equipment Tax Exemption program, and clarify municipal land use regulatory authority over medical marijuana caregiver operations.

Second, MMA will continue to monitor and participate in the Marijuana Legalization Implementation Committee's work to regulate the commercial aspect of this new industry. Our primary focus will be to ensure that municipalities have the resources necessary to regulate the commercial marijuana operations.

Finally, MMA will continue to closely monitor LD 1629, *An Act To Protect the Elderly from Tax Lien Foreclosures*, which was carried over for review next year. This bill, submitted on behalf of Governor LePage, proposes to amend the laws governing the property tax lien mortgage system for residents 65 years of age or older. If LD 1629 is adopted, without amendment, qualifying homeowners could stop paying property taxes and remain in their homes until the value of the unpaid taxes equals 50 percent of their home's assessed value. While municipal officials are sympathetic to the underlying issue raised in the bill, they do not believe that shifting burden to other property taxpayers is an appropriate solution.

#### What are MMA's strengths as an advocate for local government?

A. MMA's biggest strength is its 70-member Legislative Policy Committee. The ability to tout that the association's position on a piece of legislation is based on the direction of municipal officials from across the state is a very powerful tool. ■

# MARK YOUR CALENDARS!

## Maine Municipal Association 2018 Events

### Municipal Technology Conference

Friday, April 27, 2018

Augusta Civic Center, Augusta, Maine

### Municipal HR & Management Conference

Thursday, June 14, 2018

Thomas College, Waterville, Maine

### MMA 82nd Annual Convention

October 3 & 4, 2018

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# 2018 Legislative Preview: Two major issues could dominate

*Bills seeking to relieve senior property tax obligations and implement elements of the marijuana legalization law are among the leading items in the mix this session.*

By Kate Dufour, Director, State & Federal Relations

The second session of the 128<sup>th</sup> Maine Legislature is slated to commence on Jan. 3, 2018. This session marks Governor Paul LePage's final year in office, because a provision in the Maine Constitution limits the tenure for the Office of the Governor to two consecutive four-year terms. With eyes on the open seats in the Blaine House and State House, it is expected that the Legislature will be motivated to conduct its business in a manner that imposes the least amount of harm possible upon the many interested parties monitoring their actions. Regardless of how cautiously the 2018 session will be conducted, there are several issues on the Legislature's agenda, both in the form of carryover bills and newly submitted legislation, that are of great interest and concern to municipal officials.

## Senior property tax bill

This carryover bill of biggest concern is LD 1629, *An Act To Protect the Elderly from Tax Lien Foreclosures*, sponsored by Representative Ellie Espling of New Gloucester, on behalf of the governor. The bill proposes to significantly amend the laws governing the property tax lien foreclosure process for homeowners 65 years of age or older.

*Pre-foreclosure Process Age 65+*. As proposed in LD 1629, at least 90 days before a pending foreclosure, municipal officials are required to identify delinquent property taxpayers 65 years of age or older, and offer to assist those homeowners in applying for a property tax abatement. Regardless of the homeowner's ability to

*Legislative Advocate Garrett Corbin and Advocate Rebecca Graham contributed to this article. They can be reached at: 207-623-8428.*

## LD 1629

Under the terms of LD 1629, a resident homeowner 65 years of age or older could continue to reside in a tax acquired home until the value of the back taxes equaled 50 percent of the assessed value. Applying the statewide average mill rate of \$15.85 to a home assessed at \$150,000, a senior homeowner could continue to occupy the property for over 30 years before the municipality could take the steps necessary to sell the home. In the meantime, nearly \$2,400 per year of property tax burden per participating senior would be shifted onto all other property taxpayers.

pay the taxes due, the municipality is then obligated to offer the owner a "reasonable" repayment plan for the portion of the tax that is ineligible for an abatement. If agreement cannot be reached on the repayment schedule, the municipality must engage a qualified mediator to negotiate a repayment schedule, with 50 percent of the mediator's fee added to the tax lien.

Additionally, during the pre-foreclosure phase municipal officials are mandated to take on the roles of financial adviser and social worker. Under the terms of LD 1629, municipal officials must inform the homeowner about the option of a reverse mortgage, whether or not the property owner would benefit from or qualify for such an option. Municipal officials are also required to contact the Maine Department of Health and Human Services if at any point during the pre-foreclosure process a municipal official or employee "has reasonable suspicion to believe that the property owner has a physical or mental condition that interferes with the owner's ability to have business dealings."

*Post-foreclosure Process Age 65+*. If an installment repayment plan is established and a senior homeowner becomes more than 30 days delinquent on that plan, the municipality may foreclose on the property. However,

if a senior homeowner is living in the tax-acquired home and it is the owner's sole residence, the municipality is prohibited from selling the property until the value of the municipal lien exceeds 50 percent of the assessed value of the property. For example, a municipality would be prohibited from selling a tax acquired home assessed at \$150,000 until the back taxes owed equaled \$75,000. To put this provision of LD 1629 into perspective, assuming the statewide average mill rate of \$15.85/\$1,000 is assessed on \$150,000 residence, a former homeowner could occupy the tax-acquired property, and not pay property taxes, for over 30 years.

*Post-foreclosure Process for All Homeowners*. LD 1629 also includes changes to the post-foreclosure process that impact *all homeowners*, regardless of age.

As proposed, tax-acquired property must be listed for sale and sold by an independent licensed broker, replacing the current bid process. The property may not be sold for less than its assessed value, unless an appraisal conducted by a licensed appraiser demonstrates that the fair market value of the property has deteriorated. The municipality or the purchaser of the property is prohibited from evicting the former owner from the prop-

erty until after the sale is complete and any repurchase rights extended to the former owner have expired.

With respect to repurchase rights, LD 1629 contains a provision authorizing municipalities to adopt ordinances and the state to adopt laws allowing a previous homeowner to repurchase foreclosed property that has been sold to a third party. The additional requirement that the property must be sold at its assessed value, as well as implying that the third party purchaser is not necessarily entitled to keep the property, will undoubtedly make it far more difficult for municipalities to dispose of tax-acquired property.

While under existing law municipalities may voluntarily adopt ordinances that require excess proceeds from the sale of a tax-acquired property to be returned to the previous owner, LD 1629 mandates that outcome. This would result in all proceeds in excess of the taxes owed, interest and allowable fees being returned to the previous owner.

**Other Solutions.** Municipal officials are cognizant of and sympathetic to the property tax burdens placed on older residents. However, they believe there are more suitable avenues for addressing this issue without shifting burden onto other classes of property taxpayers. For starters, the Legislature could accelerate the schedule for restoring the State/Municipal Revenue Sharing Program funding to the full 5 percent of Maine sales and income tax revenue. Since FY 2010, nearly \$580 million in revenues have been diverted away from municipalities and redirected to fund state level priorities. Restoring the state's time-honored revenue sharing program would enable municipalities to reduce the burdens placed on all property taxpayers.

The Legislature could also support a state appropriation to fund LD 1196, *An Act To Assist Seniors and Certain Persons with Disabilities in Paying Property Taxes*. The bill, sponsored by Representative Donna Bailey of Saco, would reinstate the state's property tax deferral program, which was first enacted in the 1980s, then closed to new applications in the early 1990s, and is now on track to finally close out as a state expenditure account in 2018.

As amended by the Taxation Committee, LD 1196 would allow qualify-

## REVENUE SHARING FY 10 TO FY 18

Fiscal Year	Statutorily Required	Actual Receipts	Difference
2010	\$ 131,202,116	\$ 112,092,617	\$ (19,109,499)
2011	124,479,621	89,209,367	(35,270,254)
2012	134,350,000	94,000,000	(40,350,000)
2013	138,102,675	93,835,332	(44,267,343)
2014	138,306,246	65,000,000	(73,306,246)
2015	146,678,003	60,728,612	(85,949,391)
2016	156,424,711	62,569,884	(93,854,827)
2017	155,174,541	64,469,816	(90,704,725)
2018	164,527,742	68,211,097	(96,316,645)
<b>Total</b>	<b>\$ 1,289,245,655</b>	<b>\$ 710,116,725</b>	<b>\$ (579,128,930)</b>

Source: Maine Office of the Treasurer

ing senior resident homeowners to enroll in the state-funded and administered property tax deferral program. Under the program, the property taxes owed by a qualifying household would be paid by the state directly to the municipality. In exchange, the state would hold a non-foreclosing lien on the home until the property is ultimately sold or transferred and the state is reimbursed for the taxes paid. The state property tax deferral proposal includes eligibility standards based on a property taxpayer's age and ability to pay the taxes owed.

In order to qualify for the program: (1) a resident homeowner needs to be

at least 65 years old, or over the age of 60 if unemployed due to a disability; (2) the applicant's household income cannot exceed \$40,000 per year and liquid assets (e.g., bank accounts, stocks and bonds, life insurance policies, lump sum payments and inheritances, etc.) cannot exceed \$50,000 for a single homeowner or \$75,000 for a multi-person household; and (3) the applicant cannot be enrolled in a municipally established tax deferral program.

LD 1196 currently sits on the Appropriations Committee's funding table. Estimates show that in the first year of implementation (FY 2019) the



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program will cost the state \$1.7 million and increase to \$2.8 million and \$3.7 million in FY 2020 and FY 2021, respectively.

### Implementation efforts

The Legislature's efforts to implement the citizen-initiated law legalizing adult use and retail sales of marijuana will continue to be on MMA's 2018 advocacy radar. The law, adopted by the voters on Nov. 8, 2016, legalized a personal right as well as a commercial privilege within the state to use this plant for non-medical purposes. That citizen initiative is now codified as Maine's Marijuana Legalization Act.

The personal use aspect of the citizen-initiated law went into effect on Jan. 30 of this year, allowing for the use, cultivation, and possession of up to 2.5 ounces and six mature plants by persons at least 21 years of age. For commercial facilities, dual state and local licensing authorities were included in the referendum's language.

Although the citizen-adopted law was drafted in good faith, the construct of that law does not always fit squarely within other existing Maine laws, regulations or definitions, resulting in uncertainties that raise a lot of questions.

For example, as provided for in the Legalization Act, municipalities may authorize one or all of the five categories of commercial facilities (marijuana cultivation, manufacturing, testing, social club and retail) to operate within the community's boundaries. However, under the language of the Act, there is an open question as to whether municipalities which have not adopted ordinances regulating non-medical marijuana establishments would have adequate grounds to deny applications for local licenses. Some, but not all, of the supporters interpret this provision to mean that legalized commercial establishments must be allowed within a municipality's boundaries unless expressly prohibited by municipal ordinance.

In response to the ambiguities in the Marijuana Legalization Act, in January 2017 the Legislature enacted three bills addressing issues needing to be resolved immediately. One of those bills delayed the agency rule-making deadline for the state's commercial licensing program until Feb.

## SPECIAL JOINT SELECT COMMITTEE ON MARIJUANA LEGALIZATION IMPLEMENTATION

The members of the Special Joint Select Committee on Marijuana Legalization Implementation are to be commended for their efforts in 2017. Although the committee's work on an omnibus bill seeking to regulate the commercial categories (testing, manufacturing, cultivation, retail sale and social club facilities) of the citizen initiated law failed to be finally enacted, the effort provides a solid foundation for additional work in 2018. The members of the committee include:

### Committee Chairs

Senator Roger Katz of Kennebec County  
Representative Theresa Pierce of Falmouth

### Members of the Senate

Senator Susan Deschambault of York County  
Senator Mark Dion of Cumberland County  
Senator Joyce Maker of Washington County  
Senator Kimberly Rosen of Hancock County

### Members of the House

Representative Kent Ackley of Monmouth  
Representative Bruce Bickford of Auburn  
Representative Lydia Blume of York  
Representative Patrick Corey of Windham  
Representative Aaron Frey of Bangor  
Representative Lance Harvell of Farmington  
Representative Craig Hickman of Winthrop  
Representative Erik Jorgenson of Portland  
Representative Don Marean of Hollis  
Representative Kimberly Monaghan of Cape Elizabeth  
Representative Michael Perkins of Oakland

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## MARIJUANA EXCISE, SALES AND LOCAL OPTION TAXES

State	Marijuana Excise Tax	Applicable General Statewide Sales Tax	Additional Special Marijuana Sales Tax	Local Option	Proceeds To Municipalities
Alaska	Flat \$50/oz. (flat \$15/oz. of seeds and stems)	None	None	Yes, up to 7.5%	No
California	Flat \$9.25/oz. (\$2.75/oz. of leaves)	7.5%	15% of retail sale price	Yes, up to 15%	No
Colorado	15% (average) on wholesale	2.9%	10% of retail sale price	Yes, up to 8%, average 4.6% sales, plus local excise taxes (3.5% in Denver)	15% of special tax revenues
Massachusetts	10.75% on retail and wholesale	6.25%	3.75%	Yes, up to 3%	No
Nevada	15% wholesale	6.85%	10% of retail sale price	Yes, up to 3.55%	No
Oregon	15% on retail and wholesale	None	17%	Yes, up to 3%	No
Washington	37% on retail	6.5%	8%	No, but business and occupation tax allowed, up to 0.2%	2.1% of total excise taxes collected, broken down into 30% based on generated sales, and 70% based on population (per capita) to all municipalities and counties which allow sales.

1, 2018.

With the implementation date for the commercial elements of the new law delayed to 2018, the Senate President and Speaker of the House established a 17-member Marijuana Legalization Implementation (MLI) Committee, comprised of five senators and 12 representatives.

After eight months of public hearings and work sessions, 15 members of the MLI Committee voted to support what eventually became LD 1650, *An Act to Amend the Marijuana Legalization Act*. In the version of the bill supported by 15 of the 17 members of the committee, all commercial establishments would need to obtain separate state licenses to operate and those licenses

would only be issued on a conditional basis, subject to municipal approval prior to becoming active.

From a municipal perspective, LD 1650 contained two significant provisions. First, this clean-up legislation clarified the need for communities to “opt-in” to the business side of the recreational marijuana market by a vote of the municipality’s legislative body. Under the bill’s terms, establishments could not apply for authorization to operate in a community unless the municipality’s legislative body adopted a permissive ordinance or warrant article.

Second, the MLI Committee’s bill established an overall effective tax rate of 20 percent, divided equally between

sales and excise taxes, with a portion of those revenues shared with the community where the revenue was generated. This portion was set at 5 percent of the taxes generated in the municipality and a 1 percent share of total statewide revenues to be distributed equally among all host municipalities. Many municipal officials did not believe the amount of revenue shared with host communities would adequately fund local level administration and enforcement costs, advocating instead for the implementation of the revenue sharing models used in other states that have legalized the industry. A chart comparing the marijuana excise and sales taxes and local revenues in the seven other legalized states is included

as a sidebar to this article.

*Back to the drawing board.* On Nov. 3, Governor LePage issued a veto of LD 1650 on the basis of uncertainty regarding legality at the federal level and the fact the bill does not simultaneously address the state medical marijuana program. The Legislature was not able to override the governor's veto.

It is expected that the MLI Committee will reconvene in January to work on a new "fix it" bill. In the absence of another consensus committee bill, a few possible solutions remain on the table. The first would be to extend the moratorium on commercial establishments until 2019, allowing the next Legislature to take another crack at reforming the existing Marijuana Legalization Act. The second would be to address issues with the existing act on a piecemeal, a la carte basis where several bills are proposed by the committee rather than just one. A combination of these approaches is also possible.

### Discontinued roads

Six members of the State and Local Government Committee met three times between legislative sessions to

explore avenues for amending LD 1588, *An Act To Maintain Mail Routes and Access to Residential Structures*. As originally proposed by Representative Gary Hilliard of Belgrade on behalf of Governor LePage, the bill would have significantly restricted a municipality's ability to discontinue "low use" roads.

As a result of the subcommittee's work, the full membership of the State and Local Government Committee will have the opportunity to vote on an amended version of LD 1588 when it reconvenes next year. The subcommittee's amendment would replace the original bill and make several changes to the existing road discontinuance laws, three of which MMA supports.

Those three changes include:

- Requiring sellers of non-residential property to notify buyers whenever the property being sold requires access via private roads, similar to the existing disclosures required for asbestos and lead paint. Under current law, enacted this year (2017), only sellers of residential properties are required to notify buyers of a road's status.

- Exempting abutters from criminal liability for causing minor damage to a public easement through ordinary use to access their property. Under current law, only the actions of emergency personnel and foresters are exempted from criminal liability.

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sulting from abutters' good-faith improvements to roads over which public easements exist.

MMA is concerned with an additional element of the subcommittee's proposal that provides abutters of the town way with the opportunity to prevent the retention of a public easement upon discontinuance. As proposed by the subcommittee, if all the abutters agree to the creation of a private easement that allows for the private use of the road, the order of discontinuance placed before the legislative body (town meeting or town/city council) must extinguish the public easement. This would mean that the general public would be prohibited from using the road. If the abutters cannot agree, then the order of discontinuance would retain the public easement, thereby allowing public use.

Once the subcommittee's amendment is drafted and distributed to the public, MMA's Legislative Policy Committee (LPC) will be asked to take a position on the revised bill.

## A SAMPLING OF NEW BILLS IN 2018 WITH POTENTIAL IMPACTS ON MUNICIPALITIES

*An Act To Amend the Laws Governing Excise Tax on Automobiles*, sponsored by Senator Dill of Penobscot County.

*An Act to Change Certain Gender-specific Terminology in the Laws Regarding Municipalities and Counties*, sponsored by Representative Malaby of Hancock.

*An Act to Amend the Definition of "Premises" for Purposes of the Alcoholic Beverage Laws To Include Real Estate That Is Not Continuous*, sponsored by Senator Deschambault of York County.

*An Act To Allow the Operation of "Autocycles" on Roads in Maine*, sponsored by Senator Miramant of Knox County.

*An Act Regarding the Prohibition on the Possession of a Firearm on School Property*, sponsored by Representative Martin of Eagle Lake.

*An Act To Waive the Fee for Attendance at the Maine Criminal Justice Academy for Former Military Police Officers*, sponsored by Representative Guerin of Glenburn.

*An Act to Facilitate Wireless Broadband Deployment in Maine*, sponsored by Representative Wadsworth of Hiram.

*Resolve, Directing the Department of Transportation To Prioritize and Increase the Funding for Rural Roads*, sponsored by Senator Jackson of Aroostook County.

*An Act To Authorize Municipalities To Develop and Operate Pilot Programs for the Use of Autonomous Vehicles for Public Transportation*, sponsored by Representative Sanborn of Portland.

### Resiliency coastal communities

In response to the submission of LD 1095, *An Act To Establish the Maine Coastal Risks and Hazards Commission*, sponsored by Representative Lydia Bloom of York, the Environment and Natural Resources (ENR) Committee requested that MMA review the resiliency of Maine's coastal communities to weather-related hazards.

In response to the request, the association issued a survey to municipalities bordering the coast or coastal waterways, convened a day-long meeting (held Sept. 13) with the stakeholders identified in the committee's letter, and held a follow-up session at MMA's annual convention (on Oct. 4) to discuss the results of the meeting and seek additional input from municipal officials.

On Nov. 15, MMA presented the results of the survey, findings and report to the ENR Committee. Three key takeaways were identified. First, risks and threats vary depending on the geographic location of the municipality. Second, one size does not fit all communities, from the threats identified, to the level of preparedness, to the assistance needed. Each community has its own geographic and infrastructure issues, and the level or

type of need varies accordingly. Third, municipalities are unlikely to be able to cover the costs of infrastructure upgrades with existing resources.

The full report is posted on the advocacy section of MMA's website at [www.memun.org](http://www.memun.org).

### MMA platform bills

During the 2018 session, MMA will continue to advocate for passage of three carryover bills that were included on its Legislative Policy Committee's 2017-2018 legislative platform. Those bills are:

**Broadband.** LD 140, *An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activities, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund*, is sponsored by Representative Norman Higgins of Dover-Foxcroft and Senator Shenna Bellows of Kennebec County. The bill would send to the voters a proposed \$10 million bond issue for the expansion of high-speed internet infrastructure on the condition that recipients may only use the funds to install broadband transmission infrastructure, and that the publicly

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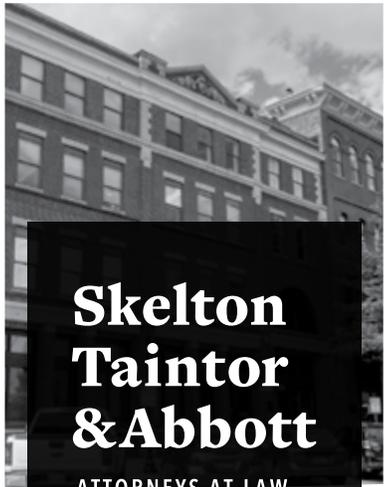
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funded infrastructure must be made available to private service providers in an open access, non-discriminatory manner. The purpose of this bond is to improve the rate at which reliable, affordable internet access is deployed throughout the state in order to better attract and support economic development.

**Medical marijuana.** There is a strong sense in the municipal community that the implementation of



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Maine's Medical Marijuana Act has not been well integrated with the municipal land use regulatory system, particularly with respect to the medical marijuana growing and dispensing systems in caregiver facilities. LD 672, *An Act To Clarify a Municipality's Authority To Adopt and Enforce Land Use Regulations for Marijuana Facilities*, proposes to close loopholes that might allow certain facilities to evade local regulatory oversight. If enacted, the bill would clarify in state statute that municipalities have the same type of authority to regulate facilities that grow, process, package, distribute, sell or provide medical marijuana as they currently do with respect to other commercial activities generating similar land use and compatibility impacts. This bill is co-sponsored by Senator Catherine Breen of Cumberland County and Representative Ellie Espling of New Gloucester.

**Leased hospital property.** LD 1212, *An Act to Amend the Definition of "Eligible Business Equipment" for the Purposes of the Business Equipment Tax Exemption Program*, sponsored by Senator Roger Katz of Kennebec County repeals the exemption provided to companies that lease personal property to hospitals (e.g. MRI machines, X-ray machines, photocopiers, etc.), but simultaneously makes the property eligible for enrollment in the state's Business Equipment Tax Exemption (BETE) program. The proposed change would

not have an impact on the bottom lines of the leasing company or the hospital, because the property leased to the hospital would be seamlessly exempt from taxation through enrollment in the BETE program. The proposal would, however, benefit communities with hospitals within their municipal boundaries. As the leased property is enrolled in the BETE program, the host municipality would be eligible for state reimbursement equal to 50 percent of the lost property tax revenue. Under the current exemption, 100 percent of the lost revenue is borne by the local property taxpayers.

### New bills

During the second session (held in even numbered years) no new legislation can be introduced unless approved by a majority vote of the Legislative Council, which is represented by the 10 presiding officers (e.g., President of the Senate, Speaker of the House and the majority and minority leaders in each body). By the Sept. 29, 2017 filing deadline, 111 legislators had submitted 272 new bills for consideration in 2018. Of the total bill requests made, 17 were tabled and 93 (34 percent of the total) were approved by the Legislative Council.

Unless sponsors are willing to share copies of the legislation prior to the bill being distributed to the public, these new proposals' merits can be assessed only on its title and

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brief description. Based on a review of the titles of the bills authorized by the Legislative Council, roughly 20 proposals could have an impact on municipalities.

A sample of the potentially municipally relevant bills, by title only, is provided in an accompanying table.

One of the bills that will see the light of day in 2018 is sponsored by Senator Troy Jackson of Aroostook County. The bill, *An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget*, seeks to amend the way school districts are reimbursed for administrative costs under the school funding law.

As adopted in the FY 2018-19 biennial state budget, the current fiscal year (FY 2018) allocation for system administration is \$135 per student. Unless the school unit joins a regional School Management and Leadership Center for the delivery of school related services (e.g., including superintendent, back office functions, transportation and food service administration, Special Education and Alternative Education, IT and facilities management service, etc.), in FY 2019 the system administration allocation is reduced to \$92 per student and to \$47 per student in FY 2020. Senator Jackson's bill would eliminate the penalty provision of the newly enacted law by requiring the state to continue to fund a school district's system administrative costs at \$135 per pupil in 2018 and subsequent fiscal years, whether or not a school system elects to join a regional Leadership Center.

### 2018 campaign

Finally, in 2018 MMA will implement a grassroots campaign to help connect municipal officials with legislative candidates well in advance of the June primary and November general elections. The theme for this campaign is the restoration of the municipal/state partnership, both in terms of commitments to full state funding for important property tax relief programs, as well as the development of an ongoing system of communication between municipal officials and members of the Maine House and Senate. Municipal officials can expect to hear more about this effort from MMA's advocacy staff in the coming months. ■

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# York County's 12-Town Group: What it is and what it does

*Former Alfred Selectman John Sylvester shares his experience helping to lead a regional group that has worked tirelessly on public policy issues over the years.*

By John Sylvester

In 2001, select boards of six towns – Alfred, Lyman, Limerick, Newfield, Shapleigh and Waterboro – met to consider reapportionment of SAD 57, today known as RSU 57. These six towns were and remain the member towns of this school district, which formed in 1969.

After a number of meetings over many months, and at the conclusion of discussions on the school district issue, Ruth Ham, a long-time selectwoman in Shapleigh, suggested that select board members from these towns continue to meet. Her idea was that sharing information about common issues, developing social and personal relationships among select boards based on trust and respect, and the positive response by area citizens to this concept would make such an effort worthwhile.

When word of this decision was shared with other nearby towns, the “12 Town Group” was established. The first meeting of the initial six towns forming the basis for the group was held on Aug. 13, 2003.

This group meets 10 times annually, on a near-monthly basis, except in July and December. The result has been good relationships among select boards. There has never been an instance when any selectman or board



**John Sylvester**

has refused to work with another board or boards.

## Example of collaboration

The group has taken positions on regional or state issues that affect their towns. Soon after the group was formed, the drum beat from the governor and the Legislature in Augusta was that towns do not work together, share successes and failures

on common issues. The charge was that municipal leaders duplicate efforts instead of combining them, and generally just waste taxpayer dollars, with little regard to developing new ways to solve problems in a cost-effective way. That has intensified.

Several interest groups formed to squeeze local government by chopping the amount that could be raised from property and excise taxes. The 12-Town Group, along with other municipal organizations across the state, worked together to meet these major challenges. In addition to the statewide challenges, several others of a more regional nature presented themselves to towns in York County. The 12-Town Group took a leadership role in addressing them as well.

From 2004-2006, three major challenges occurred.

1. Legislation was passed that mandated the reduction of public safety answering points (PSAPs) from 48 statewide to between 16 and 24, with only three in York County. PSAPs were

## ABOUT THIS ARTICLE

Maine Municipal Association asked John Sylvester to write this article so that other municipal officials across the state would be encouraged to unite on legislative and other issues. To learn more about this effort, contact State & Federal Relations Director Kate Dufour at: 207-623-8428 or [kdufour@memun.org](mailto:kdufour@memun.org).

then, and remain today, the centers where emergency calls are received. They are handed to dispatchers either in the centers themselves or to municipalities that have their own dispatch centers. When the dispatcher completes his/her job, police and fire-rescue personnel are sent to the location where the emergency exists.

Deeply concerned with this legislation, the York County city and town managers' association contracted with a Pennsylvania company, SSI, to prepare a report to that group that was broken into two phases. The report was called: “The Emergency Communication and Interoperability Study.” This report developed a recommendation for one PSAP/dispatch center in York County or for three such centers in the county.

2. At that time, the Town of Alfred was paying about \$23,000 annually to York County for PSAP dispatch services. The SSI one-center plan pushed those costs to \$58,979 during the first year, since capital costs would be paid in year one. In year two, costs would be \$38,978. With expected annual upward adjustments the three-center plan would be much more expensive than the one-center plan, and would

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**John Sylvester**, a former selectman in the Town of Alfred, is also a former president of the Maine Municipal Association and an active, long-time member of MMA's Legislative Policy Committee.

have pushed the town's costs in year one to \$142,179 and \$79,953 in year two. The other towns in the 12-Town Group saw similar, dramatic increases.

At the time these discussions were occurring, York County decided it would no longer continue to offer PSAP/dispatch services to any of the towns it then served. That left 16 mostly small towns with the very real prospect of having no emergency communications center to receive calls and dispatch responders. The 12-Town Group took the lead in addressing both of these major challenges.

It was clear that the expense associated with establishing one new call center for all 29 cities and towns in the county, or three new regional centers, was cost prohibitive. Still, the proposed closure of the county PSAP left 16 small towns with nowhere to go. Discussions to resolve this challenge were going on for months.

Conversations with the state Department of Public Safety resulted in the decision by most of the small towns to join that department's PSAP/public safety dispatch center in Augusta. This partnership of state and local government cost the towns that became members about the same as the cost of the York County PSAP.

3. The third major challenge to members of the 12-Town Group occurred in the fall of 2005, when LD 925 was assigned to the Joint Standing Committee on State & Local Government in the Maine Legislature.

### **Rural patrol**

This legislation, if passed, would have required that all Maine towns without police services pay 100 percent of the cost of rural police patrol. At that time, county police services – “rural patrol” – were paid for by all cities and towns in each county, with or without municipal police services. York County has 15 municipalities with their own police services and 14 without. If LD 925 passed, the average additional cost for support of county government was about \$161,000 annually for the 14 towns without their own police forces, or \$2.264 million overall.

The 12-Town Group worked closely on this issue with other organizations across the state to support

the work of the Maine Municipal Association's Rural/Service Center Working Group. After reviewing the work of this MMA group, the State & Local Government Committee killed LD 925 in 2006. Small towns in York County have saved millions of taxpayer dollars over the years as a result.

The unified efforts to resolve these three challenges served as the foundation upon which the 12-Town Group's members have addressed a number of other challenges over the years.

It seemed sensible to me to devote much of this article to the three challenges that I listed above. The 12-Town Group faced these issues during the early years of its existence. The examples show how group members working together is critically important when new challenges come along.

Those challenges can, and often do, have very long lives. The 2004 citizens' referendum, approved by our state's citizens, which required that 55 percent of the cost of public K-12 education must be paid by the state, has been largely ignored by state government, the Legislature and several governors. In fact, the state's unwillingness to honor the wishes of Maine citizens has cost the RSU 57 member towns over \$45 million from 2006 through 2016. The 12-Town Group has done much to persuade our Legislature to annually consider legislation that, if passed, would move the state ever closer to the 55 percent goal.

### **Property tax proposals**

In 2005, a property-tax scheme aimed at capping the amount municipalities could raise from property taxes was placed on the state referendum ballot. The 12-Town Group opposed this proposal, spoke with other area groups and used a number of other methods to inform local citizens of the negative impacts of the tax-cap proposal. The proposal was defeated at the polls.

In 2006, a second property-tax scheme, known as “TABOR” (Taxpayer Bill of Rights), was placed on the statewide ballots. Similar to the failed 2005 effort, the 2006 proposal also was defeated at the polls. As before, the 12-Town Group took a leadership role in our region, explaining why this scheme should not pass. In 2009,

a third property-tax scheme known as “TABOR II,” was placed on the statewide ballot. It was also defeated. The 12-Town Group did its part in explaining to voters why this scheme also should fail.

Also in 2009, a scheme to reduce the excise tax – another significant source of town revenue – was placed on the statewide ballot. And yet again, the 12-Town Group worked in our region, explaining why this proposal should not pass. It was soundly defeated at the polls.

While these battles were ongoing, the governors and Legislature were raiding the \$160 million (annually) Municipal Revenue Sharing Program. This \$160 million was to be sent to towns and cities as a means to keep local property taxes in check. Our current governor, after taking \$100 million of the \$160 million, attempted to cut the remaining \$60 million. Citizens and towns, along with the 12-Town Group and other regional municipal groups and MMA, have managed to retain the \$60 million in annual funding.

In 2014 and 2015, the 12-Town Group invested considerable time and effort discussing possibilities in our region to develop solar power and high-speed broadband services. These efforts are ongoing.

### **New efforts**

During the past year, the group devoted six of its monthly meetings to presentations and discussions about a myriad of elder and senior-citizen issues. The information gathering phase of this effort is complete. Work is under way to develop and implement a program that should prove helpful to member towns as they deal with the goal of “aging in place.”

The 12-Town Group has one paid staff member, who works about eight to 10 hours a month. The chair of the group is a volunteer.

The 12-Town Group is about inclusion and the prevalence of it. The aim is to help assure healthy, productive and successful communities and that aim has been achieved on a number of occasions over the years. Sometimes involvement and success has been elusive. But the group keeps moving forward. ■

# Leveling city's artery won't be easy, but they'll 'get through it'

*The City of Hallowell has known that its high-traffic, too-pitched thoroughfare needed major reconstruction for years. In 2018, the project will begin.*

By Steve Solloway

The business sign went up in late November, before Lynn Irish reopened her relocated Whipper-Snappers Quilt Studio in a much larger space on a very visible corner of Hallowell's business district. The community noticed, particularly the mayor, who wondered aloud if Irish was making a statement.

The Water Street Reconstruction Project, which will be a major disruption, is no longer years away but months, beginning in April 2018. "The city will lose business and some businesses," said Mark Walker, an attorney who was unopposed in reelection as mayor of Maine's smallest city. "I hate to say that.

"Maybe Lynn (an at-large city councilor and member of the city highway committee) is confident in what we're doing."

In April, heavy equipment will begin ripping up asphalt that some 18,000 vehicles pass over on a typical work day. The reconstruction along a roughly three-block stretch of 2,000 feet in the heart of this vibrant, riverfront community, will upset the routines of businesses that line Water Street, the dozens of residents who live above the store fronts, and the hundreds of workers commuting to their offices in Maine state government and agencies. Work on the project, with the exception of final paving, is expected to end in late October 2018.

The reconstruction will do away with the exaggerated crown that has created a pitch to pavement leading to curbside parking on the river side of Water Street. The simple task of



**Cars travel on Water Street on a rainy December day.** (Photo by Ben Thomas)

someone getting out of their car can be difficult. How do older drivers in particular exit from their cars while pivoting their bodies and keeping the car door from swinging back on their legs?

Why not just drive to a shopping area in neighboring Augusta?

## Water pipe discovery

Addressing the pitch problem was put off for decades until a sense of urgency developed about five years ago. The Maine Department of Transportation assessed the condition of Hallowell's 100-year-old storm drainage system and found 100-year-old pipes that were showing their age, especially at two intersections on Water Street.

If the pipes beneath Water Street failed unexpectedly, the fix of digging down to the drainage system might be costlier and more disruptive. A

dormant discussion came back to life and it wasn't positive. Irish remembers going to her first public meeting as a business owner in 2013 expecting to hear discussions on how city hall and the community could work together on the problem and look for solutions to mitigate the expected loss of business and perhaps the identity of a unique Maine city.

"Instead, I heard people talking about how they could stop (the reconstruction)," said Irish. Fear of losing income, investments and livelihoods meant denying the issues of an overly crowned and busy thoroughfare. Not to mention the separate issue of what do with all the storm water draining off Winthrop Hill, which rises up above Water Street.

"It took some time to convince the business owners that we (Hallowell's city council) couldn't put this off any

**Steve Solloway** is a freelance writer from Hallowell and regular contributor to the *Maine Townsman*, [ssolloway@roadrunner.com](mailto:ssolloway@roadrunner.com).

longer,” said Walker, who was a city councilor when a feasibility study was done and Hallowell’s council voted to petition for state funding for the projected \$5 million fix.

Then, Walker’s law office was farther south on Water Street near the edge of the reconstruction. He has since moved to a second-floor law office on the river side of the street, which is part of Route 201. He’ll have a bird’s-eye view of the reconstruction near the center of downtown. He has long felt the apprehension of the business people around him.

### Nervous feelings

“There’s still a lot of nervousness,” said Walker. “It’s going to be hell.”

Irish, the business owner, agrees. She did seem a bit amused that the mayor thought her intent to move her business was an effort to calm other businesses.

“It’s purely a business move,” said Irish. “I don’t know I’m that altruistic. To survive, I needed a larger space.”

Irish, the city councilor, is hopeful. “I think Hallowell is going to get through this. It seems the people who are working the hardest to help the business people are not the business people. Does this city work together? Absolutely. There are different opinions but mostly the committees and people try to build a consensus. I’ve lived elsewhere and I’ve never felt a greater sense of community as here in Hallowell.”

Lisa Harvey-McPherson also agrees. She is chair of the city council’s highway committee, succeeding Alan Stearns who did the groundwork for the city’s project proposal to Maine DOT before leaving the city council. Harvey-McPherson is in her eighth year on the city council and like Irish, remembers the early public discussions and what she called “dynamic tensions.”

“The business impact concerns are very real,” said Harvey-McPherson in an email. “The lengthy process, literally years of planning, allowed the business community to be engaged at the level they wanted. Public forums with DOT are now more informative vs. a great deal of energy expressing concerns.”

### Downtown community

The city, which is among Maine’s

smallest, has a population of under 3,000. It almost seems that everyone has a stake in the reconstruction. Irish is one example. Walker is another. His adult children own the building that houses the law offices he shares with another attorney. Its two-room layout was originally set up to be a small recording studio.

Much of Walker’s legal work takes him away from downtown Hallowell but he knows the first name of many on Water Street. He knows the personalities. He describes public meetings four years ago with business owners as contentious.

“We have a very involved citizenry, very intelligent,” he said.

The makeup of Hallowell’s City Council has changed dramatically in four years. The faces of the current city council may be familiar but many are new to this city’s government. City manager Michael Starn retired in October 2015. Stefan Pakulski, formerly the town manager of Readfield for 12 years, was hired the month before. With his abilities to listen well and build bridges between diverse interests, many on the city council and in the business community believed he could shepherd Hallowell through the Water Street project.

But Pakulski died barely six months later. Maureen AuCoin, the city’s Code Enforcement Officer, served as interim city manager for several months until Nate Rudy was hired and began work in June 2016. Hallowell had four city managers in eight months. The city also had to find a new code enforcement officer after AuCoin resigned. Stearns, who was praised by Walker for his attention to details in drafting the

project proposal given to DOT, left the city council and the highway committee. Harvey-McPherson picked up where Stearns left off.

### Many issues

At the same time, several long-term issues appeared on city council agendas again and again. The sale and development of the 64-acre Stevens School complex, now called Stevens Commons, with its 14 buildings needed attention. The decades-long question of what to do with Hallowell’s antiquated fire station was on the burner again and was compounded by the discussion over the future of the fire department. Should it remain independent or merge with neighboring Farmingdale or Augusta?

An anonymous benefactor donated \$1 million to build a new fire station but the donation came with a deadline. The council had to act fast.

“The Stevens Commons project and the new fire station (which is already being built at Stevens Commons) was never envisioned as we developed a timeline for the Water Street renovation,” said Harvey-McPherson. “I believe we’re ready, but stretched.”

With the green-lighting of the Water Street reconstruction project, funding was approved for rural roads in the city, particularly those that would serve as alternative routes for commuters. An initial plan to redesign one intersection met opposition at a public meeting with people calling for it to be worked.

What to do with so-called marijuana “pot shops” which has been on the table for every Maine community.

What to do with a downtown park-

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ing problem that has been magnified with the additions and increased popularity to Hallowell's restaurant and pub scene and will be further complicated by the reconstruction.

"We've got too much on our plates," said Irish, who, like her fellow councilors, is on four city council committees. In his office, Walker held up a loose-leaf binder maybe two inches thick. As mayor he's responsible for appointing about 140 Hallowell citizens to 40 committees.

Rudy, the city manager sitting in his office at city hall, holds up his own sheaf of background information that he's prepared for the next city council meeting. His is about three to four inches thick. On the job for less than a year, Rudy wanted to walk Water Street more to check the pulse of the business community and citizens and get feedback.

"I see my job as giving guidance to the city council on what the community wants," said Rudy. "To distill, contextualize. I'm so impressed with the level of discussion. People come to us with issues (that don't appear to have solutions) and divine a way forward."

### DOT meetings

Rudy attended early public meetings in Hallowell to listen to Ernie Martin, DOT's project engineer for the Water Street reconstruction. Rudy was executive director with Waterville Creates then and wanted to observe how Hallowell worked. He was amazed, he said. The community was so engaged.

Now that he's Hallowell city manager, he says, he's impressed with how engaged the city council is with the issues. "They've been on the front lines. They know."

Rudy knows that city business will bring him into contact with different groups and individuals. He wants to know what the rest of the community thinks. He has a "Soup with Nate" idea whereby he makes the soup to bring with him when he visits with people who want to talk of their ideas or concerns about the city.

"I haven't been able to find the time. But I will," Rudy said.

Virtually every community must undergo major reconstruction that brings them before the Maine DOT. Martin, during his career, has man-

aged many of those projects throughout the state. In some ways, Martin is the surgeon and Hallowell is his patient. He can't tell the community what it wants to hear. He can only tell them what needs to be done and how he hopes to ease the pain.

Martin has moderated public discussions in Hallowell's city hall auditorium, which can seat hundreds. He gets large audiences, updating councilors and the community on traffic patterns during construction, the timeline, alterations to the master plan and listens to suggestions. He's done some hand-holding as well.

"Ernie has shown a great deal of empathy," said Walker. "That's meant a lot to us and the business community." That Martin lives in Pittston, down the Kennebec River from Hallowell, gives him a personal understanding of the community. He's traveled the Water Street corridor so many times, commuting to his office.

"I see more empathy between different groups," said Martin. The people of Hallowell listen to each other, he says. "They'll get through this." ■

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# Businesses in Hallowell brace for 'Down with the Crown' reality

By Steve Solloway

John Bastej has a new job and a job title that fits the community he will serve: Flak catcher. The name was his idea. Hallowell Water Street Reconstruction liaison or ombudsman was a little too boring.

He expects, he says, to catch as much flak as he can. Got a complaint, suggestion, or question regarding the six-month project that will disrupt all manner of normal business on Hallowell's main street? Take it to Bastej, who will take it to city hall and City Manager Nate Rudy and then get back to you.

Bastej was introduced to the community in his new role at a public meeting in September with Maine Department of Transportation project manager Ernie Martin. His introduction to Hallowell's city council followed.

Bastej is working in a paid position funded by the Down with the Crown Committee, which in turn owes its existence to the Hallowell Arts and Cultural Committee and Hallowell Area Board of Trade. The idea of a liaison was suggested in a meeting with a member of Ogunquit's business community, who described how that town survived its more extensive reconstruction project involving U.S. Route 1, the busy main street of that tourist town.

DOT's Martin was that project's manager. He noted the differences between Hallowell and Ogunquit but also saw the similarities, such as the creativity to finding solutions.

## Business losses

No one minimizes the pain and hardship of the reconstruction process.

*Steve Solloway is a freelance writer from Hallowell and regular contributor to the Maine Townsman, [ssolloway@roadrunner.com](mailto:ssolloway@roadrunner.com).*



Hallowell businesses, from the Liberal Cup brew pub and other eateries along Water Street to Dom's, the city's only traditional barber shop, which has been a downtown fixture for generations, say they will lose customers. The unknown is how much business will be lost. Patty Burnett, the owner of Dom's and the building it occupies, believes she'll lose 30 percent during the reconstruction, which will happen right outside her door.

Burnett advocated for early planning for the project by the city so businesses could prepare for customers who will bypass Water Street, which will have one-way traffic and lose parking spaces. "I think the city has done that, with the early meetings," said Burnett. "(The reconstruction) needed to be done and it needed to be planned so the businesses could plan. I know some aren't going to make it. We've already lost two."

One antique shop is a recent vacant storefront. Another, Johnson-Marsano Antiques, has posted a sign in its window announcing its closing in early January. Richard Marsano, whose wife, Judith, once was the only female on Augusta's city council wrote "Hallowell Farewell", a nine-verse poem that he's distributed to the friends made from nearly 30 years on Water Street. The poem begins:

*Farewell, Farewell, Old Hallowell  
Our race is almost done  
And only time will ever tell  
How well the race was run  
Another two verses:  
We loved the music in the park  
That made our day complete.  
We loved the jokers after dark  
Dancing in the street.  
But mostly it's the spirit here  
That made each day a treat  
For all of those who love and care  
On good old Water Street.*

Hallowell once had 24 stand-alone antique shops, said Marsano, which gave the city the identity as the antiques capital of Maine. Marsano's shop is among the last.

Geoff Houghton owns the Liberal Cup and its younger sister, Run of the Mill pub, in Saco. Both are very popular and Houghton understands his brand is strong. "You hate to lose any business," he said of customers who may go to neighboring Augusta and Gardiner where two brew pubs just opened. "I can cut back on hours and I'll reach into my own pockets to keep my servers. But I worry about them."

Houghton knows the story of the city rallying to support Wendy Larson, owner of Slaters Restaurant after an electrical fire shut down that popular restaurant in 2007. Various types of fundraisers were held to help her servers and staff. Slaters eventually reopened.

But Slaters was one business. All Water Street businesses need the community's support now.

## 'Down with the Crown'

Down with the Crown, which has six subcommittees – from marketing to logistics to arts and more – is brimming with ideas, said Deb Fahy, executive director of the Harlow Gallery. She spoke about brainstorming with Marty Pottenger, who established Art at Work and has partnered with the City of Portland and its various municipal departments. Already there are ideas to create art on Water Street pavement before it's ripped up, create murals on construction barriers and parking areas, and create sculptures using construction debris to name a few.

Other ideas from other Down with the Crown subcommittees range from cash mobs visiting businesses to Hallowell Bucks to a trolley shuttle for parking at the Stevens Commons and a safe viewing area for children (or

adults) to watch the construction. That last idea was discouraged by Martin who pointed out that construction workers have their own vocabulary.

There's individual creativity, too. Tom Allen, owner of Kennebec Cigar, is thinking of selling hot dogs and soft drinks and snacks, perhaps, to construction workers. Of course, if he opens his door and lets the smoke of good cigars waft out, he might twitch the noses of potential new customers.

"I'm a destination," said Allen. "Most of my customers come from out of town. Finding a place to park will be a problem. It's already a problem."

Allen also anticipates the transformation of Water Street when it's finished. "It's going to look beautiful." Many other business owners agree but feel pain for those who might not be around to see the new street with its improved sidewalks and lighting. Not to mention, for one side of the street, a nearly level surface.

Water Street's crown, says Allen, is higher than the floor of his business. He has thought about keeping a stick, such as a sawed-off broom stick, perhaps, in his car. He favors vintage Corvettes with its heavy doors. He could use the stick to prop or hold open his door as he exits.

Bastey, now retired and who spent much of his working life with Maine's Department of Environmental Protection, marvels at the make-up of the Down with the Crown Committee. "Many of us are just people who live in Hallowell who want to see our downtown survive."

### Problem with gas

He tells the story of parking his car along the river side of Water Street where the slope down to the curbing is severe. His gas tank was nearly empty. When he returned to his car he couldn't start it. With his car and gas tank on a slant, gas couldn't feed into the gas line to the engine. Bastey got out and started to push his car to level ground.

And then discovered he had help. The late Barry Timson, then the mayor and a geologist, was on the other side, pushing.

But for every smile or joke, there's worry. The owner of Kennebec Pizza, for instance, wonders where people will stop to pick up their pies. He doesn't have a delivery service and

doesn't know if he can sell enough pies to pay for added staff to make the deliveries. The spring is especially busy for Berry and Berry Florist, what with Mother's Day and high school proms, when many customers walk in her door rather than use the Internet or cell phone.

Then there's Patty Burnett's approach. When the heat of summer arrives, she plans to stand at the door to her barber shop, mop her brow and yell out to construction workers that she has air conditioning and lemonade and they're welcome to come into

her business to eat their lunch.

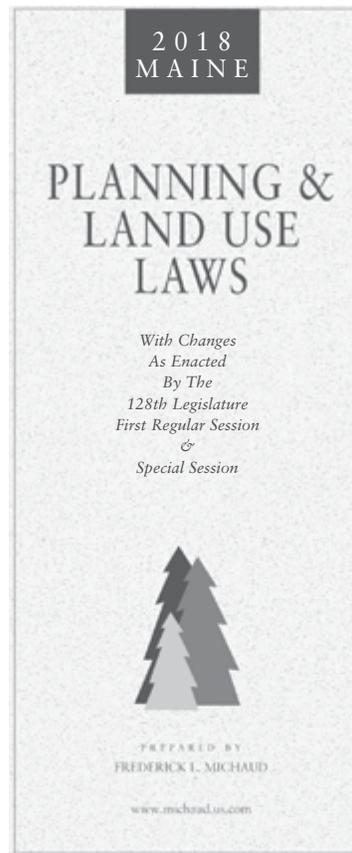
"I'm not looking to cut their hair," said Burnett. "I want to be friendly."

But if a worker wants a cut or even a shave after a long work week, she won't refuse.

"I'll lose that 30 percent, I figure. But when the street is finished my business is going to go up 40 percent. I'll be here."

She has added a new sign, featured prominently in her front window. More parking, it reads, is available on the road behind her business and next to the Kennebec River. ■

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# Lewiston, Auburn voters leave no doubt about merging

*While citizens have had their say, leaders on both sides see opportunities ahead for municipal collaboration, streamlining regulation and economic growth.*

By Liz Mockler

In probably the most publicized and debated municipal referendum in Maine on Nov. 7, residents of Lewiston and Auburn overwhelmingly rejected a proposal to merge the Twin Cities by a combined vote of 12,870 to 4,517.

Opponents of the merger expect the decisive vote will put an end to any future talk or effort to merge two of the state's largest municipalities, which has been loosely discussed for decades but never officially studied nor voted upon.

Even many supporters of the idea conceded the loss was so bruising that they weren't interested in talking about a merger for the foreseeable future.

"It was just such a powerful message," former Lewiston Mayor James Howaniec said of the lopsided vote.

"We were not surprised at all. We anticipated a very large majority" of residents would reject the proposal, said Howaniec, chairman of the Coalition Opposed to Lewiston-Auburn Consolidation.

"We had never seen any grassroots support for this from the general public," he said. "This was always a top-down effort" with business owners leading the way.

When asked why coalition members opposed the merger, Howaniec said: "We never thought we needed a reason.

"We always thought people could live in any city they wanted for any reason," said Howaniec, Lewiston mayor from 1989 to 1994. "We have an emotional connection to our cities on both sides of the river."

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*Liz Mockler is a freelance writer from Randolph and regular contributor to the Maine Townsman, [lizmockler@hotmail.com](mailto:lizmockler@hotmail.com)*

## MAINE'S LARGEST CITIES

Portland: 66,937

Lewiston: 36,140

Bangor: 31,985

South Portland: 25,577

Auburn: 22,948

Source: 2016 U.S. Census counts

In a low-turnout 2014 election, Lewiston and Auburn voters agreed to form a charter commission to draft a proposed charter and consolidation agreement to merge the cities by 2020. Much of the work, however, was done over a one-year period.

The proposed name of the merged community might have been an early indication of the effort's failure – "Lewiston-Auburn" – indicating a reluctance by both cities to give up their identities.

### Protecting local control

In fact, officials believe residents defeated the measure to protect their local cultures and histories and to maintain separate local government control. The two cities are separated by the Androscoggin River.

Howaniec said opponents thought projected savings "were a fantasy," while actually merging the two cities "would have been a nightmare."

One L-A, the group that pushed for the merger, reportedly spent \$300,000. Opponents spent \$3,500, mostly for lawn signs.

Business leaders in both cities favored the merger because they "see the two cities as one economy," said Beckie Conrad, president of the Lew-

iston Auburn Metropolitan Chamber of Commerce.

The chamber board in September voted in favor of the merger. Not all rank-and-file members liked the idea, but a majority supported it, based on a survey of members, Conrad said.

"The board thought it would be more efficient and effective as one municipality," Conrad said. "It seemed to make sense to the board."

Conrad said it's possible that some supporters of the merger did not turn out to vote. However, the board had also pledged to respect the outcome, regardless of the decision.

She was not surprised by the big loss at the polls, she said, because "there was a very vocal group that was opposed to it."

### Streamline requirements

The chamber remains hopeful that going forward, the two cities can draft and pass local laws that will make business requirements more similar, such as a joint downtown plan on both sides of the Androscoggin.

Lewiston's population, at last Census count, stands at 36,140 and Auburn's is 22,948 – slightly down and up, respectively, based on 2016 Census data

High-profile officials in both cities supported the merger, along with Gov. Paul LePage. But even more leaders opposed the municipal marriage. Residents settled the matter with their Nov. 7 death-knell.

The merger was rejected even as a 2017 study estimated the two cities could save between \$2.3 million and \$4.4 million annually, mostly by cutting municipal jobs in both cities and forming the state's largest school district with 9,000 students.

Jason Levesque, who was sworn in as Auburn's new mayor on Dec. 5, also was not surprised by the proposal's loss. He knocked on hundreds of Auburn doors, he said, and knew from the response that the proposal would suffer defeat.

During a mayoral debate, Levesque told Auburn voters he would not serve as mayor if he won the race and the merger also passed.

"I was running to be Auburn's next mayor, not its last," he said.

Levesque employs 300 people as president of Argo Contact Centers in Lewiston, a marketing firm. "What's good for Auburn is good for Lewiston," he said.

"It was a fundamental conflict of interest" because candidates are elected to help their communities, Levesque said. "I would have been destroying the very thing I was running to represent. I was not going to oversee the destruction of Auburn."

Levesque said the merger would have been a takeover of the smaller city.

Levesque said Auburn, like Lewiston, has its own special assets. He hopes the city will grow economically and in population as an alternative to the Portland area, a 38-mile commute down the turnpike from the Twin Cities.

"There's nothing wrong with being a residential suburb of Portland. Nothing," he said.

### 'So much to offer'

"We don't have lobsters and lighthouses, but we have so much to offer," he said, citing the Twin Cities' location between the ocean and the western mountains, proximity to all of Maine's ski resorts and other recreational opportunities and the region's outsized hub for commerce.

No two Maine municipalities have merged since Dover and Foxcroft melded in 1922. Otherwise, only the tri-towns of Mapleton, Castle Hill and Chapman in Aroostook County have a formal and longstanding structure that allows for one manager for the three towns and consolidated efforts, such as public works, but maintains separate boards of selectmen to protect local control.

Lewiston and Auburn have collaborated since the 1800s on services such as firefighting, wastewater opera-

tions and a municipal airport and rail, to name a few.

Like a slew of other Maine towns and cities, Lewiston and Auburn officials have joined efforts whenever possible to save money and increase efficiency.

But Carol Sheline, co-chairman of One L-A, said he thought a merger would further enhance collaboration.

"I supported (the merger) because it would remove competing agendas and allow the cities to focus on competing with the rest of Maine and New England," Sheline said. "While I was disappointed with the vote, working together is still the best path forward in the areas of economic

development and marketing of the Twin Cities."

The One L-A effort was pushed mainly by a small group, both supporters and opponents said. By the time the proposal was voted on, both sides were fatigued. As the election drew near, the proposed merger had created bad feelings in both cities, officials said. Voters and municipal leaders hope there will be a healing period now that voters have spoken.

"We always knew that change would be hard," Sheline said. "We enjoyed having the conversation with voters about working together, growing the local economy and saving money." ■



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# Voters spend big for school, town projects but say 'no' to pot

*Many other issues were decided as well, ranging from wastewater upgrades to historic preservation to checking up on non-profits' finances.*

By Liz Mockler

An abundance of Maine municipalities held local referendum questions ranging from school projects to large infrastructure bond proposals in voting on Nov. 7.

The largest fiscal proposal was settled by Portland voters when they chose between two major school bond projects, opting to borrow \$64.3 million to renovate four elementary schools rather than \$32 million to upgrade only two.

A majority of city councilors and school board members backed the higher request. The vote was 13,742 to 7,445 with 37 percent of registered voters casting ballots.

The vote to support the lower investment was 10,541 to 9,907. Voters had the option of voting "yes" or "no" on either or both questions.

City officials put the proposals to a local vote rather than wait for the state to help fund the projects. The current state funding cycle closed just as two of the schools moved up to numbers two and three on the waiting list. Despite their ranking, the city could have waited years for help from the state.

With interest, the \$64.3 million plan will cost \$91 million.

"It takes a community to ensure that we meet our commitment of preparing our students to succeed in college and career," local officials said. "Portland voters have always been generous and supportive of our schools, and they have once again shown their commitment to quality education for all our students."

Portland voters handily defeated a

second referendum – one that would have capped residential rent increases to the rate of inflation in a city where housing is scarce and expensive.

The local Question 1 would also have made it harder for landlords to evict tenants and establish a board to oversee the city's rental market.

In Portland, nearly 60 percent of residents live in rented homes and apartments, making the 13,466 to 7,595 vote heartening to opponents.

## Big investments

Voters in the five municipalities that comprise Regional School Unit 2 approved building a new \$26.2 million school to replace the middle and elementary schools. The plan passed easily in Farmingdale, Hallowell and Monmouth. In Dresden, the vote was tied at 241. Only Richmond voters rejected the proposal, by a slim margin of 402-414.

The total tally showed a 2-to-1 victory with a vote of 2,694 to 1,334.

A new school will be built on land abutting Monmouth Academy. The state will pay the entire cost.

In a close vote in Scarborough, residents approved a \$19.5 million bond issue toward a total cost of \$21.5 million to finance a new public safety building, to be located next to the town hall. The vote was 3,466 to 3,000.

The existing fire and police facility has long needed major upgrades. The proposal approved by voters took a year to draft. The bond will be paid off over 30 years for a total cost of \$29.4 million. Construction will begin next summer and finish in late 2019 or early 2020, officials said.

Belgrade residents endorsed a \$13.9 million bond proposal for up-

grades to various municipal facilities by a vote of 648 to 443. But voters rejected a proposal to begin the process of withdrawing from Regional School Unit 18. The referendum was initiated by petition because some property owners were concerned about rising costs and the RSU's funding formula. The vote was 400 to 692.

In Saco, voters approved three major projects, agreeing to borrow money to finance two of them.

City officials won the go-ahead to borrow \$7.5 million to build a new public works facility. The vote was 2,680 to 2,506. Voters also approved borrowing \$2.5 million for sewer system extensions, and sidewalk, pedestrian and signal improvements. The vote was 3,190 to 2,014.

Saco leaders also won strong support for the third question to spend \$2 million on numerous infrastructure proposals, including upgrades to city facilities, roads and drainage. The vote was 3,666 to 1,556.

## Waste water vote

Lisbon voters agreed to borrow \$6.5 million for wastewater system improvements, to be repaid over 29 years at an interest rate of 2.65 percent. The investment will cover the cost of repairing leaking and failing sewers, improve a pump station and the wastewater plant's chlorine tank.

Voters also endorsed spending \$1.65 million for energy efficiency projects at three schools and the central office. Both questions passed by large margins.

Bath residents supported a \$2.8 million bond for sidewalk, street, road and paving projects. The vote passed by a 4-to-1 margin – 1,832-395.

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Rumford voters overwhelmingly passed two infrastructure proposals totaling \$2 million. In addition to various downtown improvements, including replacing water and sewer mains, residents agreed to spend \$345,000 to buy 648 LED streetlights. The town expects an annual saving of 67 percent of operational costs and 85 percent of electricity costs over a 3.5-year period.

The town will borrow from a state revolving loan fund at an interest rate of 1.5 percent and from the U.S. Department of Agriculture at 2.3 percent interest.

Mechanic Falls will feature a new public building to house the town office, library and police department after voters endorsed a \$500,000 bond to buy a former medical office building. Voters also agreed to seek a municipal loan for \$224,500 for the project.

Meanwhile, Winslow residents rejected building a new performing arts center and more room for music and theater classes, among other school-related projects. The \$10.3 million bond question failed by a vote of 1,056 to 1,258.

### Mostly, no to pot places

Another group of municipalities acted on various versions of recreational marijuana rules.

Five towns – Kennebunkport, Madison, Rockport, St. George and Tremont – passed complete bans on commercial marijuana businesses. The Tremont measure passed by only seven votes, 225-218. In Madison, the question was not in ordinance form, but rather “final guidance” to selectmen on the issue.

Durham residents voted to endorse a six-month moratorium on retail and recreational marijuana establishments, including stores, growing facilities, and product manufacturing and testing operations. The moratorium does not affect the rights afforded under the state’s medical marijuana law, officials said.

In Boothbay, voters decided to regulate retail marijuana, but also approved nine drug-free zones around schools and public facilities and parks to protect children.

### Other issues

Camden voters approved all four

local referendum questions by huge margins. One will require companies that seek blasting permits to notify abutters. Voters also endorsed a ban on unencapsulated polystyrene used in floats and buoys. The ban will be enforced on all town waterways, including rivers. The remaining two questions were ordinance amendments dealing with engineering firms’ capabilities and reviews.

In Kennebunkport, voters passed a land-use ordinance change to exempt accessory apartments from the town’s residential growth cap. They also agreed to give the harbormaster authority to clean up abandoned moorings.

Newcastle residents voted 480 to 169 to allow selectmen a greater limit for no-bid contracts – up to \$25,000. They also approved a proposal to give transient sellers and lunch wagons a chance to determine whether their businesses would be viable before having to undergo a site plan review. Such businesses will be given 365 days in a 730-day period to decide whether their ventures were successful.

Newcastle residents also voted to allow more short-term rentals of homes and apartments and to allow them town-wide except in wildlife areas.

In neighboring Damariscotta, voters defeated a moratorium on retail development in the commercial

district beyond the popular historic downtown. The vote was 358 to 420.

Wiscasset voters agreed to retain the 2015 historic preservation ordinance. While selectmen recommended repeal of the ordinance on a 3-2 vote, members of the preservation commission hailed the vote and noted that maintaining historic properties is an important asset to the community. The vote to repeal flunked on a vote of 437 to 536.

Bath voters agreed to amend the city charter to allow the manager to live outside city limits, but only with majority council approval.

York voters were given 13 local questions to decide and passed every one by wide margins. They included a \$785,000 beach bathhouse, changes to the comprehensive plan to enhance bicycle and pedestrian safety, energy use, a ban on houseboats and clarifying language on expansion limits for nonconforming structures in a shoreland zone.

China voters approved a proposal to ask all nonprofits seeking town funds to submit financial statements by a vote of 921 to 197. They also approved, by a similar margin, a request by the town’s broadband committee to allow the selectmen to rent space on the town’s communication tower to internet companies in hopes of providing access to all town residents. ■

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# Many newcomers win council, selectmen contests on Nov. 7

By Liz Mockler

Following are among the results from Nov. 7 municipal elections, based on published reports, municipal websites and interviews with city and town clerks. Except in rare cases for clarity, unopposed incumbents are not included, while former elected officials are named whether or not they won. The results are listed in alphabetical order by municipality.

**Auburn:** Former city council candidate **Jason Levesque** defeated former Ward 4 Councilor **Adam Lee** to replace **Jonathan LaBonte** as mayor. LaBonte served three terms before stepping down this year. In Nov. 7 voting, Levesque defeated Lee by six votes, 3,623 to 3,617. A recount held on Nov. 21 confirmed Levesque's win and added six votes to his total. Lee was first elected in June in a special election.

Meanwhile, at-large incumbent City Councilor **David Young** defeated former Councilor **Belinda Gerry** and a third candidate to win another term. Young received 589 votes and Gerry collected 511. In Ward 1, newcomer **Holly Lasagna** ran unopposed and garnered 1,156 votes. In Ward 2, incumbent **Robert Hayes** also was unopposed and received 1,412 votes. In Ward 3, incumbent **Andrew Titus** ran unopposed and won 970 votes. In Ward 4, newcomer **Alfreda Fournier** received 721 votes to take the seat vacated by Lee. In Ward 5, incumbent **Leroy Walker Sr.** received 759 votes to hold off a challenger, who collected 392 votes. Councilors **Grady Burns**, **James Pross** and **Robert Stone** did not seek reelection.

**Bangor:** Incumbent Councilor **Ben Sprague** was elected to a third term with the most votes in a six-way race

for three city council seats. Sprague collected 4,328 votes, while newcomers **Clare Davitt** received 2,458 votes and **Laura Supica** garnered 2,439 to replace outgoing veteran councilors **Sean Faircloth** and board chairman and Mayor **Joseph Baldacci**. Three other candidates won 2,398, 1,814 and 833 votes. The city council elected Sprague mayor a week after the election.

**Bath:** Newcomer **Julie Ambrosino** defeated at-large incumbent City Councilor **James Omo** by a vote of 1,161 to 870. A second incumbent councilor, **Gregory Page**, lost his reelection bid to **Phyllis Bailey** by a vote of 200-33. Incumbent Councilor **Susan Bauer** defeated a challenger by a vote of 203-50 to win another term.

**Belfast:** **Samantha Paradis** defeated five-term Mayor **Walter Ash** by a vote of 1,264 to 959. Paradis, 27, is the youngest mayor since **Foster Small** was elected in 1926. A week after the election, Ash was named the city's Citizen of the Year.

**Biddeford:** In citywide voting, Mayor **Alan Casavant** overwhelmingly defeated three write-in candidates, two who were declared, with 3,497 votes. In other contested council races, Ward 1 incumbent **Michael Swanton** defeated a challenger by a vote of 368 to 244, while incumbent and council President **John McCurry Jr.** collected 243 votes to outpace his challenger, who received 162 votes. The remaining seven councilors were unopposed for reelection. In Biddeford, the council is comprised of nine members, in addition to the mayor. They all run for election at the same time.

**Brunswick:** **Kathy Wilson** garnered 2,960 votes to defeat a challenger for another term as an at-large town councilor. Her opponent won 2,524 votes. **Christopher Watkinson** ran unop-

posed to replace outgoing Councilor **Daniel Harris**, while **James Mason** ran unopposed to replace outgoing Councilor **Sarah Brayman**.

**Bucksport:** In a four-way race for two open town council seats, newcomer **Mark Eastman** and incumbent **Peter Stewart** were the top vote-getters with 786 and 620 votes, respectively. Incumbent **Joseph York** earned 333 votes and a four candidate garnered 202 votes.

**Caribou:** In a seven-way race for three city council seats, **Hugh Kirkpat-**

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rick received the most votes with 1,022, followed by former Councilor **Mark Goughan** with 1,019 and incumbent **Nicole Cote** with 588. Mayor **Gary Aiken** and fellow incumbent **Jody Smith** lost their reelection bids, collecting 500 and 534 votes, respectively. Two other candidates received 408 and 311 votes.

*China:* Incumbent **Irene Belanger** and former Selectman **Robert MacFarland** defeated **Frederick Glidden** and incumbent **Ronald Breton** for two two-year terms as selectmen. Belanger received 595 votes and MacFarland collected 490. Breton won 402 votes, while Glidden, a volunteer with the South China Fire Department received 402 votes. Three newcomers competed for a 1-year term, with **Donna Mills-Stevens** winning with 401 votes to replace **Joann Austin**, who retired after serving more than 25 years on the board.

*Eastport:* Newcomer **Roscoe Archer** received 309 votes to replace **Mary Repole**, who did not seek reelection.

*Ellsworth:* In a four-way race for two open city council seats, newcomer **Dale Hamilton** defeated councilor Chairman **John Phillips** by a vote of 850 to 829. Incumbent Councilor **John Moore** held off a challenger by a vote of 905 to 619 to win the second open seat. Hamilton was sworn in as the new council chairman on Nov. 13.

*Fairfield:* **Courtney Chandler** defeated incumbent Town Councilor **Jeff Neubauer** by a vote of 597 to 447. Neubauer had been appointed to the council last year after **Robert Sezak** resigned his seat after being elected to the Somerset County Commission.

*Gorham:* Town Council incumbent **Ronald Shepard** collected the most votes with 2,237 to retain his seat. Shepard is the town's former police chief. Former Councilor **Suzanne Phillips** held off two challengers to win election with 1,949 votes. Phillips

replaces Councilor **Michael Phinney**, who did not seek reelection. Phillips returns to the council after serving for three years on the school board. Planning board member **Lee Pratt** was one of the challengers who lost his bid. He collected 1,131 votes.

*Houlton:* In a six-way race for three open town council seats, incumbent **Jane Torres** won reelection with 747 votes, while former Councilor **Susan Tortello** collected the most votes with 950, followed by former Councilor **Hal Britton** with 741. **Christian Robinson**, who filled the unexpired term of **Matthew Carr**, who resigned in January, received 616 votes. Two other challengers garnered 526 and 327 votes. **Brent Dickison** did not seek reelection.

*Lewiston:* A Dec. 21 runoff election was scheduled to decide whether **Ben Chin** or former Councilor **Shane Bouchard** would be the city's next

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mayor, to replace outgoing Mayor **Robert MacDonald**. Neither candidate received more than 50 percent of the vote in the five-way race, forcing the runoff. Chin received 42 percent of the Nov. 7 vote, or 4,239 votes, while Bouchard received 29 percent, or 2,979 votes. The runoff results were not available at press time.

Meanwhile, in city council elections, Ward 1 Councilor **James Lysen** and Ward 5 Councilor **Kristen Cloutier** ran unopposed, collecting 1,058 and 567 votes, respectively. In Ward 2, **Zachary Pettengill** held off a challenger by a vote of 1,005 to 760 to replace outgoing Councilor **Timothy Lajoie**. Pettengill has served as an associate planning board member. In Ward 3, **Alicia Rea** ran unopposed and won 786 votes to replace outgoing Councilor **Isobel Calderwood Golden**. In Ward 4, **Michael Lajoie** received 1,402 vote to replace mayoral candidate Bouchard. Lajoie is a former fire chief a four-term state representative. In Ward 6, incumbent **Joline Landry Beam** defeated **Pauline Gudas** by a vote of 1,122 to 580. Beam, a former state representative, served as councilor from 1989 to 1993 and was elected again in 2015. Gudas has served on the city's planning and appeals boards. In Ward 7, **Michael Marcotte** defeated **Thomas Shannon** by a vote of 833 to 586 to replace outgoing Councilor **Michael Lachance**. Marcotte has served on the city's finance and planning boards, as well as the Androscoggin County budget committee. Shannon is a former state representative who served nearly 30 years on the

school board.

**Lisbon:** **Fernand Laroche** received 1,684 votes for a three-year term to replace Town Councilor **Dale Craft**, who did not seek reelection.

**Oakland:** **Robert Nutting** was elected to the town council with 832 votes, defeating **Kelly Roderick**, who received 737 votes. Nutting, a former state representative, replaces **Mark Fisher**, who did not seek reelection. Roderick has served on numerous town committees and boards, including the budget committee and newly-formed comprehensive planning board.

**Old Orchard Beach:** Incumbents **Jay Kelley** and **Joseph Thornton** held off a challenge by former Councilor **Roxanne Frenette** to win reelection in a three-way race for two open seats. Kelley garnered 1,626 votes, and Thornton collected just three more votes than Frenette with 1,413 votes.

**Portland:** Incumbent **Jill Duson** prevailed in a three-way race for the city's at-large council seat. She collected 44 percent of the vote, or 8,597 votes, winning over her challengers by thousands of votes. District 4 incumbent **Justin Costa** also won comfortably, outpolling his challenger by a vote of 2,700 to 1,277. Newcomer **Kimberly Cook** easily held off two challengers with 2,462 votes, compared to 872 and 566 votes. Cook replaces **David Brenerman**, who did not seek reelection and had endorsed Cook for the District 5 seat.

**Rockland:** Incumbent **Valli Geiger** won reelection to a second three-year term with 768 votes, while newcomer **Lisa Westkaemper** received 1,020 votes

to replace Mayor **William Clayton**, who did not seek reelection. A third candidate received 757 votes. The council elected Geiger as the city's new mayor on Nov. 20.

**Sabattus:** Newcomer **Nicholas Gayton** defeated incumbent **Michelle Ames** by a vote of 436 to 197. A third candidate received 275 votes.

**Sanford:** In a four-way race for two seats on the city council, incumbents **Joseph Hanslip** and **Maura Herlihy** received the most votes with 2,029 and 1,899, respectively. Herlihy serves as deputy mayor. Both incumbents easily outpaced their challengers by hundreds of votes. They will both serve three-year terms.

**Topsham:** Voters reelected **Ruth Lyons** and **David Douglass** as selectmen with 2,054 and 1,462 votes, respectively, easily defeating one challenger. Douglass, chairman of the board, and Lyons will serve three-year terms.

**Vassalboro:** **John Melrose** received 517 votes to complete the term of **Philip Haines**, who died in September. The two other candidates received 320 and 169 votes. Melrose will serve until the 2018 spring annual town meeting, when voters will elect someone to serve a full three-year term.

**Waterville:** Incumbent Mayor **Nick Isgro** was reelected to a second 3-year term with 1,737 votes. His challengers, former City Councilor **Erik Thomas** and a third candidate received 1,496 and 258 votes, respectively. Isgro, 36, is assistant vice president and controller at Skowhegan Savings Bank. In council races, Ward 2 incumbent **Nathaniel**

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- Rick Bronson, Town of Baileyville Town Manager



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**White**, a part-time Winslow firefighter, defeated a challenger by a vote of 257 to 195. In Ward 4, incumbent **Sydney Mayhew** defeated a challenger by a vote of 466 to 313.

*Windham:* **Rebecca Cummings** defeated incumbent Town Council Vice Chairman **David Nadeau** by a vote of 1,786 to 1,546. In a three-way race for the open at-large seat, **Clayton Haskell** defeated incumbent **Brett Jones** by a vote of 1,230 to 1,061. A third candidate received 837 votes.

*Winslow:* Selectman Chairman **Steve Russell** defeated a challenger by a vote of 325 to 106, while incumbent **Jerry Quirion** and his opponent **Lee Trahan** tied with 173 votes following a recount. The original vote was 173 to 170 in favor of Quirion. In late November, Quirion announced he planned to file a lawsuit over one "sloppy" ballot that he said should be discarded, giving him a one-vote win. The town council was set to discuss a special election to re-do the election.

*Winthrop:* Incumbent Town Council Chair **Sarah Fuller** was the top vote-getter with 1,049 votes in four-way race for two open seats. **Scott Eldridge** won

the second seat with 757 votes to replace **Linda MacDonald**, who did not seek reelection. Two other candidates garnered 660 and 442 votes.

*Woolwich:* Incumbent Selectmen **Ja-**

**son Shaw** and **Allison Helper** received 743 and 669 votes, respectively, to win reelection to three-year terms, holding off a challenger who collected 272 votes. ■

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# PEOPLE



**Mitch Berkowitz**

Naples selectmen in mid-November hired former Bridgton Town Manager **Mitch Berkowitz** as interim manager as they continue their search for a permanent replacement for **Ephrem Paraschak**, who was named Gorham town manager in September. In addition to Bridgton, Berkowitz is a former manager of Gray and twice worked as acting manager in Jackman. Town Clerk **Judy Whynot** had served as acting manager, in addition to her duties as clerk, since Paraschak's departure.



**Kristen Cloutier**

Lewiston City Council President **Kristen Cloutier** was named a recipient of the 2017 Elected Women of Excellence Award by the National Foundation for Women Legislators. The award recognizes women who have worked to serve and improve their communities, including breaking down hurdles that sometimes discourage women from seeking election. Cloutier was first elected to the city council in 2013 and is now serving her third, two-year term. She is serving her second year as council president. She was presented the national award during the foundation's 2017 annual conference on Nov. 14 in Minneapolis, Minn.



**Joel Cummings**

**Joel Cummings** was promoted from Skowhegan police sergeant to deputy police chief in late November. He has worked for the department since 1989, including a stint early this year as acting chief. Cummings is a U.S. Army veteran who worked as a military policeman for five years. Cummings will oversee the day-to-day operation of the patrol division.

Ogunquit Parks and Recreation Com-

mittee member **Jason Corbin** was named the town's 2017 outstanding citizen by the Ogunquit Chamber of Commerce. Among his many efforts and accomplishments includes establishing the Ogunquit Spirit of Giving Committee, which has provided Christmas gifts to thousands of adopted and foster Maine children.



**Ann Dean**

After 10 years of service, **Ann Dean** announced she will retire at year's end as Washington town clerk, treasurer, tax collector and deputy registrar of voters. Dean has served on many town and regional boards, including the Tri-County Solid Waste Management Committee, the Midcoast Municipal Association and the Government Survey, Conservation and Mining Ordinance Review panel. Detail-oriented and knowledgeable, Dean was praised for helping the town move forward and to stay updated on important issues and regulations. Dean, known for her sense of humor, plans to move to Florida after retiring.

The Portland City Council voted unanimously in November to extend the contract of City Manager **Jon Jennings** by three years. Jennings was named city manager in June 2015, leaving his position as South Portland economic development director. Jennings will receive a 12 percent pay raise over the extension period as long as he meets the council's annual goals. His car allowance and the city's contribution to his retirement also will increase.

Code enforcement clerk **Roxy LaFrance** was named Rockland tax assessor in November. LaFrance, who also worked as clerk for the Public Services Department, was appointed assessor's agent in October. She passed the state assessor's examination in early November on her first attempt. Her previous career was in health care. She holds an associate's degree from Thomas College.

The Damariscotta select board honored outgoing Selectman **George Parker**, who has served the town in many capacities over three decades. Selectmen

held a reception for Parker and welcomed new Selectman **Louis Abbatoni**, who won the seat in a five-way race on Nov. 7.



**Dana Reed**

Tremont Town Manager **Dana Reed** ended his 31-year municipal career in Maine in late November, but agreed to continue managing town operations and to help the new manager when hired. Six final candidates were interviewed on Nov. 27 and 28; Reed's official last day was Dec. 1. Employees, local officials and residents attended a retirement party for Reed on Nov. 29. Reed served as manager of Bar Harbor from 1986 to 2014, when he moved across Mount Desert Island to take the Tremont job.

**Chelsea Summers** was named Hope town clerk and tax collector by selectmen in November, following the resignation of Bobbi Oxtan earlier this year after two years. Summers previously worked as a supervisor for Coastal Opportunities, a Camden-based nonprofit that assists adults with developmental disabilities.



**David Unger**

Castine selectmen and town office staff honored former select board Chairman **David Unger** after his final meeting on Nov. 6. Unger initially came to Castine as manager and later sought election as selectmen, serving five straight terms over 15 years. Unger, who is an active volunteer in the town, was surprised with a plaque from selectmen.

**Anthony "Tony" Wess** received 170 votes to easily defeat two challengers in a Nov. 28 special election to replace Winthrop Town Councilor June Bubier, who resigned in early October with one year left on her term. Wess, who recently retired after running a motel and cabin business for 30 years, will begin serving immediately. The other candidates collected 94 and 46 votes. ■

## STATEWIDE

More pedestrians have been killed by vehicles in 2017 than in any year since 1994. As of late November, 18 people were killed by cars and trucks – and two more were killed a week after the state released its report. It is the fifth deadliest year for walkers and runners on record; 22 people were killed in 1994. Many Maine cities and towns have made significant sidewalk, crosswalk and signal improvements to enhance pedestrian and bicyclist safety in recent years. Local and state officials say they have not yet determined why safety has not lowered the number of fatalities. Many of the people killed were not in crosswalks, although those do not guarantee safety. Generally, most pedestrian deaths occur at dawn and dusk. Although more people are struck by vehicles in large cities and towns, more people are killed in rural areas because motorists are driving faster.

## STATEWIDE

The Portland-based nonprofit Cultivating Community has won a \$598,000 federal grant to help new farmers and to grow existing farm businesses under the Beginning Farmer and Rancher Development Program. Cultivating Community, which has helped create 50 farm businesses in eight years in Maine, is one of two organizations in the U.S. to receive grants in all three cycles: 2009, 2014 and now 2017. The new grant will help generate 30 more farming operations across Maine. A new focus of the program is to help military veterans begin farming businesses.

## GRAY

A special study panel recommended the town buy a new rescue ladder fire truck at an estimated cost of \$1.4 million. The committee studied various options, including repairing the town's 1996 truck or sharing a truck with a neighboring town. Although the truck is performing fine, its age is showing and officials said its replacement at this time has long been planned. Voters in June elected to create a \$500,000 reserve account for a new truck. The new truck would have a higher aerial reach, but otherwise would feature few changes.

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

Highlights of what's been added at [www.memun.org](http://www.memun.org) since the last edition of the Maine Townsman.

**Municipal Interns.** The Margaret Chase Smith Center at the University of Maine is working closely with the Maine Municipal Association and municipal managers on expanding internship opportunities for cities, towns and college students.

**LD 1.** Maine Municipal Association has released work sheets to help members calculate LD 1 property-tax levy limits. Completing the work sheets is not mandatory, but does help assure that your town or city complies with Maine law on the rate of property tax increases.

**Christmas Tree Policy.** The state's Public Safety Department has re-issued safety-related guidelines about the use of live trees in public building and settings.

**Tourism Survey.** The state Office of Tourism wants local leaders to complete a survey about tourist-oriented assets in your communities.

## PORTLAND

The city council in Maine's largest city voted 8-0 in November to require contractors to pay prevailing wages to their employees when building new projects that get tax breaks. The state Department of Labor sets prevailing wages annually by county for state construction projects exceeding \$50,000. The average prevailing wage in 2017, including fringe benefits, was about \$20 an hour.

## PRESQUE ISLE

Police are cautioning the public to take care to protect their homes when they are left abandoned for any number of reasons and to notify them so officers can keep an eye out while on patrol. Empty homes invite burglaries, vandalism and so-called "squatters." The problem is common in many of the state's municipalities. Many homes and camps are unoccupied during the winter, when homeowners head south to escape the winter, or when elderly property owners are hospitalized or die. Often, the heirs of deceased parents inherit a house, but don't ensure it is protected while unoccupied or being marketed for sale.

## ROCKLAND

Amtrak officials planned to make trial runs to Rockland this month to test the viability of extending its Downeaster rail service from its existing last stop in Brunswick to the iconic coastal town. If all goes well, service would be offered from May through September – the height of the tourism season – starting in 2018.

The Downeaster would replace the former Maine Eastern Railroad service from Brunswick to Rockland, which ended in 2015.

## WESTBROOK

The city was awarded a federal Homeland Security grant for \$8,600 to buy 20 ballistic vests for police, firefighters and EMTs, officials announced in November. Nationwide, only \$160,000 was awarded to municipalities for the vests, which will be worn by Westbrook first responders during any confirmed or possible "active shooter" incidents. The vests will be worn over regular gear.

## WISCASSET

The town filed a lawsuit against the Maine Department of Transportation to halt a major downtown reconstruction project, arguing the project would "adversely affect the historic character and viability" of its village, and that it still does not comply with local ordinances and state laws. The project cost is officially pegged at \$5 million – the idea of a \$100 million bypass has long been ditched. Among the disputed issues are the state's plan to widen Route 1 through the village, eliminate parking and erecting traffic lights. Residents have voted on the controversial project twice, most recently this summer, when they rejected the revised plan. Town officials are asking the court to direct the state to stop the project until all issues are resolved. ■

# 2018 MMA HOLIDAY SCHEDULE

## 2018 HOLIDAY SCHEDULE MAINE MUNICIPAL ASSOCIATION

<u>Holidays</u>	<u>Day/Date to be observed</u>
Christmas Day (2017)	Monday– December 25, 2017
New Year's Day	Monday – January 1, 2018
Martin Luther King, Jr. Day	Monday – January 15, 2018
Washington's Birthday/Presidents' Day	Monday - February 19, 2018
Patriots Day	Monday - April 16, 2018
Memorial Day	Monday - May 28, 2018
Independence Day	Wednesday – July 4, 2018
Labor Day	Monday – September 3, 2018
Columbus Day	Monday - October 8, 2018
Veterans' Day	Monday – November 12, 2018
Thanksgiving Day	Thursday - November 22, 2018
Thanksgiving Friday	Friday – November 23, 2018
Christmas Day	Tuesday – December 25, 2018

**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.

# LEGAL NOTES

## Local Food Sovereignty

In June 2013 Blue Hill farmer Dan Brown was fined by the Hancock County Superior Court for selling raw, unpasteurized milk at his farm stand and at local farmers' markets without State-required licenses and labeling. Brown had argued, among other things, that the town's Local Food Ordinance exempted him from such requirements as long as his sales were directly to consumers for home consumption. But the court was unconvinced and ruled against him, so he appealed.

One year later the Maine Supreme Court handed down its decision in *State of Maine v. Brown*, 2014 ME 79. It affirmed the lower court's decision, holding that the State's food safety laws "occupied the field" and that any ordinance exempting local farmers from these laws would frustrate their purpose and would therefore be preempted and legally unenforceable (see "Local Food Ordinance Preempted – Law Court," *Maine Townsman*, Legal Notes, July 2014).

The Law Court's decision prompted local "food sovereignty" advocates and sympathetic legislators to press for a change in the law, and on June 16, 2017 the Governor signed into law "An Act To Recognize Local Control Regarding Food Systems." This vaguely worded new law authorized municipalities to "regulate by ordinance local food systems" and required the State to "recognize such ordinances." What this meant exactly was not at all clear, although presumably the law was intended to legalize the handful of ordinances like Blue Hill's that already purported to exempt direct producer-to-consumer sales from State (and federal) food safety laws.

Not long afterward, though, the U.S. Department of Agriculture notified the Governor that if the new law were allowed to stand, the federal government itself would step in to enforce meat and poultry inspections, which would impact all meat and poultry producers and threaten the entire slaughtering and processing infrastructure in Maine. The Governor therefore proposed emergency legislation excluding meat and poultry from the new law and making other important changes as well. This bill was passed overwhelmingly by the Legislature and signed into law by the Governor on Oct. 31, 2017.

The refurbished law (now "the Maine

## MUNICIPAL CALENDAR

**JANUARY 1** — New Year's Day 2018 – A legal holiday. (4 M.R.S.A. §1051)

**ON OR BEFORE JANUARY 15** — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333-0011 [22 MRSA §4311].

**JANUARY 15** — Martin Luther King, Jr. Day - a legal holiday (4 MRSA §1051).

**BY JANUARY 20** — Treasurer of State to post notice of maximum interest rate which can be charged on delinquent taxes (36 M.R.S.A. §505).

**JANUARY 31** — Deadline to submit quarterly withholding taxes to State Tax Assessor (36 MRSA § 5253).

**DURING JANUARY** — In towns with a March annual meeting, selectmen should begin preparing the town meeting warrant and town report. Obtain reports from all departments: schools, roads, etc. Arrange to have annual audit made before town meeting. ■

Food Sovereignty Act") authorizes municipalities to adopt ordinances "regarding direct producer-to-consumer transactions" and requires the State to "recognize such ordinances by not enforcing those state food laws" relating to these sales. In effect, this first-of-its-kind law now enables municipalities, by ordinance, to simply declare that direct producer-to-consumer sales of certain local foods and food products are exempt from State food safety laws. Such an ordinance could also impose local food safety requirements, but this is not mandatory. If a municipality opts not to adopt a food sovereignty ordinance, all food sales, including direct producer-to-consumer sales, remain subject to all State food laws.

It is especially noteworthy that in addition to excluding meat and poultry, the revised law also contains a much more restrictive definition of "direct producer-to-consumer transaction." It must not only be a "face-to-face" transaction, it must also take place "at the site of production" of the food or food product. In other words, Dan Brown's farm stand would still qualify, but the farmers' markets he also sold at would not. The scope of permissible local "sovereignty" under the revised law is thus comparatively limited.

Municipalities that have adopted or are considering adopting food sovereignty ordinances should carefully review them

to ensure they are consistent with these statutory limitations. (Most ordinances circulating on food sovereignty websites are not.) MMA does not have and does not anticipate drafting a one-size-fits-all model ordinance, in part because different communities are apt to have differing ordinance objectives. Instead, we recommend that interested municipalities work with local legal counsel to prepare an ordinance that both conforms to the statute and meets local objectives.

Besides a food sovereignty ordinance, there are other ways to support local farms and the locavore movement. Farmers' markets and community gardens spring to mind. The website for the Maine Federation of Farmers' Markets ([www.maine farmersmarkets.org](http://www.maine farmersmarkets.org)) includes loads of information on promoting farmers' markets and keeping them legal. We also offered several suggestions on how municipalities can assist with community gardens in an earlier issue of this magazine (see "Community Gardens," *Maine Townsman*, Legal Notes, April 2009). The Maine Farmland Trust, a statewide non-profit dedicated to farmland preservation and promoting local agriculture, also offers a wide variety of innovative ideas and technical assistance on its website ([www.maine farmlandtrust.org](http://www.maine farmlandtrust.org)).

The newly revised Maine Food Sovereignty Act can be found at 7 M.R.S.A. §§ 281-286. (By R.P.F.)

# LEGAL NOTES

## Jury Duty

**Question:** One of our employees has been summoned for jury duty. What are our legal obligations as an employer?

**Answer:** Employers are not required to pay employees while they are on jury duty, but an employer cannot discharge an employee or terminate their health insurance coverage or threaten or otherwise coerce an employee with respect to employment or health insurance coverage if the employee is summoned and serves as a juror or attends court for prospective jury service (see 14 M.R.S.A. § 1218).

Any violation of this law is a Class E crime. Also, any employee who is discharged or whose health insurance is terminated in violation of this law may sue civilly for the recovery of wages or health insurance benefits lost and for a court-ordered reinstatement of the employee. If the employee prevails, the employee is also entitled to reasonable attorney's fees.

The law applies to all employers in Maine, both public and private, and regardless of the number or type of employees.

Although employers are not legally required to pay employees while on jury duty, many do so voluntarily, at the employee's regular rate of pay, to prevent the financial hardship that jury duty may otherwise impose on employees. Where this is the practice, it should be memorialized in the employer's personnel policy. The policy should also require employees to turn over to the employer all jury service compensation (now \$15 per day, see 14 M.R.S.A. § 1215) immediately upon receipt.

Incidentally, Maine's jury laws were amended this year to eliminate the long-standing exemption of judges, attorneys, sheriffs, physicians, dentists and veterinarians from jury duty (see PL 2017, c. 275, eff. Nov. 1, 2017). Only the Governor and active duty military are now exempt. (By R.P.F.)

## Tax Discount for Homeowners?

**Question:** Can we offer a tax discount for homeowners only?

**Answer:** No. State law does not authorize it, nor is there any municipal "home rule" in the field of taxation (see Me. Const. art. IX, § 9). (We've given the same answer to a similar inquiry about a tax discount

for seniors citizens, see "Tax Discount for Seniors?," *Maine Townsman*, Legal Notes, December 2012.)

Maine law does authorize the municipal legislative body (town meeting or town or city council) to give a discount (the statute unfortunately uses the term "abatement," which is grossly misleading) of up to 10% to taxpayers who pay in full on or before a certain date, but this must be offered, if at all, to *all* taxpayers regardless of the type of taxpayer or the class of property (see 36 M.R.S.A. § 505(5)). Most municipalities that offer a tax discount set the amount in the 2-3% range.

A suitable warrant article would read: "To see if the town will vote that all taxpayers who pay all taxes due and payable for the current year prior to \_\_\_\_\_, 20\_\_ shall be entitled to a discount of \_\_\_% thereon."

Maine law also authorizes a municipality, by ordinance, to establish its own "homestead" property tax assistance program (see 36 M.R.S.A. § 6232) – akin to but in addition to the State's Property Tax Fairness Credit. Only a few municipalities have adopted such a program, however, due no doubt to the fact that it must be entirely locally funded. (By R.P.F.)

## School Bus Purchases

Believe it or not, we get questions from time to time about school bus purchases. Here's a synopsis of Maine law on the subject.

Under 20-A M.R.S.A. § 5401(15), school administrative units (municipal schools, RSUs, CSDs, AOLs, and so on) may acquire school buses by purchase from current funds, by purchase funded by a short-term loan, or by lease-purchase.

All school bus purchases are subject to approval by the Commissioner of Education, who may approve up to \$5,000,000 annually in outright purchases, plus an

additional sum for annual payments on loans and lease-purchases. The Commissioner must encourage schools, whenever possible, to purchase buses from current funds rather than using short-term loans.

Loans and lease-purchases may not exceed a five-year term. Loans must be authorized by the school unit's legislative body (in a municipal school unit, either the voters or a town or city council, depending on whether there is a municipal charter; in all other types of school units, the voters).

Lease-purchases, however, do not require approval by the unit's legislative body if funds sufficient for the initial lease-purchase payment have been appropriated by the unit's legislative body. This is an exception to the general rule that multi-year contractual obligations require the approval of a municipality's legislative body – again, either the voters or a town or city council, depending (see "Multi-Year Contracts," *Maine Townsman*, Legal Notes, February 2011).

In general, the superintendent of a school unit, with the approval of the school board, is authorized to provide for the transportation of school students. For details, see other provisions of 20-A M.R.S.A. § 5401. (By R.P.F.) ■

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# Maine Municipal Bond Bank

## 2018 SPRING 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 Spring Issue.

FEBRUARY						
				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			

### Wednesday, February 14th

Application Deadline.

### Wednesday, March 21st

Application approval (Board Meeting).

### Monday, April 9th

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

MARCH						
				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

### Wednesday, April 11th

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

### Monday, April 23rd & Tuesday, April 24th

Maine Municipal Bond Bank Pricing.

APRIL						
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					

### Wednesday, April 25th

Maine Municipal Bond Bank Sale Meeting (Board Meeting).

### Monday, May 14th

Final documents due from bond counsel.

### Wednesday, May 23rd

Pre-Closing.

MAY						
		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		

### Thursday, May 24th

Closing - Bond Proceeds Available (1:00 PM)

If you would like to participate in or have any questions regarding the 2018 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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that feels like part of  
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Shana Cook Mueller



Lee Bragg



Nelson Toner



Zack Brandwein



Ginny Coull



Janet Davis

Meet the Municipal Finance Team. With many decades of experience, we specialize in public finance, tax-exempt bonds and various other financing options for public entities. We find ways to provide our services in the most cost-effective manner to save our clients legal costs over the long term.



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