

Maine Townsmen

The Magazine
of the Maine Municipal Association

NOVEMBER 2017

MOST WANTED

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prompts bonuses,
deepens concerns



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Take It Easy



The tales are dramatic – trail runners being stalked by wild things – but wildlife officers report that rabies cases in Maine declined this year.

Municipal training in 2018. We provide a quick look at what's new and improved, municipal training-wise, next year. MMA will hold and staff 85 training sessions throughout the state. [Page 5](#)

Scenes of success. The MMA Convention saw a big attendance increase last month as the Augusta Civic Center welcomed back 1,000-plus attendees. [Page 26](#)

Uniform Concern

Local and county law enforcement officers are getting harder to find. Leaders in the profession cite sagging prestige, long hours and public criticism as factors. [Page 7](#)

Rocky Mountain High

Colorado saw an increase in driving under the influence cases after it legalized marijuana use several years ago. Will Maine witness the same thing? [Page 11](#)

Island Connectivity

Five islands that comprise Cranberry Isles had an Internet problem. Then residents organized, the municipality invested and progress was made. [Page 23](#)

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A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

Sneak preview: MMA training highlights, 2018

This time of year, Alicia Gaudet, our Manager of Educational Services, and I sit down to map out the upcoming year's training calendar. We keep notes and emails from members about training suggestions that you make (topics, locations, and times of year when certain subjects are most relevant) and we do our best to address them.

A priority is to add new topics, responding to recent developments and needs that affect our members, sometimes in profound ways. In 2017, legal marijuana was the prime example. Our offerings on that subject have been incredibly well-attended. Feedback about the quality of the presentations was excellent.

With this column, we want to preview highlights about 2018. Alicia and I thank the members who made the suggestions incorporated here. We also recognize our speakers, many of whom are colleagues at MMA, but who also include municipal leaders and attorneys from private practice who work closely with MMA.

Here goes:

• **Elected Officials and Planning Boards/BOA.** These are bread-and-butter training offerings, seeing that new elected and appointed officials come along every year. We plan to offer these workshops 12 times in 2018 across the state, trying new locations in Ashland, East Millinocket, Ellsworth and South Berwick.

• **Marijuana updates.** This issue is not going away; training will be needed for years to come. We are planning new sessions in July and November 2018, plus a segment at the 2018 Annual Convention, which will be held Oct. 3-4 at the Augusta Civic Center.

• **Vacation home rentals.** The online trend of people renting their homes and apartments to travelers shows no sign of letting up, and there are many municipal implications. Kristin Collins, from the law firm of Preti Flaherty (formerly on staff at MMA) will lead this new workshop, to be held in early April.

• **Running effective meetings.** Several members asked for this training in 2016, and we hired Portland-based meeting guru Nancy Ansheles to lead her first MMA workshop



Alicia Gaudet

this year – to rave reviews. Nancy will be back in 2018, probably in Belfast. We'll hold a separate but related workshop on "parliamentary procedures" as well.

• **Personnel practices, basic and advanced.** We've offered essential training on "best management practices" for years, but some members want us to take that to a higher level, tackling more difficult and sensitive topics. We will develop this with outside experts in 2018.

• **Leading and engaging.** Sometimes it's easy to overlook "soft skills" training when pressing issues like marijuana come along. But leading municipal staffs and engaging citizens are so important. Biddeford City

Manager James Bennett will take on the managing/leading topic for us next fall. We're working with a non-municipal, civic-engagement expert as well.

• **Using technology.** We use video technology to expand our reach, particularly to Aroostook and Washington counties. We work with economic-development offices in places like Caribou and Machias because their video-conferencing centers tend to be available. Video facilities at colleges and schools can be tied up with day and night classes and other priorities.

• **Using our website.** We recently put our popular "Social Media Dos and Don'ts" workshop online, to be viewed at your convenience. It's available in the Multi-Media Library section of our website's member area. If you need help with accessing this, please contact Carol Weigelt or Ben Thomas here at MMA.

• **Kitchen sink.** These are just the new offerings and wrinkles. We will continue training on subjects such as municipal budgeting, aerial drones, grant writing, labor law, exceptional customer service and moderating town meetings.

Look for the complete 2018 Training Calendar at our website (www.memun.org) after Jan. 1, 2018 and in the January and February editions of this magazine. Finally, we love new ideas. Feel free to contact Alicia or me about any of this at 207-623-8428 or via email (agaudet@memun.org; econrad@memun.org). ■



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In Maine, police officers themselves are most wanted

Municipal and county police leaders worry their profession is losing prestige. Filling vacancies is difficult due to factors including dedication, pay, hours and risk.

By Glenn Adams

Police work was long regarded as a profession that simply required round-the-clock vigilance and unwavering devotion, by all who entered it. That's not so much the case anymore, say law enforcement officials in Maine.

That is one of several reasons why, they say, law enforcement isn't so enticing to young people who might otherwise have considered a career in police work. And it's having an impact in Maine as well as the rest of the country.

Leaders of municipal police and county sheriffs' offices are having a harder time attracting, and then keeping, qualified police officers. Municipalities face growing challenges finding the right people to fill their staffs in general, but the most acute shortages are in their police departments.

"In the past, (police work) was seen as a profession. Now it's seen more as a job," said Oxford County Sheriff Wayne Gallant, president of the Maine Sheriffs' Association.

"Those who look at it as a nine-to-five job, we lose them," said Bucksport Police Chief Sean Geagan, president of the Maine Chiefs of Police Association.

Young prospects are less likely to adjust to the idea that if they get into law enforcement, they're always on duty, Gallant said. They want a job that they can leave behind at the end of the day, and that's not the case in police work.

Other issues are in play

"Law enforcement's changed a lot over the last couple of years," Geagan

said. "It's a job that's under scrutiny every day... it's a 24-7 job."

In a survey of the state's sheriffs' departments conducted by the Maine Sheriffs' Association and requested by the Maine Townsman, seven of the 11 departments responding said attracting and hiring qualified candidates has become increasingly difficult.

The reasons most frequently given: Non-competitive pay and changing attitudes toward police work.

Cultural shift

"A cultural shift that makes public service less attractive, constant negative police press coverage, no desire for physical fitness and the loss of honesty as a moral standard," are the reasons for the lack of candidates given by Chief Deputy Robert Young of the Piscataquis County Sheriff's Department.

"In past generations, there was a sense of finding a job you enjoyed and staying there for your career; you were loyal to an institution and a calling. That sense is gone and employees stay a few years and seek other work experiences. In order for law enforcement to continue, we are going to have to change our entire model. Small towns and counties will



Chief Sean Geagan



Sheriff Joel Merry

see the most negative impact because we rely on knowing people and building relationships and trust, something that takes years to build," Young wrote.

While Androscoggin County reported no openings in its department, Sheriff Eric Samson said, "We are not as competitive with hourly wages as local police departments and the state police."

Sagadahoc County Sheriff Joel Merry, whose department had an opening for a patrol deputy, said Maine has "a natural shortage within the workforce in general. Additionally, with a thriving economy, private-sector jobs are very attractive. As a result, wages and benefits being offered in the private sector are difficult to compete with. There is also a shift in generational workforce with many younger workers

not finding public service work appealing due to the nature and conditions of law enforcement work."

Aroostook County is unable to attract as many officers from local police departments as it used to, said Sheriff Darrell Crandall. State police pay raises are fine, but they have also chipped away at the available pool, leaving "many, if not most, counties

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and municipalities at a significant recruitment disadvantage.”

Many of the sheriffs, including Cumberland County Sheriff Kevin Joyce, mentioned the difficulty of attracting corrections officers in particular. The “continual rhetoric about not funding the jails” exacerbates the problem because it causes jail staff to question their job security. Hancock County Sheriff Scott Kane reported difficulty in attracting candidates “In all areas, law enforcement, jail, and dispatch.”

“Law enforcement as a whole is in trouble. This career is not the same as it was in the past. We work a crazy schedule, including times when ‘normal’ people have time off. We are under constant stress and the watchful eye of the public and media who comment on everything we do and second guess our decisions, many made in a split second. Law enforcement is not looked at as a profession which directly reflects in the salary. We have to be a cop, councilor, mental health worker, medical worker and referee every day and if we make a mistake, we are held to task for it. These are just a few of the problems I see and believe.” wrote Kane.

Danger debate

Visible dangers inherent in police work serve to discourage many would-be prospects from wearing the blue. Anyone who sees a newspaper or watches the news is aware of the controversies that have cropped up in localities across the country involving police confrontations – many of them deadly – with citizens. In many cases, police officers are targeted for what they do, said Portland Police Chief Michael Sauschuck, who is looking to fill a dozen openings on his force.

“It’s a more dangerous profession than it’s ever been,” said Sauschuck.

Figures on police shootings can lead to questionable conclusions. As of November 2016, the number of fatal police shootings in the United States, 52, rose 50 percent over the previous year, bolstering a “war of police” narrative, the Washington Post reported. But the spike in deaths included multiple shootings of police that year in Dallas, Texas, and Baton Rouge, Louisiana. Without those, the increase would have been 27 percent.

Despite concerns that police work

is ever more dangerous, figures suggest that the opposite is true. During the 10-year period between 2006 and 2015, the average annual number of fatal shootings of police in the United States was 49.6, down from 114.8 during the 10 years leading up to 1980, BBC News reported in 2016. The downward trend in police deaths is backed up by FBI statistics showing 24 deaths per 100,000 officers in the 10 years leading to 1980, compared to 7.3 deaths in the 10 years leading to 2013.

This trend prompted University of Southern California law Professor Seth Stoughton, himself a former police officer, to discredit the notion that officers are more threatened, assaulted and killed on the job, the BBC said. The Post analysis concluded that police work is safer.

Negative perceptions of the job are also fueled by reports of shootings by police.

The Washington Post counted 984 people fatally shot by police in 2015, and 963 in 2016. As of mid-September, 706 people had been shot and killed by police for 2017, according to the Post tally. These incidents trigger angry demonstrations that can further serve to dull the luster on police work.

Portland bonuses

Facing these challenges, Portland is offering \$10,000 bonuses to find officers to fill the 12 openings in its police staff, which has 166 authorized positions. The openings have been there for months and Sauschuck expects they’ll remain into the foreseeable future.

“This is the highest (number of openings) I’ve seen in some time,” said the chief. The shortage isn’t causing major problems in enforcement, but it places an extra burden on those



Sheriff Wayne Gallant



Chief Michael Sauschuck

officers who are on the job, he said.

Portland is also expanding its horizons in the search for new officers. Sauschuck said that in addition to participating in job fairs in Maine, it sends recruiting teams to places as far as Washington, D.C., and Virginia, using Maine’s quality of life as a selling point.

Portland also uses social media as a recruitment tool and to make the background check process as smooth as possible, without easing standards, said Sauschuck.

Oxford County’s Gallant said another strategy, which his department has adopted, is an internship program in which some of Maine’s colleges participate. Departments also look at lateral transfers to ease shortages. Aroostook County has been trying to place experienced

candidates on the wage scale on a year-for-year experience basis to be as competitive as possible, Crandall said.

Androscoggin’s county commissioners are negotiating with their employees to address wage disparities, said Samson. Knox County is looking at what other nearby police departments, sheriffs’ offices and prisons are paying, said Knox Sheriff Donna Dennison. Penobscot uses job fairs, college and school recruitment, new advertising methods, and hiring full time vs. part time to start, said Sheriff Troy Morton.

“Our best recruiters are the folks who currently work as law enforcement officers and corrections officers. Most of them enjoy working here and when they talk positively about our Sheriff’s Office, it does generate applicants,” said Waldo County Sheriff Jeff Trafton.

Attracting officers is more of a challenge for smaller departments than large ones, Gallant said, because

the small ones don't have budgets to recruit.

National trend

The demand in Maine is part of a national pattern. In some cities, applications for police jobs were down 90 percent, ABC News reported in July.

Reflecting at least a portion of the pattern, the Maine Criminal Justice Academy posted openings for 15 full-time police officers, plus several part-time and corrections officers, state troopers and dispatchers in September.

Sheriffs' offices looking to fill positions included Aroostook and Cumberland, while municipal departments looking for full-time officers included Gardiner, Brunswick, York, Wiscasset, Biddeford, Carrabassett Valley, Old Town, Sanford, Gouldsboro, Dixfield, Brewer, Wilton, South Portland and Rockland.

Attracting new officers is only part of the problem. Once a qualified new officer is landed, he or she may be sought after by a larger department, which may offer a bounty as an enticement. Newport Town Manager Jim Ricker says one of his greatest frustrations is keeping his six-member police department at full strength as larger departments lure officers away.

This is why a police department that recruits an officer from another department in Maine must pay a reim-

bursement for the cost of training at the Maine Criminal Justice Academy. Under state law, reimbursement must be for the full cost of training for the first year after the officer's graduation. The rate declines through the fifth year after graduation.

But even Maine's biggest departments, such as Portland's, are vulnerable to recruitments by even larger departments from out of state, noted Sauschuck.

Many factors cited

In Piscataquis County, a task force that was created to deal with the shortage of police officers concluded that the demand resulted from stagnant pay, difficulties posed by work schedules in balancing work with private time, risks inherent in police work, negative public perceptions about police use of force and the changing nature of police work. Unemployment nationally is at a 30-year low, so potential applicants are being drawn elsewhere.

The mean hourly wage for police and sheriffs' patrol officers nationally was \$30.17 and mean (average) annual wage was \$62,760 as of May 2016, according to the U.S. Labor Department's Bureau of Labor Statistics. In Maine, the comparable mean wage was \$21.97 per hour and \$45,700 per year. In Portland, the average annual pay is \$54,000.

Police shortages hit departments of all sizes, but perhaps hardest in many smaller departments where the absence of one or two officers can translate into half of the department. Of the 133 municipal and county police agencies Maine, nearly half (62) have one to eight officers, according to the Criminal Justice Academy's 2016 Annual Report to the Legislature. Thirty-six have nine to 19 officers, 16 departments have 20 to 64

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officers, and three have 65 or more officers. The 16 sheriffs' offices have a total of 380 officers. The number of full-time police and sheriffs' officers was 1,971, and part-time police totaled 806, the report says.

In addition, the state police and other state law enforcement agencies had 872 officers, and 23 correctional agencies had 1,542 officers, according to the annual report.

Academy not affected

The shortage of qualified officers affecting police departments is not reflected in numbers of candidates who are trained at the Criminal Justice Academy, which runs two classes per year. John B. Rogers, director of the Vassalboro academy, said each class averages about 50 candidates. In his nearly 15 years at the academy, classes have ranged from about 60 to lows in the 30s.

"My numbers have been pretty consistent over 15 years," said Rogers. "I am not seeing a downturn in applicants."

Rogers pointed out that if a department has fewer, or even more, applicants for a certain number of openings, he would not see those numbers. He only sees those who meet local department screenings and are sent to the academy.

For the latest class, which started in mid-August, the academy received 138 names of candidates seeking qualification for training for police openings or anticipated slots, said Rogers. Of those, 64 qualified for the class (four chose not to go). A class can handle a maximum of 64. The academy provides rigorous training, with the bar set high in physical as well as academic disciplines.

Training includes firearms, professional values, mechanics of arrest, restraint and control, emergency vehicle operations, physical fitness and studies of the laws candidates will enforce. While the courses and standards never get easier, they do not seem to deter new candidates drawn to the law enforcement field. For example, Rogers said he used to see 50 percent of the candidates wash out because they failed the rigorous physical standards. "Now, it's 10 percent," he said.

"I see people in much better shape today going into the academy," Rogers added. ■

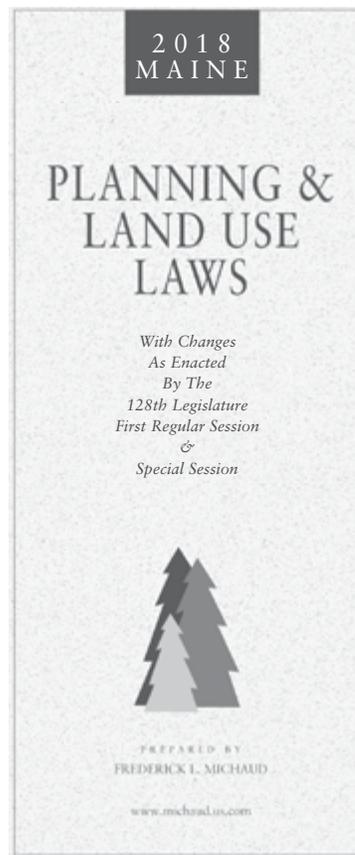
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Too soon to tell if legal marijuana will increase OUI encounters

While some of the data conflicts, other legalized states have seen their rates of under-the-influence accidents and arrests jump, according to multiple reports.

By Glenn Adams

With recreational marijuana legal in Maine, police are waiting to see whether heightened drug use will lead to more accidents on the state's roads – a scenario that haunts other legalization states.

Some Maine law enforcement officials see little change from past years, and others say the full effects of legalization will play out in the future. Meanwhile, with no tools to measure marijuana intoxication as blood-alcohol content is measured, police are trying to get ahead of the curve by training drug-recognition experts, or DREs, as rules are developed and refined to regulate cannabis.

By a tiny majority, Maine voters in November 2016 enacted the "Marijuana Legalization Act," which allows possession and use of the drug on private property by those 21 and older and a limited number of pot plants owned by users. The law went into effect on Jan. 30, 2017.

It also set into motion a legislative effort to set rules for taxing marijuana and regulating sales. While the study committee delved into the devilish details of licensing a commercial system of cultivation, processing and retail sales, it did not deal with drugged driving issues, leaving the highway-safety aspects undefined. Police are waiting for some kind of guidance.

'Jury's still out'

"The jury's still out until we have something in writing," said Bob Schwartz, executive director of the Maine Chiefs of Police Association. So far, Schwartz said he hasn't heard of any noticeable surge in marijuana-

related accidents.

Col. Robert Williams, chief of the Maine State Police, said that without a testing system in place, there's no way to say troopers are seeing more pot-impaired drivers on the highways since legalization took effect.

"We can safely say we don't have the numbers," Williams said. However, state police do see more people who are under the influence of drugs. Sometimes, there are as many as seven or eight drugs in their systems.

Chief Ed Tolan of the Falmouth Police Department, past president of the chiefs association, said police are "bewildered" by the lack of written guidelines on marijuana-driving enforcement since the new law took effect. But as far as an increase in marijuana-related violations, Tolan hasn't seen anything yet.

Such a rise might have been detected when Cumberland, Falmouth, Yarmouth and Gray police departments organized a detail to look for operating under the influence violations, but nothing significant showed, he said.

"We have not seen an increase in accidents due to drugged driving," said Tolan. "We see more accidents due to distracted driving."

"The big change is going to come when social clubs open," the Falmouth chief added. Rather than buying their pot and driving home to smoke it, social club patrons will smoke on site and in many cases will take to the roadways afterward, Tolan predicted.

Maine's county sheriffs likewise see



Chief Edward Tolan

no increase in accidents and/or fatalities since marijuana legalization kicked in. All six sheriffs and a chief deputy who responded to a survey by the Maine Sheriffs' Association answered "no" when asked if they'd seen an increase.

Sagadahoc County Sheriff Joel Merry noted, "While we have had one more fatality compared to last year during the same time

period, our overall accidents have been relatively consistent." The other counties responding were Androscoggin, Piscataquis, York, Hancock and Waldo.

While the aforementioned, proposed marijuana sales legislation attempted to clarify a lot of issues, it sidestepped regulation of social clubs by placing a moratorium on them until June 1, 2019. The delay allows lawmakers time to develop specific rules for social clubs.

Massachusetts campaign

The tie between marijuana use and highway accidents remains unknown in Maine. But in Massachusetts, where voters have also legalized the drug, state officials are making sure the public knows driving stoned is against the law. Police who see a driver or passenger smoking pot in a car can stop the vehicle, and possibly issue a citation.

Massachusetts Gov. Charlie Baker's public safety agency launched a TV, billboard and radio ad campaign featuring the slogan, "Drive high? The crash is on you." The ads were inspired by similar ones run in Colorado

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after marijuana was legalized there in 2012, the State House News Service said.

Besides Maine, Massachusetts and Colorado, Washington, Oregon, California, Alaska, Massachusetts, Nevada and Washington, D.C., allow marijuana to be legally used.

Studies aimed at quantifying the effect of marijuana use on highway safety have produced varying and sometimes conflicting results.

The Highway Loss Data Institute, an insurance industry research group, examined collision claims in Colorado, Washington and Oregon that were filed between January 2012 and October 2016 and compared them to surrounding states without recreational marijuana laws. The report concluded that the claims increased 2.7 percent since the legal marijuana sales began, compared with the surrounding states.

“More drivers admit to using marijuana, and it is showing up more frequently among people involved in crashes,” the institute’s analysis says.

Collisions on the rise

Collision claim frequency rates were 14 percent higher in Colorado than in nearby states after the recreational marijuana market opened in January 2014. Claim frequency was 6.2 percent higher in Oregon, which unveiled recreational sales in October 2015, and in Washington, where shops opened in July 2014, claims rose by 4.6 percent.

“The combined-state analysis shows that the first three states to legalize recreational marijuana have experienced more crashes,” said Matt Moore, senior vice president of the Highway Loss Data Institute. “The individual state analyses suggest that the size of the effect varies by state.”

An American Journal of Public Health study found that after three years of recreational marijuana legalization, changes in motor vehicle crash rates in Colorado and Washington were not statistically different from those in similar, non-legalization states.

An examination of federal and state traffic fatality statistics by the Denver Post sought to shed light on whether Colorado’s highways have become more unsafe since marijuana was legalized there.

The analysis concluded that the number of drivers involved in fatal crashes who tested positive for marijuana more than doubled between 2013 and 2016. Among other things, the analysis showed that 10 percent of the drivers involved in fatal crashes in 2013 tested positive for marijuana. The number doubled to 20 percent in 2016, says the analysis, which examined federal highway safety and coroner data.

Back in the Bay State, the Massachusetts Medical Society warns that the risk of fatal crashes increases, especially for young drivers ages 16-20, when alcohol is combined with marijuana or other drugs.

The society cites a report by the Rocky Mountain High Intensity Drug

Trafficking Area in saying marijuana-related traffic deaths increased an average of 48 percent in the three years following legalization in Colorado, compared to the three years leading to legalization. All traffic deaths increased by 11 percent during the same period.

The national Centers for Disease Control and Prevention cites a study showing that 13 percent of nighttime, weekend drivers have marijuana in their system, up from 9 percent in 2007.

Maine’s stern warning

Studies notwithstanding, the Maine Bureau of Highway Safety does not equivocate in a statement on its website about the effect of marijuana

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Marijuana “produces a dreamy state of mind and creates the illusion that your senses are sharper than ever. While it’s true that your attention becomes focused, you actually become preoccupied with unusual thoughts or visions, not the road. That ‘spaced out’ feeling alters your sense of time and space, making it difficult to make quick decisions, judge distances and speed, and causes slow, disconnected thoughts, poor memory and paranoia. Even hours after the effect is gone, this inability to deal with the unexpected lingers,” says the statement.

The National Institute on Drug Abuse issues a similar advisory, and cited two large European studies that found that drivers with tetrahydrocannabinol (THC) in their blood were roughly twice as likely to be culpable for a fatal crash as those who had consumed neither drugs nor alcohol.

But it also cited a study by the National Highway Traffic Safety Administration that found “no significant increased crash risk attributable to cannabis after controlling for drivers’ age, gender, race, and presence of alcohol in their bodies.”

There is no reliable breath or urine test to assess marijuana impairment, and only a blood test can identify the amount of THC, the main active ingredient in marijuana.

So some states have enacted laws that take the blood-test route. Colorado law says that drivers with five nanograms of active THC in their whole blood can be prosecuted for driving under the influence. However, no matter the level of THC, law enforcement can base arrests on observed impairment, according to the Colorado Department of Transportation. Washington State has a similar law.

Colorado law also says it’s illegal to have marijuana in the passenger

compartment of the vehicle if it’s in an open container, a container with a broken seal, or if there’s evidence marijuana has been consumed, says the DOT. It’s also illegal to consume marijuana on any public roadway in that state.

As of now, Maine State Police are not seeking a five nanogram blood-level standard. The law in its strictest form forbids operating a motor vehicle if the driver has a detectable level of an illegal drug or drug metabolite present in their bodily fluids above a certain threshold, according to an analysis by NORML, which advocates for marijuana law reforms. Metabolites are compounds produced from



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chemical changes of a drug in the body, but not necessarily psychoactive themselves.

Smoking not required

Positively identifying stoned drivers can be tricky business. Besides smoking it, users can eat marijuana that's baked in cookies, or added to chocolate or candy. Because the THC is absorbed through the stomach and not the lungs, at least one major university study questions whether it can be sufficiently identified using the five nanogram standard.

And, as Maine's state police chief said, police often encounter drivers who are on more than one drug – such as alcohol and marijuana. Police also see drivers who are on multiple substances. Each has its own manifestations on the user, effects only a trained drug recognition expert should be able to identify.

"We are training police officers to be able to identify a person who is under the influence of drugs, so if they know that they can call an expert to identify that," said Williams.

Now, there are not enough DREs, and any legislation to be advocated by public safety officials addressing drugged driving is likely to ask for resources to train more DREs, Williams added. Also, there may be a need for more blood technicians to test suspected intoxicated drivers for THC. That is crucial because, as Williams noted, THC leaves the body quickly.

As of August, about 90 of the

2,500 Maine State Police troopers had completed the two-week DRE training, while fewer than 500 had gone through the shorter Advanced Roadside Impaired Driving Enforcement Roadside program, Williams told the Legislature's marijuana study panel. The shorter training sessions have been increased at the Maine Criminal Justice Academy.

Police may face challenges dealing with marijuana-impaired drivers, but in the past they faced similar challenges – and had significant success – in controlling drunk driving, Williams

pointed out.

In a larger view beyond driving, marijuana remains something of a question mark in Maine as well as other states where it's been legalized. Marijuana remains illegal as a scheduled drug under federal law. The U.S. Justice Department in 2013 told prosecutors in states with well-regulated medical or recreational regimes not to prioritize enforcement. But the Trump administration has yet to articulate a clear position on the issue, which leaves the future of legalization clouded. ■



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Confirmed rabies cases down, despite high-profile incidents

A major effort exists to keep rabies from spreading to Greater Bangor and points northward. Officials drop thousands of baited rabies vaccine pills to make that possible.

By Liz Mockler

Unusual and frightening accounts of rabid animals making contact with humans may leave the impression that rabies is on the rise in Maine. But in fact, 2017 is on its way to being a record-low year for confirmed cases in a decade.

In 2006, rabies was confirmed 106 times statewide. That figure stood at 76 last year. As of mid-September 2017, the Maine Center for Disease Control and Prevention recorded 39 confirmed cases.

While most rabies cases involve animal-to-animal contact, several encounters with humans this year have sparked concern. Every year, a rabid animal will bite several people, but the vast majority of cases involve sick, wild animals biting domestic pets, especially dogs and cats.

The biggest rabies culprits in any year are raccoons and skunks. So far this year, 23 confirmed cases involved raccoons while eight skunks carrying the deadly virus were recorded. Foxes and bats also carry the virus. So far in 2017, three cases involved grey or red foxes.

One case involved a rabid grey fox that bit a trucker in Topsham in mid-June. A video of the driver hurling the rabid animal 25 feet across a parking lot after he was bitten went viral on the internet. The fox regained its composure and tried to attack the man again. But the driver out-foxed the sick critter by running it over with his truck.

The story and video of the Topsham incident was even printed in the London-based Daily Mail, a website and newspaper with a daily circulation of 1.5 million. (<http://www.dailymail>.

Liz Mockler is a freelance writer from Randolph and regular contributor to the Maine Townsman, lizmockler@hotmail.com

READ THE REPORT

The Maine Rabies Workgroup issued a report updating professionals and the public on the state of rabies in Maine. You can read the report online at: http://www.maine.gov/dacf/ahw/animal_health/documents/MaineRabiesManagementGuide2017-4thedition.pdf

[co.uk/news/article-4611792/Rabid-fox-attacks-trucker-Maine-throws-25-YARDS.html](http://www.maine.gov/dacf/ahw/animal_health/documents/MaineRabiesManagementGuide2017-4thedition.pdf))

All people bitten by rabid animals are treated before the virus can take hold. The last time a human died of rabies in Maine occurred in 1937, according to state officials.

Hope runner victorious

Another well-publicized case involved a woman being bitten by a rabid raccoon while running on a well-trod but narrow path in Hope. After the raccoon attached itself to her hand, she thrashed the animal and drown it in a nearby mud puddle.

The ordeal frightened her beyond measure and she worried, while running less than a mile to her home, whether the virus would kill her before she could get help. Her mother drove her immediately to the hospital and she underwent the vaccine routine necessary for humans bitten by a rabid animal.

Officials warn that where one rabid animal is found, the likelihood of more is high.

According to the Maine CDC rabies report, the most confirmed rabies cases through Sept. 12, 2017 were recorded in Cumberland and Kennebec counties with six and five cases

respectively.

In addition to rabies cases, reports of other wild animal encounters made headlines, such as a runner in Auburn who saw two large bears on a trail in front of him. He was able to find shelter by breaking into a screened porch before the bears could reach him.

In late August, a group of friends encountered a pair of lynx near Baxter State Park near Millinocket. Animal experts say that seeing two lynx together is a once-in-a-lifetime event.

Oral vaccinations working

A program to reduce rabies by using oral vaccinations dropped into the wild has been used in Maine since 2003 and in the U.S. since 1990. Canada has been dropping rabies vaccinations since 1985 and in Europe it's been happening since 1980.

The Maine program, run by multiple wildlife departments and agencies, works with federal Canadian and provincial wildlife specialists to ensure that rabies does not travel into the Quebec and New Brunswick areas.

According to Jesse Morris, a wildlife biologist with the U.S. Fish and Wildlife Service, who works out of Augusta, the federal/state/local program focuses on preventing the spread of rabies into northern and western Maine, where only a "fluke" case has been confirmed. Rabies has not reached Bangor, he said, so the Greater Bangor area remains a focal point for experts.

In Maine, confirmed rabies cases are isolated to a few southern and eastern counties. Northern Maine remains a buffer zone protecting the disease from moving into Canada, where there are already many confirmed rabies cases. Meanwhile, Canadian rabies groups and agencies are trying to

ensure rabid animals do not migrate into Maine from the north.

"It's all exciting stuff," said Morris, who added that the program's success is obvious as both Maine and Canada continue to contain the animal virus from spreading.

How it works

In 2016, the baits were dropped, either via air or ground, from Limestone to Portage Lake south to Westfield and Mars Hill. This year, officials focused on Mars Hill west to Stacyville and Weston, where 350,000 baits were laid. Most every area where rabies has not been reported have been baited and the animals surveilled since 2003.

Under the program, oral rabies vaccination (ORV) baits are dropped, zone by zone, into areas where rabies has not been seen – primarily in raccoons, the dominant rabies carrier in the northeast and Canada. The ORV sachets contain the Raboral V-RG vaccine and are sprinkled with or encased in fishmeal to entice the animals. They measure the size of a matchbox. Once an animal takes the bait, it immunizes it from being infected.

The only way rabies is spread is from animal to animal – and then to humans and domesticated pets and animals (such as cows) when attacked by a rabid animal.

Presently, 16 states in the U.S. participate in the raccoon bait program, while Texas distributes baits for gray fox and coyote.

According to Morris, the multiple program partners move from zone to zone each year to trap as many raccoons as possible and test them for rabies. He said that's how officials know whether the program is working and when they can move on to a new zone.

Animal control officers key

Morris said municipal animal control officers are "extremely" helpful in collecting dead critters for testing, surveilling, getting information to the public and other efforts to stop rabid animals from migrating to parts of Maine that show no evidence of a rabies problem.

"A lot of towns are very helpful in surveillance," Morris said. "They are doing a very good job."

Morris said the money spent by various governments' prevention programs is well worth it. In the U.S.



alone, the annual cost to treat people bitten by rabid animals is \$300 million. When pet animals are not properly vaccinated, they too must undergo treatment or die from the virus.

According to the Maine Center for Disease and Prevention, the agency only tests animals when a suspected rabies exposure has occurred. The CDC does not go out and trap animals to test, but does support federal, state and Canadian efforts.

The Maine CDC is a member of the Maine Rabies Workgroup, which meets quarterly to confront current issues in prevention and management. The workgroup updates the state's Rabies Management Guidelines, recently releasing a 2017 report. Its members include federal and state agencies that deal with wildlife, as well as municipal animal control officials and veterinarians.

Summer attacks

In late June, two dogs encountered a rabid raccoon in Bremen, prompting a county-wide warning to domestic pet owners to protect their animals and ensure their rabies vaccinations are up-to-date.

Only one of the dogs lunged at the raccoon and was bitten. But according to Penny Card, an administrative assistant to the Lincoln County sheriff, the dog's shots were current, so the bitten dog did not suffer from the encounter.

Card, who was scheduled to dog-sit the two mixed Collies, said she kept them leashed while the owner was

away, which is required by law. The dog that was bitten displayed no reaction or symptoms to the rabies virus, adding, "It might not have been good if they were not current with their vaccinations."

Card said the sheriff's office acts as animal control officers for towns that contract for the service.

Chris Creps, Scarborough animal control officer quoted in the Dailymail.com story about the man who fought the fox, said all residents should be wary of a wild animal that shows up in urban areas, as well as in the wild. Any animal that acts aggressive or appears disoriented is likely to be rabid and should be avoided and reported to officials.

The truck driver in Scarborough underwent rabies treatment, Creps said. Treatment includes an immediate vaccination shot near the bite site, and then four more shots in the arm over 14 days. The vaccination helps the human body learn to identify and fight the virus, according to the Mayo Clinic, headquartered in Rochester, Minn.

Morris, of the USDA, said male raccoons emerge from their winter shelters in early spring, while the females, with their kits, come out in late spring. He said their natural cycles explain why there are the most raccoon attacks in the summer.

Rabies experts recommend cat and dog owners to watch their pets when they are outside to avert a confrontation between wild and domesticated animals. ■

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Planning, communication keys to successful budgeting

Especially with capital upgrades and anticipated costs, veteran managers stress the importance of explaining the projects' importance to elected officials and the public.

By Janine Pineo

In municipal life, say “budget and the word “challenge” soon follows.

What’s key to successful budgeting is planning, which helps anticipate tough sells to not only residents but to governing boards. Planning provides a road map for everyone, even during periods of financial uncertainty, according to five town managers whose annual budgets have faced issues that range from loss of state funds to losses of major property taxpayers.

Budgeting “little by little” is the moral of the story, said Tim Curtis, Madison’s town manager, who spoke during one of two budget sessions during the 2017 Maine Municipal Convention in Augusta. Madison was thrust into a financial crisis in 2014 when the valuation of a paper mill plummeted.

Madison Paper Industries closed two years later in May 2016, putting 215 people out of work in the town of 4,777. But the loss of valuation in 2014 already had triggered a series of changes, Curtis said. “How did we handle this?” he asked.

That year, the town used \$1.4 million from the reserves, established a line of credit and increased the mill rate. The next year, the municipal budget was cut by \$600,000 and the school budget by \$500,000. Curtis said the town also sought legislative help via the “sudden and severe” trigger, through which a major event like the loss of a paper mill gives a municipal recourse at the state level.

Among the municipal budget cuts, Curtis said, was contracting for police services. That saved \$100,000 the first year, he said, and now averages savings

between \$120,000 and \$150,000 per year.

The Somerset County town isn’t without industry, however. It is home to 220 small businesses (75 percent of those have fewer than four employees) and to a number of large taxpayers:

- Eagle Creek Renewable Energy, a hydro company, valuation \$50 million.
- Backyard Farms, commercial tomato farm, \$44 million.
- Central Maine Power, \$15 million.
- IGS Solar, solar provider, \$6.3 million.
- Somerset Acquisitions LLC, \$4.8 million.

Curtis said it is crucial to strike a balance between “crisis” budgeting and “future” budgeting. Maintaining a competitive tax rate is important, as is striving to meet some level of capital spending on such things as roads and equipment, he said.

It also is essential to communicate and educate, pointing to social media and cable access broadcasts as a way to apprise residents of issues and disseminate information on the proposed budget, Curtis said.

Capital project planning

Spending on capital projects became a challenge for Dover-Foxcroft, with the issue’s roots dating to the 1990s, said Jack Clukey, town manager since 2004.

The Piscataquis County town focused on a number of things during that decade, including a new business park, a new solid waste and recycling facility and a new wastewater treatment plant.

What the town of 4,084 people didn’t plan for was maintaining paved roads, Clukey said. “When it came

to paved roads, we got a little bit behind,” he said.

The town has 50 miles of gravel roads and 33 miles of paved roads. Clukey said to stay on top of paving, the budget should have had allotted about \$150,000 annually, not including reconstruction. By 2005, the town needed to “make up for lost time” during a year that included a town garage expansion, a library expansion, equipment purchases and a wastewater sludge project. Those items alone were more than \$1.2 million.

Paving was going to tack on another \$400,000.

Clukey said the budget passed but voters threw a monkey wrench into the proceedings. “We had a complete change in how we do business,” he said.

Voters petitioned that year for referendum voting, with the first referendum following the next year. A charter commission was established and in 2007, a new charter was adopted, one requiring all matters – barring an emergency – to be voted on by secret ballot.

Additionally, the Municipal Property Tax Levy Limit went into effect during the same period, which regulates how much money a municipality can raise through property taxes that are used for municipal operations, such as road maintenance.

Over the next decade, the town rarely passed an increase in the limit, either failing to pass or not being taken to a vote at all. Meanwhile, Clukey said, asphalt prices were spiking and that initial \$150,000 per year for paving was now closing in on \$280,000.

By 2010, the town had to answer the question as to how far behind it had fallen in paved road work. The

Janine Pineo is a freelance writer from Hudson and regular contributor to the Maine Townsman, jepineo@gmail.com.

town was underfunding the work by \$285,000 per year and needed \$375,000 for preservation, rehab and reconstruction.

"We're in a hole," Clukey said. "We need to get our arms around this."

Despite that effort for 2011, the town ended up in "triage mode," Clukey said, where only the "worst of the worst" sections of road had any work done. But a sort of breakthrough came in 2015, he said, and it revealed some lessons learned.

Capital spending education

The town decided it needed a management plan and a consultant. Educating the community about paving was critical, along with informing them of a 10-year plan, listing each road and when treatment would fall within that 10-year window.

The takeaways for Dover-Foxcroft? Deferring capital investments will end up costing you. You can't fix everything in a single year. And, you need to communicate about what is in a budget and what is being left out.

Rhonda Irish, Wilton's town man-

ager, said her town is in the same predicament but with sidewalks. "In about six years, we'll get caught up," she said, when it will start all over again. 2014 marked the start of reconstruction, coinciding with the downtown revitalization that is being

funded through Community Development Block Grants.

The Franklin County town of 4,066 has suffered a number of blows over the past 20 years, including the loss of shoemaker G.H. Bass & Co. in 1998 and Forster Manufacturing in 2004.

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Irish said there are “buildings that come back to haunt us,” including the former Wilton Tannery building, which qualified for a Brownfields cleanup grant. The town sold the property for \$1, she said, and the new owner is working on converting it into office space.

The town foreclosed on the Forster building in 2015, which needs to be demolished. The problem is asbestos, with an estimated price tag of \$1 million to tear it down. “It’s been one of our biggest challenges,” Irish said.

Wilton did not have capital accounts for its departments, which meant maintenance suffered. One big ticket item is the sewage plant. “We are now undergoing a \$10 million reconstruction,” she said.

The town is now “on the right path,” Irish said. “I recommend taking care of what you’ve got in place.”

Planning in growth communities

For municipalities considered

growth communities, revenue is a big issue and planning is just as critical.

Scarborough’s population “just eclipsed the 20,000 mark,” said Tom Hall, town manager. That’s up from the 2010 Census by more than a thousand residents, more than any other Maine community.

“By Maine standards,” Hall said, “we’re doing very well.” The state valuation increased 9.43 percent from 2007 to 2015, and Hall described the pace of residential building permits as “breakneck.” In 2000, for example, 360 new permits were issued.

Because of the growth, Scarbor-

ough saw a severe decline in federal and state subsidies for its schools, to the tune of \$4.9 million since 2009.

“We have now bottomed out,” he said of the allowed minimum subsidy. “This freefall has caused huge challenges within our community.”

Among them is the pressure on property tax and the change in demographics to an older population with fixed incomes, Hall said. Prout’s Neck has some of the highest property values on the East Coast, while across town is farmland. “The property tax is totally blind on somebody’s ability to pay,” he said.



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Where he sees this friction come into play is in the school budget vote. The norm now is that it takes multiple votes before it passes.

“We’re doing our part on the expense side,” Hall said, but the loss of subsidies complicates it.

Rockport Town Manager Rick Bates said that to meet challenges, a town needs to start with the end in mind. He recommends speaking with the board early on to discuss the plan so they know what is and what isn’t in the budget proposal.

Set aside for capital projects

For Rockport this year, that meant beginning to set aside money to pay for sewage, which is sent to Camden’s facility. That neighboring town is figuring out what to do about its facility, and Bates said that when Camden presents them with Rockport’s share in a few years, the town will have been saving toward the goal.

The Knox County town of 3,313 sees competing forces at play, includ-

ing an aging population and the need for more housing for the workers, who need places to live in order to work in the community.

Bates said Rockport and the rest of the state is hampered by lack of access to broadband, what he characterized as the most important infrastructure today. “One of the things we can do in this state, to make us competitive, is build our broadband capacity,” he said.

He had a few pieces of advice to share:

- Don’t lose sight of quality of life.
- Preserve open space.
- Create walkable communities.
- Parks and recreation are not simply cost centers to be avoided.
- Focus on what makes your community unique.

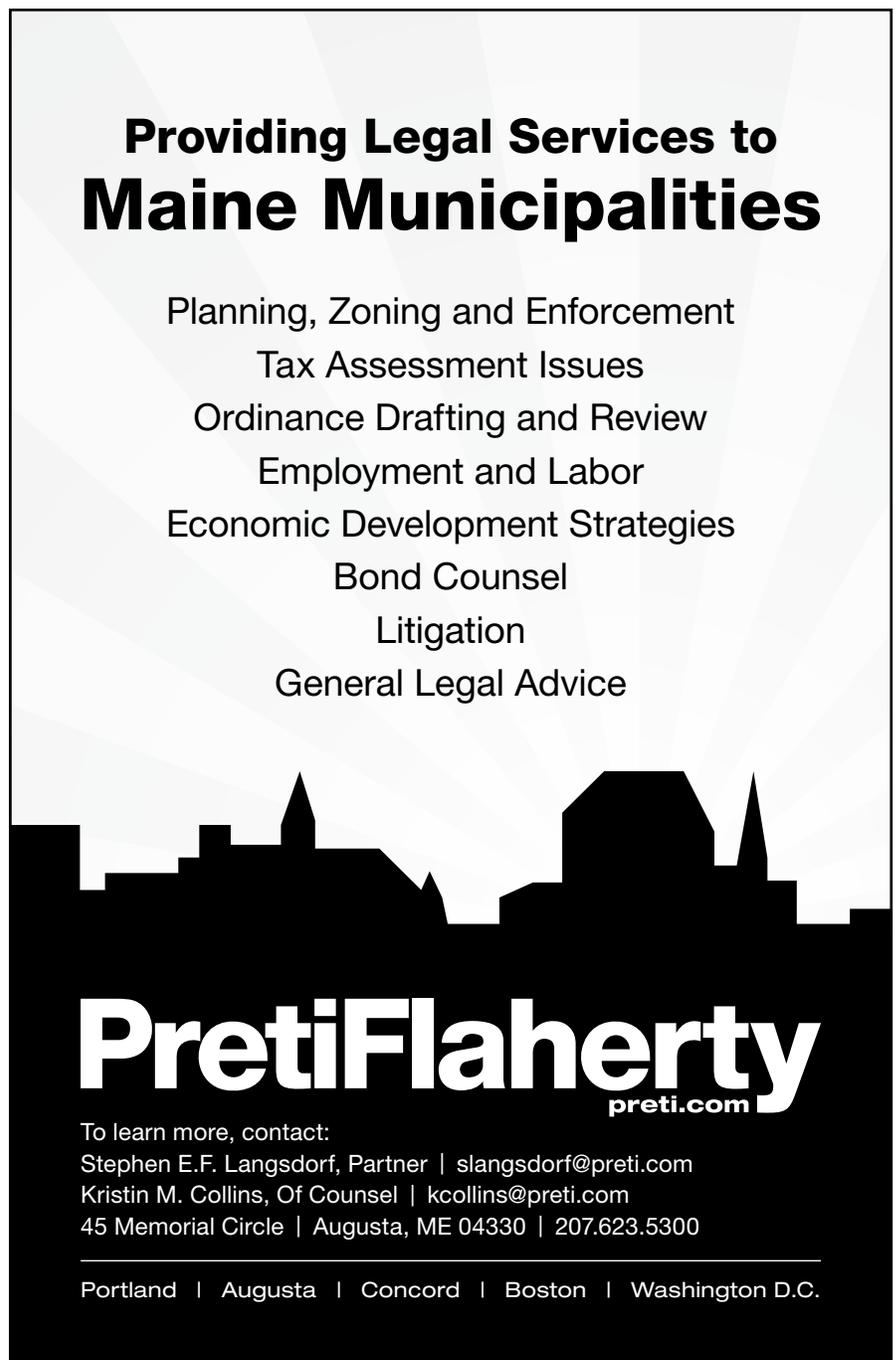
• Good schools are not the enemy. That last one is key to what Bates sees as the steps to creating and maintaining a thriving community. Better schools make better communities and that attracts better businesses, he said. ■



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How Cranberry Isles tackled its Internet issue (and you can, too)

After months of careful study, conducted by a committee of islanders, the community decided this year that reliable broadband connectivity is a must.

By Stephanie Bouchard

In 2016, the Town of Cranberry Isles faced a crisis: No more internet service. Something had to be done and done fast. In a 52 to 4 vote at annual town meeting in March of this year, residents authorized town officers to borrow \$1.2 million to build a fiber network to provide broadband internet service to three – possibly four – of the town's five islands.

It was a huge and risky step for the community to take, but like many communities – especially island ones – the residents knew it was one they had to take.

Thirty miles southeast of Mount Desert Island, Cranberry Isles – spread out over five islands – Great Cranberry, Little Cranberry (also known as Islesford), Sutton, Bear and Baker – is accessible only by ferry service or private boat. Year-round population on Great Cranberry and Islesford – the other islands only have seasonal residents – hovers around 140. Lobster fishing is the biggest industry.

Ralph “Skip” Stevens fell in love with Islesford and its welcoming residents when he and his family first began renting a vacation cottage on the island in 1998. A humanities professor at Coppin State University in Baltimore, he dreamed about one day being able to live year-round on the island while working for the university remotely. Back then, in 1998, the island was without internet service.

By 2005, however, limited internet service had arrived. Stevens and his family made the move. He made arrangements with the public library to work there and use the library's “high” speed connection. When wireless



Start of construction of one of the towers that is part of Cranberry Isle's new Internet network infrastructure. (Photo courtesy of Axiom)

service arrived in 2007, he was able to move from the library to his home to work. But the adequateness of the speed was short-lived.

More people, slow speeds

Gradually, as more and more people used the internet and as websites became more data-heavy, speeds slowed down so much that on really bad days, Stevens was forced to return to the library to work.

Others made similar accommodations.

Joshua Gray, co-owner with his brother of Newman & Gray Boatyard on Great Cranberry, found he couldn't do the business' bookkeeping and invoicing and sometimes he couldn't even email his clients.

“Sometimes, it can be three or four days when it's super slow and doesn't work,” he said. “It's really frustrating.”

The tipping point came when town officials got the news that the tower used to connect the community to

internet service was going away. The tower was located at the home of a private property owner whose property includes the highest in elevated point on Islesford. The property owner was selling and wanted the tower removed.

The property owner gave the town some time to figure out what to do, but the community was still under a time crunch. Internet service was scheduled to go dark by early October 2017.

The town formed a broadband committee to explore options, said Malcolm Fernald, the chair of the town's select board and a member of the committee. Committee members chewed over whether they should do anything at all, or if it was even the town's place to do something.

“It didn't take long to realize that we're way too small a market,” said Fernald. The conclusion: “Nobody's going to do this unless we do it ourselves.”

That's a conclusion several other Maine communities have come to.

Stephanie Bouchard is a freelance writer from Bath and new contributor to the *Maine Townsman*, stephanie@stephaniebouchard.net.

Tackling the need

The state and various in-state organizations have identified the need for better broadband service statewide, but the road to get there has been more like a frost-heaved spring road than a newly paved summer one.

In terms of broadband availability statewide, Maine is in the middle of the pack nationally, said David Maxwell, program director of the state's Connect-ME Authority, an initiative to promote and support the expansion of broadband in the state. The definition of availability, however, is slippery. Just because broadband service is "available" in a particular location, doesn't necessarily mean it's accessible at a reasonable cost.

Internet speeds, Maxwell said, are generally lower in Maine than in the rest of the country. Low speeds exist largely because the state has outdated infrastructure that doesn't support higher speeds.

"Providers – where cost-effective to

do so – are upgrading infrastructure," he said, "but in some areas, it's not cost-effective for them to do that, just as in some places it's not cost-effective for them to provide service."

While frustrating, communities understand the business pinch service providers are in, said Roger Heinen, a resident of Islesboro and member of the town's broadband committee.

"It's never been an anti- (service provider)," said Heinen. "We're not arguing that they're terrible and we're good. We are simply saying that we understand their situation and we have to solve this problem for ourselves."

The residents of Islesboro, a 14-mile-long island in Penobscot Bay three miles from Lincolnville, voted in July 2016 to fund a \$3.8 million project to create a town-owned broadband network providing direct-to-home fiber connection. At press time, the network was nearly ready to begin delivering service to residents.

Long-term fix

Once Cranberry Isles' broadband committee reached the same conclusion as had Islesboro, it began exploring options. The committee passed over smaller, cheaper, short-term fixes, reasoning that it wasn't a smart move to invest in something that would only put a five-year Band Aid on the problem. These half-step solutions also would leave the town out of the running for a number of grants supporting broadband expansion that are available to municipalities.

They ultimately decided to pursue a public-private project in which the town would pay for and own the network's infrastructure and partner with a service provider (Machias-based Axiom) to provide the broadband service and maintain the network.

The network will provide broadband internet service to Great Cranberry, Islesford and Sutton with the intention of one day connecting to

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Bear Island, too. Three service plans will be offered by Axiom, said James Fortune, the administrative assistant to the town's select board, with residents and businesses choosing from 25/5, 50/10 and 100/20 megabits per second (Mbps) upload and download speeds, which would be some of the best speeds in the state.

Despite the \$1.2 million price tag, which would result in an increase in property taxes of about \$17 a month for the average home, island residents largely support the project. (The town has applied for a \$1.5 million USDA grant, which, if awarded, would mean the town would not need to raise taxes to fund the network.)

"I would hate to go fishing without it (the internet)," said Bruce Fernald, an Islesford-based lobsterman and uncle to Malcolm. He uses the internet every morning to check the weather and buoys up and down the coast. "If I don't like the looks of it, I call my crew and go back to bed. I like that option."

While the price tag for broadband projects is steep, communities recognize that broadband service is a life-line – sometimes, with the way life is on islands, literally.

"Increasingly, broadband is being looked at as essential as other utilities," said Briana Warner, economic development director at the Island Institute, a Rockland-based nonprofit that has made getting broadband to islands and coastal communities a strategic priority. The organization gave the Town of Cranberry Isles a \$10,000 grant that was used to hire a grant writer.

Broadband is needed for economic development – getting businesses and new residents to move to towns and cities – or to stay – and for personal needs like education, health, staying connected with friends and family and what is happening in the world, and for entertainment, Warner noted.

"It seems like a huge investment," she said, but when compared to the investment costs of road, water or electrical infrastructure, it's "actually really cheap."

"Think about how much road you could get for \$1.2 million," she said. "Not very much. (That) \$1.2 million is going to give the Cranberry Isles... higher speeds than I can get in Portland, where I live." ■

BROADBAND CONSIDERATIONS

Thinking about a broadband project? Take this advice to heart:

- Assess where you are now. Islesboro's Roger Heinen recommends doing a census of your community to learn: how internet is being used; what the needs and desires of your residents are in terms of service; and, what is or isn't working.
- Figure out your goals, says ConnectME Authority's David Maxwell. Do you want to get high-speed internet to all your residents or just the downtown district?
- Get a group together. That group can be grassroots-based or municipal sponsored. "In virtually every community there are people who are chomping at the bit to have broadband or to have better broadband, so enlisting interested citizens is a great way to fuel an initiative, even if it's just exploratory to see what it is that's going on," said Maxwell.
- Reach out to interested parties. That means state, federal and local resources which can provide financial support in the form of grants. It also means checking with private foundations that are investing in broadband efforts in the state.
- Remember that one size doesn't fit all. "Everybody is going to solve this problem in different ways," said Heinen. Each community faces its own set of circumstances and what has worked for one community may not work for yours. Be open to possibilities. Be creative.
- Forget the economic development pitch. Yes, broadband internet will likely help business and economic growth, but it's not the right case to make to your residents, said Heinen. "For the state of Maine and the residents of Maine, the right pitch is: 'This is a good deal for you.'"
- Keep the lines of communication open. Residents, even if they're enthusiastic, are bound to have questions and concerns. These projects cost a lot of money and will have infrastructure that changes the landscape.

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Scenes from the 81st MMA Convention

Photos by Ben Thomas

Augusta Civic Center · October 4 & 5, 2017



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PEOPLE



Lana Voisine

Lana Voisine will succeed longtime Wallagrass Town Manager **Jim Gagnon**, who will retire at year's end after serving as selectman and manager since 1994. Gagnon was named manager a decade ago and enjoyed an open view to the home where his father grew up across the street from the town office. Gagnon, who grew up in nearby Fort Kent, had watched several managers come and go before approaching the board with

confidence he could do the job. Voisine, also of the Wallagrass area, began working with Gagnon on Oct. 23. She is the former part-time deputy clerk for the town of St. Agatha. She is a 2010 graduate of the University at Fort Kent, where she graduated with a degree in business management and accounting.

Biddeford firefighters surprised a city boy battling cancer two weeks before his favorite holiday, Halloween, by driving trucks over to his home and decorating the family's lawn in elaborate style in time for the big day. Brock Chadwick, 7, suffers from a rare form of brain cancer. The firefighters' gesture was a surprise after Brock's mother asked people in Biddeford to send the boy Halloween cards to cheer him up. Hundreds of cards poured in from around the country.



Kris Tucker

Standish Town Manager **Gordon "Gordy" Billington** will retire effective in early January, allowing him a month to work as assistant to his replacement **Kris Tucker**, most recently director of community and economic development for Northhampton, Va. Tucker will begin work in Standish in early December. Billington has managed the Cumberland County town for

16 years. The council selected Tucker over another out-of-state contender because of his economic development experience, his willingness to live in town and for studying the history and current events of the community. Both finalists met with residents in October before councilors made their choice.

George Byam, a former Mexico selectman and longtime volunteer, was named 2017 Citizen of the Year in mid-October during the town's annual appreciation night. Byam, 80, said he never served to be recognized and was surprised to hear all he had done over the years for the town. Byam was nominated by his wife, Sue. In addition to serving two terms as selectman, Byam drove for the HOPE Association for a decade and recently started driving children to head start for Community Concepts. He serves on the town's food pantry board of directors and drives regularly to Auburn with other volunteers to load and unload pantry supplies.



George Gorman

George Gorman, South Berwick fire chief since 1970, died Oct. 7 at the age of 75. He made his last fire call for the department in mid-June, responding to a mill fire. Suffering from cancer, Gorman had told his family he was only going to the top of a hill near his home to see if he could spot the fire, while intending to be part of the response team. He joined the department in 1965 and was named chief five years later. He was remembered for his strong leadership and loyalty to the department and community. Gorman's son, Patrick, is a captain with the department. **Joseph**

Rousselle, a 45-year veteran of the department, has been named interim chief.



Robert Libby

Longtime dedicated Buxton public servant **Robert Libby** died Oct. 17 at the age of 92. He served as selectman for 29 years over two stints – 1968 to 1983 and from 2000 to 2014, stepping down at age 89. He was remembered for his integrity, professionalism and service to the town. Libby also worked as a tax assessor for Gorham and Westbrook, among many other public service efforts. He was appointed by three governors to serve on the State Board of Assessment Review. At age 18, he enlisted in the U.S. Coast Guard during World War II and served on a Navy attack troop ship. He participated in the invasion of Normandy. His family said one of his proudest achievements was his integral work to establish the Groveville Memorial to honor veterans of the Korean War. His funeral was held at the Buxton Town Hall.



James McCann Sr.

Longtime Portland Public Works Department supervisor **James McCann Sr.** died of cancer Sept. 14 at the age of 63. A Boston native, McCann worked for the city for more than 40 years, most recently in the water resources division. A former Marine, McCann was remembered for his dedicated service to Portland, his love of boating and for being a devoted father and husband. ■

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Kathy Littlefield

STATEWIDE

Long-time Waldo Selectman Kathy Littlefield – who has held elected office for 45 years – received the Ethel N. Kelley Memorial Award at Maine Municipal Association's 81st Annual Convention last month. The Ethel Kelley Award recognizes distinguished community service and is considered MMA's most prestigious annual award.

Littlefield's municipal activism dates to the 1970s, when local officials pushed back against state government overreach by forming a group called "Freedom Fighters." That group insisted that local, community control on most issues was far preferable to unfunded mandates from state government. Ultimately, "local control" became the law of the land in Maine and was incorporated into the Maine State Constitution.

Maine State Senate President Michael Thibodeau, who represents Waldo County and penned one of many letters supporting Littlefield's nomination for the award, wrote that she "has demonstrated a selfless concern for others in her community, while balancing sound fiscal responsibility for the town."

John Sylvester, a former MMA President and Alfred Selectman, led the committee that chose Littlefield as the 2017 recipient of the Ethel Kelley Memorial Award. In presenting Littlefield with the award, Sylvester cited many of the public roles that she held over the years: Waldo First Selectman; founding member of the Waldo County Selectmen's Association; member of the State Board of Environmental Protection; Waldo County Jail Committee board member; and, an active and respected voice on MMA's 70-member Legislative Policy Committee.

STATEWIDE

Maine was hammered by what some meteorologists declared an unprecedented wind and rain storm caused by the remnants of a cyclone known as 93L that barreled from Florida to New England in just 24 hours overnight on Oct. 29. Municipalities, county governments and the state had not experienced such

NEW ON THE WEB www.memun.org

Highlights of what's been added at www.memun.org since the last edition of the Maine Townsman.

MMA Executive Committee. South Portland City Councilor Linda Cohen recently was sworn in as the next president of the Maine Municipal Association. Other elections to the 12-member Executive Committee also were announced.

Ethel N. Kelley Memorial Award. Kathy Littlefield, First Selectman in the Town of Waldo, won MMA's most prestigious award for public service. Littlefield has served on the Waldo select board for 45 years.

Annual Report Winners. Announcing results of its annual contest, MMA recognized 17 municipalities for providing outstanding Annual Reports for their citizens.

a devastating storm since the infamous ice storm of 1998, officials said. More than 500,000 Mainers, or nearly half of the state population, lost power. The hardest-hit counties included York, Cumberland, Kennebec and Androscoggin, where Central Maine Power Co. crews predicted electricity would not be fully restored for a week or even longer in some areas. Crews from several other states responded to the emergency in New England.

BATH

The city council in early October unanimously approved ordinances to ban single-use plastic bags, impose a fee for use of paper bags and to prohibit polystyrene foam containers, joining a growing number of Maine municipalities that have passed similar laws over the past two years. Two public forums were held in September and city officials also talked to business owners before taking the action. Officials reported positive reactions to the new ordinances. A second public hearing and vote was expected to be supported early this month. The proposal was developed by the city's solid waste advisory committee following similar action by nearby cities and towns.

CARY PLANTATION

Voters in early October overwhelmingly elected to begin the process to deorganize the Aroostook County plantation of 218, becoming, if successful, only the 43rd Maine community to deorganize in the last century. The vote was 85-6. By deorganizing, residents would agree to be governed by the county and state. It was the second time in two years that residents took up the question – the

state rejected the request last year out of fear that more of Maine's smallest towns would follow Cary's lead. Officials must convince the state that its size and small number of property taxpayers cannot support the municipal and school costs it now bears.

PORTLAND

National Geographic Explorer, marketed as "the world's ultimate expedition ship," has ranked the city 24th of the 25 happiest cities in America. The researcher interviewed 250,000 adults in 190 metropolitan areas and based the rankings on metrics including walkability, natural assets and civic pride and participation. Three other New England cities made the list. Boulder, Colo., was ranked No. 1.

READFIELD

A superior court judge in October upheld a decision by selectmen and the town manager not to open a road contract bid by Reay Excavation & Trucking Inc. of Readfield because the company owner served on the Readfield Road Committee and resigned only hours before the bids were opened on Aug. 11. Reay appealed the selectmen's decision to award the bid, worth \$1.2 million if the town exercises the fifth-year option, to Cushing Construction, also of Readfield. The decision was issued Oct. 16. Judge William Stokes noted that Reay had helped draft the specifications for the winter roads contract and found "unconvincing" Reay's contention that he didn't promise not to bid on the contract during a May 19 meeting. Reay had argued to selectmen that he had submitted the lowest of the three bids received for the work. ■

MUNICIPAL BULLETIN BOARD

NOV. 30

Elected Officials Workshop: Augusta, Caribou (via video)

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for elected officials on Nov. 30 at MMA's Christopher G. Lockwood Conference Center in Augusta. The workshop will be shown live via video at the Northern Maine Development Commission office in Caribou. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate saying they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop in Augusta is \$55 for MMA members and \$110 for non-members. Cost in Caribou is \$45.

DEC. 5

Planning Boards/BOA: Lewiston

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on Dec. 5 at the Ramada Inn, 490 Pleasant St., in Lewiston.

The workshop is designed as an introduction for new or less experienced members, but veterans may find an update useful as well. Among the topics to be covered: jurisdictional issues; conflicts of interest and bias; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members.

DEC. 8

MWDA Winter Issues: Augusta

The Maine Welfare Directors Association will hold a one-day workshop on "winter issues" on Dec. 8 at the MMA Conference Center in

Augusta. Five speakers are on the agenda, as is a holiday "Yankee swap."

The session is designed for selectmen, GA administrators, town managers and other people responsible for administering General Assistance. It will provide an overview of the fundamental principles of GA administration and compliance. The cost is \$40 for MWDA members and \$65 for non-members. The session begins with registration at 8:15 a.m. and will end at 3 p.m.

DEC. 8

MTCMA Leadership Exchange: Portland

The Maine Town, City and County Management Association, along with the Municipal Management Association of New Hampshire, will hold a Leadership Exchange on Dec. 8 at the Fireside Inn and Suites, in Portland. The theme for this year's event is "Coming and Going: Attracting New Municipal Managers and Preparing for Retirement."

Among the topics on the agenda: Succession planning; Social Security; millennials in the workplace; and, engaging and attracting new talent. Cost per person is \$50 for MTCMA members and \$80 for non-members. Registration begins at 8:15 a.m. The event is scheduled to conclude at 3:30 p.m.

DEC. 14

MBOIA Annual Membership and Training Meeting

The Maine Building Officials and Inspectors Association will hold its annual December membership/training event at the Green Ladle, part of the Lewiston Regional Technical Center, in Lewiston, on Dec. 14. The training event will include a detailed look at the new trend of building "tiny homes."

The session will begin with a continental breakfast starting at 9 a.m., followed by the tiny homes presentation. The MBOIA business meeting and raffle is scheduled for 1 p.m. Cost is \$20 for MBOIA members if registration is done before Dec. 4, or \$30 after that and at the door. Cost for non-members is \$30 in advance and \$50 at the door. ■

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Free or nominal rate distribution		
Outside County	221	219
In-County	54	55
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Total distribution	4,198	4,182
Copies not distributed	102	118
Total	4,300	4,300
Percent Paid	91.2%	90.8%

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

Eric Conrad, Editor

LEGAL NOTES

Multiple FOAA Requests

Question: Can multiple FOAA (Freedom of Access Act) records requests from the same requester or group of requesters be aggregated or combined for purposes of the statutory \$15 per hour fee for staff time to search, retrieve and compile the records?

Answer: Our statute doesn't answer this question, and we're not aware of any Maine case law on point, but certain federal regulations and guidelines may offer some useful guidance.

Both the U.S. Department of Justice's FOIA (Freedom of Information Act) regulations (see 80 Fed. Reg. at 18,099-18,114) and the President's Office of Management and Budget's fee guidelines (see 52 Fed. Reg. at 10,019-20) specifically address this subject. In summary, these federal guidelines authorize federal agencies to aggregate multiple records requests from the same requester or group of requesters if the requests are for related materials and if the agency reasonably believes the requester or requesters are attempting to avoid fees by dividing a single request into a series of requests. The federal guidelines state that it is reasonable to presume that multiple requests for related materials made within a 30-day period have been made in order to avoid fees. For requests made over a longer period of time, the guidelines say the agency should have a solid basis for believing the requester is attempting to avoid fees. The guidelines also say that to aggregate requests from multiple requesters, the agency must have a concrete basis for concluding that the requesters are acting in concert.

To be absolutely clear, these federal guidelines apply only to federal agencies and federal law; we are not suggesting they govern state or local agencies or Maine's law. Still, as we said, they may provide some helpful guidance on how our law should be interpreted in the absence of any express provision or court decision. Using the reasoning embedded in the federal guidelines, we think Maine's Freedom of Access Act probably does allow municipal agencies and officials to aggregate multiple requests from the same requester or group of requesters if the requests are for related materials and if they are made within relatively close proximity of each other, such as within a 30-day period. This would mean that

MUNICIPAL CALENDAR

ON OR BEFORE DECEMBER 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].

DECEMBER 25 — Christmas Day - a legal holiday (4 MRSA §1051, 20-A MRSA §4802).

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

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

the first hour of staff time for aggregated requests is free, but each hour after that, including the first hour of subsequent requests, is chargeable at \$15 per hour (see 1 M.R.S.A. § 408-A(8)(B)).

If an agency or officials intends to aggregate requests for purposes of the \$15 per hour fee, we recommend that this be disclosed to the requester as soon as it becomes apparent that aggregation is warranted. This should be in the agency's or official's next acknowledgment of receipt of a request, which must be given within five working days (see 1 M.R.S.A. § 408-A(3)). We also recommend that the acknowledgment be in writing so there is tangible proof of notice of intent to aggregate.

For the record, under no circumstances should an agency or official aggregate multiple requests from the same requester but for *unrelated* materials or on *unrelated* subjects.

For a comprehensive summary of all fees authorized under FOAA, see "FOAA Fees," *Maine Townsman*, Legal Notes, December 2015. (By R.P.F.)

Land Use Permits & Recorded Tax Liens

A while back we opined that land use permits cannot be withheld simply because there are delinquent taxes on the property (see "Land Use Permits & Delinquent Taxes," *Maine Townsman*, Legal Notes, January 2015). Our reasoning, which we still believe is sound, is that

there is no apparent rational nexus or connection (as there must be for it to be legal) between unpaid taxes and the legitimate objectives of land use regulation, such as promotion of orderly growth and development, protection of neighborhoods and property values, conservation of the natural environment, and so forth.

Recently we were asked a different but related question: Does a property owner have legal standing to apply for a permit if there is a recorded tax lien on the property? We answered yes, based on the following analysis.

Legal standing to apply for a land use permit requires that the applicant have a legally enforceable "title, right or interest" in the property (see, e.g., *Walsh v. City of Brewer*, 315 A.2d 200 (Me. 1974)). A recorded tax lien is certainly a claim against and an encumbrance upon the property, but it does not result in a transfer of title until the lien has foreclosed. Thus, if the lien has not yet foreclosed, the delinquent taxpayer is still deemed the owner, and as such, they still have legal standing to apply for and receive a permit.

It would of course be a very different answer if the lien has in fact foreclosed, even if the taxing entity has not taken actual possession of the property. If the applicant no longer has legal title or any rights to the property, they have no standing to apply for a permit. This would be the case even if the applicant is purchasing the property on an installment plan unless the agreement clearly gives

LEGAL NOTES

the purchaser the right to make improvements.

For more on standing where the applicant is not the owner, or at least not the sole owner, see "Standing for Co-Owners, Easement Holders, Lessees," *Maine Townsman*, Legal Notes, August 2002. (By R.P.F.)

VFD Funding Law Amended

The State law governing municipal funding of separately incorporated volunteer fire departments (VFDs) has been significantly amended.

Previously and for many years, the law required that if an annual appropriation for a VFD exceeded \$1,000, expenditures from that appropriation must be itemized before being paid by the municipality (see 30-A M.R.S.A. § 5722(4)). In other words, an appropriation exceeding \$1,000 could not simply be paid over to the VFD in one lump sum, without any itemized accounting for expenditures. This helped ensure that public dollars appropriated for a VFD were being spent for public fire protection purposes, not for other, possibly private purposes of the organization.

But effective Nov. 1, 2017, the law no longer requires itemized expenditures before the municipality makes payment. Instead, it authorizes municipal appropriations in any amount to support an incorporated VFD "as long as the purposes for which an appropriation is made... are itemized" (see PL 2017, c. 33). This apparently allows the entire appropriation to be paid over to the VFD, to be deposited and expended directly by the VFD, without a simultaneous accounting to the municipality.

We're not entirely sure why this change was made or what it means exactly. Presumably it gives VFDs more control over their municipal funding, but this could be at the expense of full accountability to the taxpayers. In any case, what qualifies as an "itemized" appropriation under the amendment is unclear. Though the new law is ambiguous, the choice of "itemized" suggests that some degree of specificity is required.

For municipalities that wish to continue the longstanding practice of requiring itemized expenditures before making payments to VFDs, they can do so by adding suitable language to the appropriation. For example, "provided that no amount from this appropriation shall be

paid by the municipality without itemizing the expenditure," or words to this effect, should do.

While we're on the subject, making certain that a VFD is incorporated is critical to both the municipality and members of the VFD (see "Unincorporated Volunteer Fire Departments – So What?," *Maine Townsman*, Legal Notes, August 2008). Only incorporated VFDs are eligible for municipal funding. And only members of an incorporated VFD are considered municipal employees for purposes of liability and worker's comp. To confirm that a VFD is incorporated and in good standing, use the "corporate name search" feature at <https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>.

For more on the relationship between VFDs and municipalities, see our "Information Packet" on fire protection, available free to members at www.memun.org. (By R.P.F.)

Taking Attendance @ Board Meetings

Question: Is it legal to make a list of who attends our board meetings, including audience members, or is this unnecessary and perhaps even an invasion of privacy?

Answer: Although there is no State law or rule of procedure requiring a municipal board to record the names of non-board members in attendance, it is certainly not illegal to do so. If it's permissible for a member of the public or the board itself to make a video record of the meeting, including footage of the audience (and it is, see Maine's Freedom of Access Act, 1 M.R.S.A. §§ 403, 404), there can be no reasonable expectation of privacy on the

part of anyone who chooses to attend.

Whether taking attendance at board meetings is helpful is within a board's discretion to decide. It is in fact common practice to ask those addressing the board or otherwise participating in a proceeding to identify themselves for the record. This is readily understandable; there should be some record of who said what – at public hearings and especially at adjudicatory proceedings such as license or permit applications or appeals. Less apparent is the reason for taking names of *non*-participants, but there may still be some benefit, and again the choice is the board's.

We should note that there *is* a requirement that municipal board's take attendance of their own members at each meeting. This is part of the abbreviated "record" required by the Freedom of Access Act (see "FOAA Now Requires Record of Meeting," *Maine Townsman*, Legal Notes, October 2011). This requirement does not apply to purely advisory boards, however. (By R.P.F.) ■

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