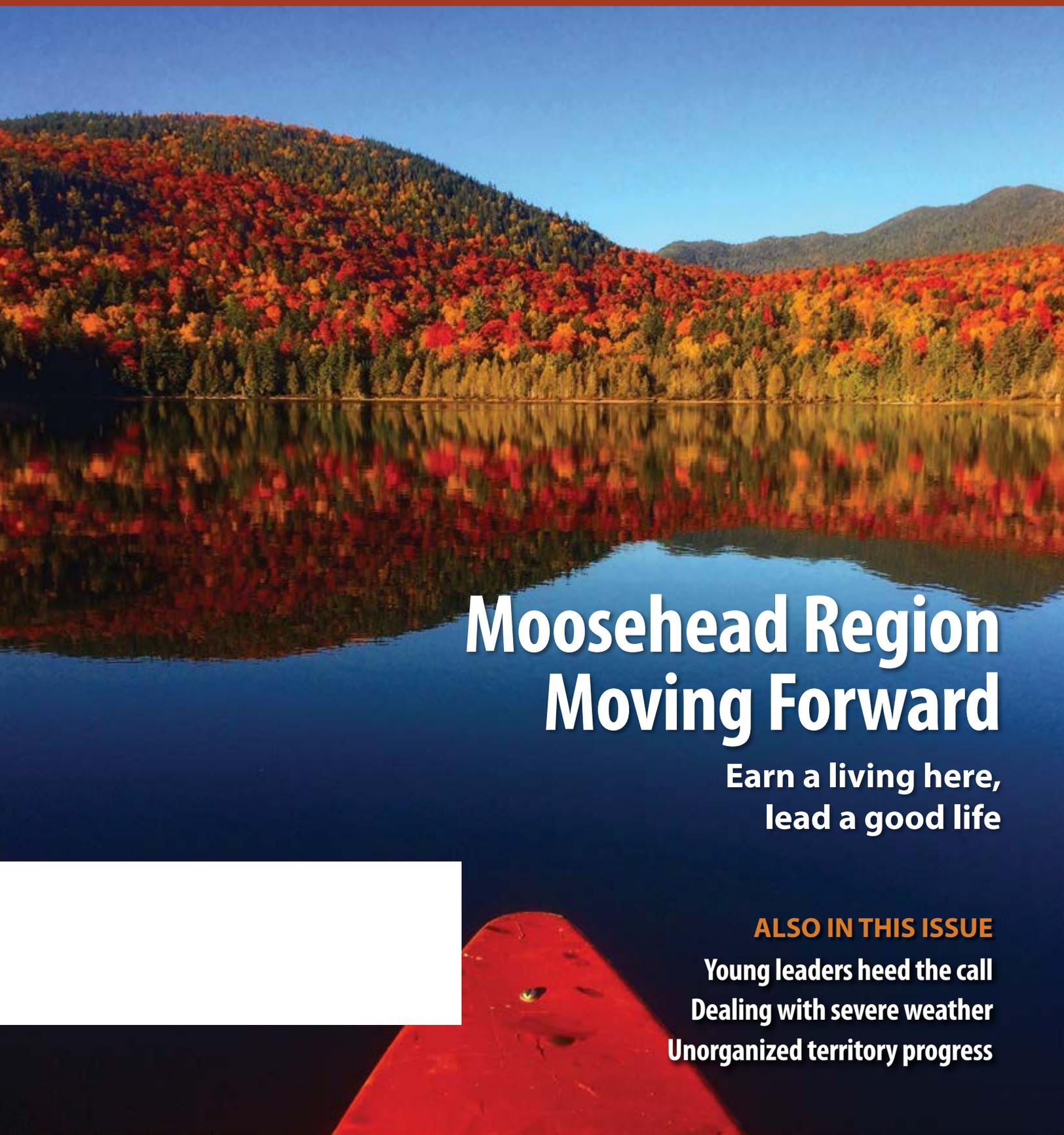


# Maine Townsmen

The Magazine  
of the Maine Municipal Association

OCTOBER 2017



## Moosehead Region Moving Forward

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### ALSO IN THIS ISSUE

Young leaders heed the call  
Dealing with severe weather  
Unorganized territory progress



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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

October 2017 | Volume 79 | Issue 9

The Magazine of the Maine Municipal Association

## FEATURED STORY | 25

### Young Americans



*Who says young people don't want to work and serve in local government? Many do, heeding the call that municipal involvement produces meaningful results.*

**Ever-changing health care.** Gregory L'Heureux, chair of the Maine Municipal Employees Health Trust, writes about dealing with rising medical costs. [Page 5](#)

**ABOUT THE COVER:** Our friends with the Moosehead Lake Region Economic Development Corp. contributed this gorgeous shot by Katie Yakubowski of Trout Pond near Greenville.

## Economic Collaboration

**Towns near Moosehead Lake** brand their beautiful region – as big as the State of Delaware – in an effort to attract businesses and residents. [Page 7](#)

## Development in the UT

**Maine's Land Use Planning Commission** seeks municipal feedback about economic and residential development in unorganized territories. [Page 11](#)

## Facing Tough Weather

**One of local government's** toughest tasks is tackling weather-related challenges, which have become more frequent and difficult in recent years. [Page 21](#)

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# A MESSAGE FROM THE HEALTH TRUST

BY GREGORY L'HEUREUX / CHAIR, MMEHT BOARD OF TRUSTEES

## Health Trust adjusts to rising medical costs

As we all know, the cost of health insurance benefits has skyrocketed over the past several years. It is common to hear insurance companies announce rate increases that are well into the double digits. This puts an ever-heavier burden onto the backs of employers and employees – either by requiring them to pay more money in premiums, or by requiring employees to pay more in out-of-pocket costs as employers move to lower-cost, lower-benefit plans.

The reason for this is fairly straightforward. Medical costs keep going up, partly as the result of newer and more expensive technology. The costs for prescription drugs are increasing even faster than the costs for medical services such as inpatient hospitalization and outpatient care, in large part because of the increasing number of expensive specialty medi-

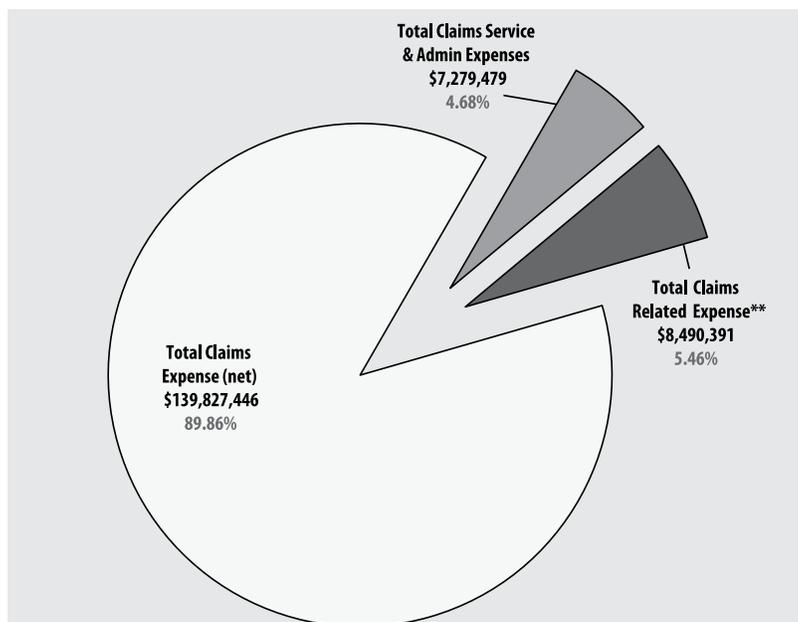
cations coming onto the market. These specialty medications can treat, and even cure, illnesses that formerly had no cure. But they are expensive, sometimes costing tens of thousands of dollars per month.

While the Maine Municipal Employees Health Trust has, like for-profit insurance companies, been affected by these increased costs, I am pleased to report that the Trust has managed to maintain its financial stability without having to pass along significant added costs to its members. The average rate adjustment for the Health Trust health plans was less than 7 percent per year, for the 10-year period from 2008 through 2017. By modifying some plan benefits effective Jan. 1, 2018, we anticipate that the average premium adjustment for 2018 will continue that trend. Premiums for 2018 will be announced in early November.

The Health Trust is a non-profit organization, which exists solely to serve its members. It is governed by an 11-member Board of Trustees, all of whom are participants in a Health Trust plan. The Health Trust is a professionally run plan that provides transparency with regard to its finances and structure. Each year the Health Trust board carefully reviews claims trends and expenses, and works to maintain a funding model under which less than 5 percent of projected costs result from administrative expenses. (See pie chart, this page.) This is a clear difference from the for-profit commercial insurance market, in which insurance companies can charge as much as 15 percent to 20 percent in administrative fees. In addition to keeping administrative costs as low as possible, the board has for many years voted to draw from the plan's reserves in order to keep rate adjustments at a moderate level.

The Health Trust provides members with access to a dedicated customer service team. Health Trust staff members are available to speak with you and your municipality's elected officials at any time, and will always listen to your concerns. The Health Trust offers several different health plans, with a variety of different benefits and premium structures, from which an employer can choose. If your town currently offers a plan that you feel is too expensive, I encourage you to contact the Health Trust and ask them to provide you with information on other options that may be available to you. ■

### MAINE MUNICIPAL EMPLOYEES HEALTH TRUST 2017 FUNDING MODEL – ALL PROGRAMS



\*\*Includes reinsurance premium, life insurance premium, network access fees, and health education. Also includes fees required by the federal Affordable Care Act (health care reform).

#### Summary:

- Total Claims Expense and Related Expenses: 95.32%
- Claims Service and Administrative Expenses: 4.68%

**ABOUT THE TRUST** – The Maine Municipal Employees Health Trust is a non-profit, self-funded trust, that provides health, dental, vision, life, disability, and wellness benefits to municipal and other members of the Maine Municipal Association. The Health Trust is regulated by the state of Maine Bureau of Insurance, and follows all applicable state and federal mandates.

# SPECIAL EVENT

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**WEDNESDAY, NOVEMBER 15, 2017**

**Location: Augusta Civic Center, Augusta, ME**

**Registration: 1:00 p.m.**

**Workshop: 1:30 p.m.-4:30 p.m**

Now that the recreational use of marijuana is permitted in Maine, via a citizen-initiated law that allows for a great deal of "home rule" decision making, issues are swirling about regulating retail and growing operations. This three-hour program is two workshops in one: MMA legal staff will offer updates and advice in several topic areas including zoning, land-use and retail regulation. MMA legislative advocates will discuss the status of laws and regulations regarding marijuana sales and manufacturing. Please join key MMA staff for this interactive program to learn the latest about legal marijuana, ask questions and share concerns.

### **Presenters:**

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**and**

**MMA State & Federal Relations Department**

**Online registration is available at:**

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# Moosehead Region development project: 'Earn a living, have a life'

*Towns in a rural region the size of Delaware come together to foster economic development the right way, accenting the abundant natural and aesthetic treasures.*

By Janine Pineo

**"A**merica's Crown Jewel" is the size of Delaware, with a population of about 4,000.

Luke Muzzy likes to use that nugget to give some perspective to the scope of an ambitious vision to create a robust future for one of the state's most famous areas, the Moosehead Lake region.

"I love this community," said Muzzy, senior land asset manager for the Weyerhaeuser Co. and the board president of the Moosehead Lake Region Economic Development Corp.

The MLREDC formed as a non-profit in 2013 to tackle the conundrum that faces many communities in Maine: how to reinvigorate a once-thriving area that has been slowly drained of its population and businesses.

"We formed out of necessity," Muzzy said. There had always been an economic advisory board in Greenville, but it had fallen somewhat dormant. That changed in 2013 when the town select board decided to revive the group.

No one wanted to see the region fade away, Muzzy said, and it had become clear that nobody was going to come in from the outside and save them. So the MLREDC came into being.

If you stick a compass point into the middle of a map of Moosehead Lake and draw a circle with a 25-mile radius, you have the Delaware-sized Moosehead Lake region, which includes Greenville, Monson, Beaver Cove, Shirley, Rockwood and the outposts of Seboomook and Kokadjo.

It is home to the southern gateway

to the 100-Mile Wilderness of the Appalachian Trail, and it spans two counties: Piscataquis and Somerset. It has dozens of unorganized territories and more than half a million acres of land under permanent conservation out of the 1.25 million acres within the circle.

## The crown jewel

The jewel in the crown, of course, is Moosehead Lake, the state's largest at 40 miles long, with 400 miles of shoreline and more than 80 islands. Henry David Thoreau, who traversed a good portion of the Maine wilderness in 1846, including Moosehead, described the lake as being "like a gleaming silver platter at the end of the table."

Protecting that asset, among others, is priority No. 1.

"I think we're so far ahead than most areas of the state in planning," Muzzy said of the massive amount of conservation that has taken place to protect the wilderness character of the region.

A lifelong resident who comes from a long line of lifelong residents, Muzzy has seen a lot of that regional planning firsthand. He was employed by Plum Creek Timber Co., which was the largest landowner in the Moosehead region in 2005 when it announced its intentions to develop some of its landholdings around the lake, proposing two resorts, 1,000 second-home lots and three RV parks.

That proposal touched off a firestorm over the character of the region and what development was acceptable in such pristine Maine wilderness. Ultimately, it led to deals with the Land Use Regulation Commission that allowed rezoning thousands of acres for development and conserved hundreds

of thousands of acres permanently.

Plum Creek was acquired by Weyerhaeuser in February 2016. Those proposed developments have never happened.

The sheer scope of economic development for this region is an uphill battle right from the get-go. "Political boundaries really could be a hindrance sometimes," Muzzy said. "It's not about glory. It's about getting things done."

Things are getting done.

The MLREDC has raised about \$300,000 privately for various branding and development projects. The group is all volunteer and everybody has a "day job," Muzzy said. He sees the sustainability of that as the biggest challenge down the road.

The money raised has helped pay for the initial work of the MLREDC. A consultant was hired in late 2014 and a Brand Leadership Team was formed, its early work resulting in the choice of "America's Crown Jewel" in 2015. As of late June of this year, the MLREDC was awaiting a final report from Future iQ, a company that specializes in regional and corporate planning. The company started work in late 2016, meeting with dozens of people from businesses to state and local government. They returned this spring for a two-day "think tank" to work on the goals for the region.

That report will be the strategic master plan to help MLREDC achieve those goals by 2030: Create more jobs; increase the population by 25 percent, especially younger people with families; and, expand outdoor tourism to a longer timeframe of eight to 10 months per year, but keep the "character and values of the region," according to the MLREDC website.

Jesse Crandall, Greenville's town manager, said that the tourism ques-

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*Janine Pineo is a freelance writer from Hudson and regular contributor to the Maine Townsman, [jepineo@gmail.com](mailto:jepineo@gmail.com).*

tion is key: “Why didn’t I come back here more often?” That needs to change, he said. “We have so much to offer here. There’s a pile of places to go.”

Crandall sees Greenville as the business center for the region. The population – 1,660 at the 2010 Census – swells to about 5,000 in the summer. “If we have our way, it’s going to be more than that,” he said.

Greenville as a municipality is supportive of the MLREDC and its efforts, Crandall said. “I guess what we do is in the background,” he said. “Although we have raised some tax money... to support these ideas.”

The town’s role is crucial. It is re-vamping zoning ordinances “so we can have more density,” Crandall said. The airport and roads are getting improvements and there is construction in the downtown to make it more functional for visitors.

Getting the trash cans out and putting up park benches may seem like minute tasks, but they contribute to the work Greenville does as part of the initiative.

“We’re trying to make it a friendly place to come,” Crandall said.

Muzzy pointed to the park benches flanked by flower planters as an example of the community coming together in small ways to make beautification changes. Donations were sought to pay for a “memory bench,” with the offer to put a plaque on it if the donor so desired. Muzzy said 10 benches were purchased. While some are in downtown Greenville, benches will go to Rockwood and other Greenville locations, too.

The lack of restrooms also needs to be addressed, Muzzy said. A letter was sent out and close to \$50,000 has been raised on that front.

“I see people working together who haven’t before,” Muzzy said. “It’s really

cool.”

Another project was to get a wi-fi hotspot in downtown Greenville. That’s been accomplished.

### ‘Wayfinding’ signs

Perhaps the most visual sign of change are actual signs called “wayfinding” signs. Part of the Branding Action Plan, the sign installation began earlier this year after a year of working with the Department of Transportation on the design and rollout of the deep blue signs, which are being fabricated in Portland. The first 16 signs are up, Muzzy said. There are 75 more to erect.

“The purpose of wayfinding is to



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put attractive and meaningful signs in places that will help visitors find their way to public attractions – hiking trailheads, boat launches, visitor information, public parking, motorized trailheads, etc.,” according to the MLREDC website.

“This improves the visitor experience, and results in an economic benefit when visitors stay longer and make return visits, because they learn that there are more attractions for them to enjoy. The first phase of wayfinding includes the southern half of Moosehead Lake, from Rockwood and Kokadjo to Greenville. The northern half of the lake will be in the next phases, as public access and road condition issues are resolved.”

Part of the wayfinding plan will be an online mapping function on the MLREDC website that will match the kiosk information map and be accessible for smartphone use to give directions to destinations and area businesses.

Another project under way in Greenville is the establishment of an artisan village in the downtown to attract artists, crafters, jewelers and other vendors to showcase their work. The Branding Leadership Team will be setting up five cottages, Muzzy said, with more to be added if funding becomes available.

The goal of the artisan village is to increase cultural offerings in the area.

Monson is well on its way to help with that.

“We have taken on the role as the southern gateway to the region,” said Fred Krone, Monson town manager. “You sort of set the mood for the experience.”

Last fall, the town got a shot in the arm, courtesy of the Libra Foundation, created by philanthropist Elizabeth Noyce in 1989 to better the lives of Mainers.

The foundation has purchased a number of vacant properties, including a former elementary school and an old general store. The school is undergoing renovation to become the Monson Community Center, while the general store is expected to reopen as a market called the Monson General Store.

“They are going to try to help Monson become an arts mecca,” Muzzy said.

Libra is expected to invest upward

of \$10 million in the town. According to a MaineBiz report in May, the foundation would like to see the community center contain artist studios and workshop areas, stating that talks have been initiated with the Maine College of Art and the University of Southern Maine on the possibility of establishing residencies for art students.

Agriculture and recreation are also in the plan, including building on Monson’s location as the southern gateway to the 100-Mile Wilderness.

The MaineBiz story also said Libra

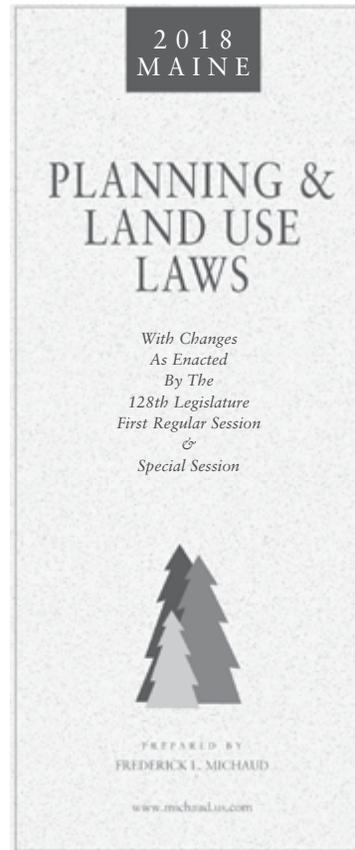
sees its investment in Monson as a complement to the “America’s Crown Jewel” economic development.

“It’s a beautiful, beautiful thing,” Krone said. “There’s this general unity now. We’ve definitely noticed the energy is up.”

He said Libra hired local folks to do the work on the buildings and properties in its project.

That plays right into the heart of the marketing web for Moosehead on the MLREDC website: “Earn a living. Have a life.” ■

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# Rural Maine: Effects of UT development on local economies

*The Maine Land Use Planning Commission seeks feedback about how development in the Unorganized Territories affects nearby rural towns, in order to improve its zoning system.*

By Ben Godsoe, Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry

Are you an official of a town near the unorganized territories or plantations (the UT)? If so, the Land Use Planning Commission (LUPC or the Commission) wants to hear from you. The development of homes and businesses in the UT can impact nearby communities. These impacts can be both positive and negative.

For example, new development in the UT can help sustain a region's population base and provide needed jobs in the rural parts of the state. Neighboring municipalities can benefit from the associated increase in activity in the town. The same town, however, can incur added service costs without the direct ability to collect tax revenue from the neighboring UT. Additionally, while attracting new people and new businesses to the UT can benefit a region, including the towns in that region, the relocation of individuals or businesses from a town to the neighboring UT can be detrimental to a town and its tax base.

These are just some of the impacts that warrant consideration when planning for development in the UT. The commission is interested in learning more about the interplay between the UT and neighboring towns.

**What are the most important things that the LUPC should think about when encouraging new development in the UT near a municipality?**

The commission is reviewing its application of the adjacency principle, which is a policy that guides where new development can occur in the UT. At a recent meeting, the commission discussed findings in the process so far

*Benjamin Godsoe is a Senior Planner with the Maine Land Use Planning Commission, [benjamin.godsoe@maine.gov](mailto:benjamin.godsoe@maine.gov) or 207-287-2619.*

## TO LEARN MORE

To find out more about the Land Use Planning Commission project, visit the commission's webpage dedicated to this effort at: <http://www.maine.gov/dacf/lupc/projects/adjacency/adjacency.html>. Once there, you can read comprehensive results from a public survey and read the commission memo explaining the new overall approach.

and a new overall approach to applying the adjacency principle.

Review of the adjacency principle has led the commission to gather lots of different kinds of information including: input from a public survey (over 2,000 responses); and from small group meetings with stakeholders knowledgeable about economic development, provision of services, conservation, and issues important to private property owners. Folks who have participated in the process so far encouraged the LUPC to reach out to municipal officials to find out more about how development in the UT affects nearby towns.

**Why does the commission's work matter to municipalities?**

The commission believes that by taking a comprehensive approach and considering the needs of service-providing towns, as well as the desire and rights of UT property owners in areas near towns, the commission may shape its planning policies to benefit a wider range of people, businesses and communities.

A thoughtful approach to planning may help manage potential effects for nearby municipalities from new development that may occur in

the UT served by the commission. The following are a few examples of potentially relevant considerations:

- *Issues associated with taxation.* In some instances it may be cheaper to live in or operate a business in the UT than in a nearby town where taxes are higher. This tax disparity has the potential to create competition and affect a town's ability to attract new residents or businesses. However, in certain situations, lower tax rates in the UT may attract individuals or businesses to a region that need people, benefiting nearby towns. To what extent should differences in tax rates be factored into the commission's planning policies?

- *Disincentivizing redevelopment.* While it may be advantageous to locate a new home or business in the UT for tax purposes, in nearby service centers there may be vacant homes, commercial spaces and industrial parks. Many towns are facing the challenge of redeveloping after losing population in recent years. To what extent should municipal redevelopment efforts be factored into the commission's planning policies?

- *High costs for public services.* New subdivisions and businesses in the UT may need basic public services. In towns near the UT, budgets are generally tight for maintaining roads and providing emergency services. Some towns struggle with personnel shortages, funding constraints and with pressure to provide services to outlying areas. However, this issue may vary in different places. Additional development may also help a region add population. To what extent should the provision of public services be factored into the commission's planning policies?

## Current policy

The LUPC oversees zoning for unorganized and deorganized townships, plantations and some municipalities in 13 counties and many different regions in Maine. The area served by the commission covers roughly half the state. Because of the sheer size and diversity of the UT, the commission has had to plan for future growth and development differently than a municipality. The comprehensive planning process in organized municipalities allows cities and towns to establish a vision for the community and direct future growth, consistent with this vision, to the most suitable locations. This approach works well in a town-sized area but proves challenging in larger regions.

While the commission has zoned a few regions in the UT in this way, taking this approach to prospectively zone the entire service area (over 10 million acres) is not logistically feasible for the LUPC. As a result, much of the commission's zoning for commercial or residential subdivision development is done on a case-by-case basis in response to specific develop-

ment proposals. This is a reactive approach to zoning.

When the Land Use Regulatory Commission (now LUPC) was created in the 1970s, development zones were drawn around existing businesses and houses, but generally were not designed to accommodate future growth. The commission considers proposals for rezoning on a case-by-case basis, and takes into account the positive and negative impacts of new

development on the area.

Right now, new homes can be built in most places, but new zones for subdivisions or commercial development need to be within a mile by road of existing compatible development. This policy, known as the adjacency principle, encourages lower tax burdens, keeps land available for forestry, agriculture and recreation and promotes the health of existing communities.

The adjacency principle is a tool

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that the commission uses to concentrate new development to lower costs for maintaining public roads and providing emergency services. Regions need a certain amount of people and businesses to be successful, and encouraging the concentration of new development means new growth can happen efficiently and cost less.

The commission is currently reviewing how it applies the adjacency principle to see if it can be improved to do a better job locating development in different kinds of situations. For example, concentration of new development near towns must be done thoughtfully, so as not to have unintended, adverse impacts on municipalities.

### Why review the principle?

The LUPC recognizes that a one-size-fits-all approach to locating new development in the UT is not a nuanced-enough approach. The commission's Comprehensive Land Use Plan (the CLUP) notes that current application of the adjacency principle through the one road mile rule-of-thumb does not always result in devel-

opment locating in the most suitable places for growth, and instead concentrates new development near other similar types of development. The CLUP calls for the adjacency principle to be refined.

Feedback from stakeholders and the public have also indicated that times have changed and the pace of change is accelerating. Some uses in the commission's service area have gotten less popular, while others are

more popular. Broadband, cell service, new natural resource harvesting and processing technologies, demographic shifts, patterns of land conservation and ownership, and changes in the demands of recreation consumers – all of these factors are driving changes in location of development that will be difficult to predict going forward. More flexibility is needed to account for different situations.

Here are a few reasons to review

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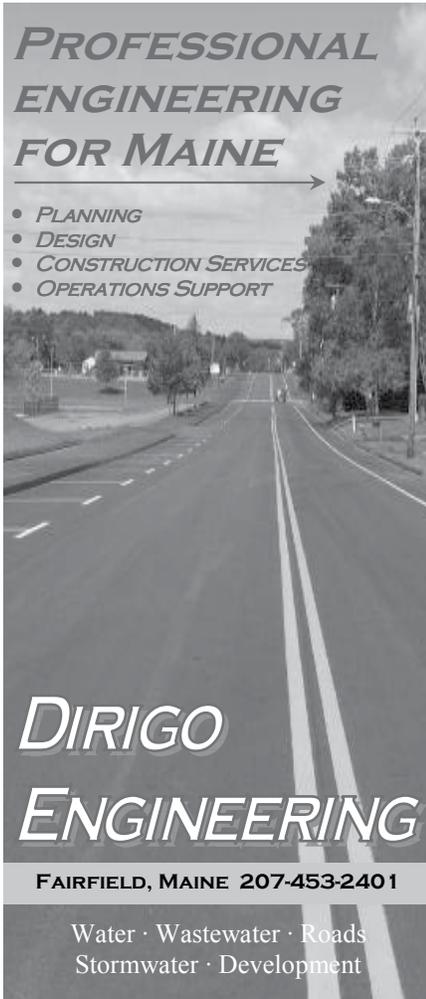
the current policy:

- *Recognition of regional differences.*

The commission's service area is a big place, and a one-size-fits-all approach doesn't always mean new development happens in the most suitable locations. For example, application of the one-mile-by road rule of thumb in Aroostook County is very different from the same measure in other parts of the state because developed areas tend to be farther apart in northern Maine.

- *Flexibility to allow for good site design.* Sometimes, additional flexibility is needed to account for site conditions. For example, wetlands or steep slopes in the area may make it difficult to locate new development within a road mile of existing types of development.

- *Flexibility to permit development in situations where it is a good fit.* There are some locations that would be a good fit for a new residential subdivision or commercial business for a number of different reasons, but are located



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farther than a mile from existing development similar to what is proposed.

The Commission is rethinking its whole adjacency approach.

**How could refining the adjacency principle benefit economic development initiatives in your town?**

The commission serves many regions and places that are different from one another and have different needs. By tailoring what kind of development is encouraged in locations near towns, and how development happens in these locations, zoning in the UT may be complementary to zoning in nearby municipalities.

Refining the current policy may benefit nearby towns in a number of ways, some of which include:

- *Allowing residential growth in regions that need more population without overburdening service providers.* In some regions, service centers and towns have created agreements with the county and other municipalities to address how services are provided in the UT. The primary need in a region like this may be generating more residential growth so that there are enough people in the region to support basic services like grocery stores,

automotive repair, schools, hospitals, etc. If done thoughtfully, additional residential development can be located to minimize costs for basic public services (e.g., road maintenance and emergency services).

- *Supporting economic activity that depends on natural resources.* The UT includes many different types of natural resources that contribute to Maine's rural economy. Allowing certain types of processing in the UT could comple-

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ment existing resource-dependent businesses in nearby towns (e.g., processing to reduce the bulk of forest resources prior to transport).

• *Supporting growth of the recreational economy.* In some places, the number of recreational visitors is steadily increasing and local businesses in towns rely on income from people traveling to rural Maine to hunt, fish or travel by trail on land or by boat on water. Improving the connection between

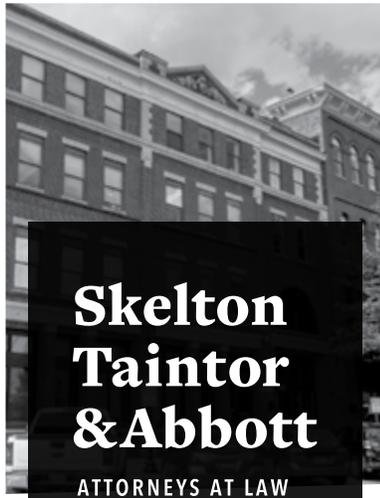
towns where people purchase goods and services, and recreational resources that may be in the UT, could result in a more cohesive regional development pattern.

• *Recognizing important transition areas.* Sometimes, scenic roads extend from municipalities into the UT. These roads offer a certain experience to travelers, and can be an important gateway to a community. Ensuring that new development does not nega-

tively impact the scenic character of these areas would benefit municipalities as well as communities in the UT.

### Conclusion

The LUPC seeks your help to fully think through these important issues. In your opinion, what are the most important things that the commission should be thinking about when encouraging new development near your town? ■



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# The Municipal RISK MANAGER

FALL 2017

A Publication of the Maine Municipal Association

## First-In-The-Nation PTSD Presumption Enacted By Legislature

*Article contributed by Garrett Corbin,  
Legislative Advocate, MMA State and Federal Relations*

LD 848, now enacted as Public Law 2017 ch. 294, establishes a rebuttable presumption under the laws governing Workers' Compensation which provides that when a law enforcement officer, firefighter or emergency medical services worker is diagnosed by a licensed psychologist or a licensed allopathic or osteopathic physician as having post-traumatic stress disorder (PTSD), the injury is presumed to have arisen out of and in the course of the worker's employment, and is therefore compensable. The bill, identified as a mandate, was adopted by a two-thirds majority vote in both the House and Senate, enabling the Legislature to impose these new PTSD presumption related costs onto municipalities without providing state funding for 90% of those new expenditures. A fiscal impact analysis developed by MMA estimates that this new presumption has the potential to increase statewide municipal expenses by as much as \$2.5 million annually.

In recent years, the Legislature has been reluctant to enact new unfunded mandates on municipalities, especially if the cost of the mandate is significant. Moreover, bills that propose to shift new Workers' Compensation burdens onto the state are hardly ever enacted, and would be almost certain to receive a veto. In that context, one might ask how LD 848 was able to receive a unanimous "Ought to Pass as Amended" report from the Labor, Commerce, Research and Economic Development (LCRED) Committee, pass the House and Senate, and actually gain the Governor's signature.

After much head scratching and re-

flection, it appears this legislation benefitted from three factors, one of which was expected and another of which was unexpected. The third factor reflects the unfortunately complex intersection of Maine's mandate law, the legal concept of burdens-of-proof, and the difficulty in predicting the quantity of and cost associated with future insurance claims.

**Empathy for Proponents.** The expected factor is the great degree of sympathy for the constituency backing LD 848. Legislators on both sides of the aisle understandably acknowledge their own readiness to vote in favor of proposals supported by law enforce-

ment, firefighters, and emergency medical personnel, and a reluctance to oppose these groups. Members of the first responder community are bipartisan, come from all areas of the state, and undertake an important public service. As such, they present a formidable lobbying force.

**State Agency Support.** The Executive Director of the state Workers' Compensation Board testified in support of the legislation. Members of the LCRED Committee traditionally afford great deference to the Director with respect to legislation impacting

**Story Continued on Page 18**

## Snow Load Safety



Winter will soon be upon us and with it accumulating snow on roofs and buildings. Last winter saw the collapse of several buildings due to snow load. FEMA has released a publication "Snow Load Safety Guide" that details the risks of snow load, and measures to mitigate it. Some highlights:

- One foot of fresh snow can range from three pounds a

square foot to 21 pounds per square foot depending on moisture content.

- Unbalanced snow load such as snow sliding, drifting or otherwise accumulating on building additions, around roof obstructions such as HVAC equipment and chimneys, or in roof valleys places greater risk on the structure than an evenly distributed snow load.
- Ice dams can create an unbalanced roof loading situation in addition to causing water intrusion into the building interior.

Section 4 of FEMA's guide details monitoring steps to implement to prevent a structural failure and warning signs that a roof system is overstressed

**Story Continued on Page 19**

## PTSD Presumption *(cont'd)*

the Workers' Compensation system. The Committee was quick to notice the Director's position in light of the fact that he had previously opposed all bills proposing to shift new burdens of proof to employers.

The Director acknowledged in his testimony that he had in the past testified against enacting presumptions into statute based on his view that doing so "tip[s] the scales of justice", is unwise, and is out of step with fundamental legal principles. He went on to explain his support for LD 848 came from a belief in the importance to the public at large of first responders being able to function fully and in the proper frame of mind. The Director also believes that, with respect to PTSD, "the sooner a diagnosis is made and the condition treated, the greater likelihood for recovery..." In short, the Director suggested that first responders would be incentivized to seek treatment once the governmental employer is required to prove that a diagnosis of PTSD resulted from experiences outside of that person's employment as a first responder.

Before moving on to the third factor, it might be helpful to note the interplay between the first and second factors. At the public hearing, the Director was joined by at least 20 proponents including several firefighters and first responders, sheriffs, the National Association of Firefighters, the National Alliance on Mental Illness (NAMI), the Maine Chiefs of Police Association, the bill's sponsor, and the Maine

Association of Police. The testimony painted a clear picture of the perception of a stigma associated with acknowledging PTSD throughout the first responder community. The testimony pointed to this stigma as the reason why these employees do not avail themselves of the early intervention treatment solutions that would allow them to address the trauma before their mental stress grows into PTSD. The primary proponent of LD 848, the Maine chapter of the National Alliance on Mental Illness, explicitly stated in its testimony that their advocacy for this presumption was "due to the pervasive stigma that prevents officers from practicing positive self-care."

Not a single person who testified, however, indicated that they had submitted a Workers' Compensation claim which was denied. In its opposition to LD 848, MMA pointed to the fact that mental injury claims are both in law and in practice compensable. The legal concept of a "rebuttable presumption" is intended to be applied out of fairness, when clear evidence of work-relatedness is difficult by its nature to obtain. Evidence of the types of traumatic work events that can lead to PTSD is not by its nature difficult to obtain. Rather, these incidents are ordinarily well-documented and that documentation very often justifies the coverage of claims. Without any indication that claims are in any way regularly being denied, imposing a new burden on employers to disprove a claim did not seem to be a sensible solution to the stigma issue identified by the bill's proponents.

**Cost Confusion.** It is not uncommon for a bill with strong bipartisan support to ultimately die for lack of funding. LD 848 applies in part to state police, and in large part to county and municipal employees. Bills which carry a cost to the state must be funded to be enacted, whereas legislation that would impose new costs on local government can be enacted provided the Legislature either pays 90 percent of the local costs or acknowledges the new mandatory cost to the local government and votes to enact the law by a two-thirds majority in both the

House and Senate without providing funding. For these reasons, the cost estimate for LD 848 loomed large after the public hearing as it could impact the fate of the bill.

According to the fiscal note prepared by the Legislature's Office of Fiscal and Program Review,

*This legislation will result in additional costs to the State as a direct reimbursement employer and to the Department of Public Safety associated with increased payments of Workers' Compensation benefits and legal and administrative expenses. The impact will depend on actual experience.*

This legislation will also increase costs to local governments in the form of both higher premiums for Workers' Compensation insurance and increased legal and administrative costs. The impact to individual units of government will depend on actual experience.

**Mandate Question.** For a quarter-century, Maine's mandate law has put legislators on notice that bills they are considering will place even greater burdens on property taxpayers in the absence of state funding, requiring a two-thirds vote for passage (rather than a simple majority). The definition of a state mandate involves a two-part test. The first test asks whether local government will be required to expand or modify its activities as a result of the new law. The second test asks whether the new law comes at an increased cost to local government. Each test must be met in order for the proposal to constitute a mandate.

The Committee's legal analyst and multiple members of the Committee appeared to narrowly interpret the law (which Maine's Constitution requires to be "liberally construed") by claiming that a new rebuttable presumption on the municipal employer would not necessarily count as an expansion or modification of current municipal activities. A letter from the Committee to the Legislature's Appropriations and Financial Affairs Committee, which approves state funding, even stated "Testimony revealed that many law

**Story Continued on Page 19**



### The Municipal Risk Manager

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

**Publisher:** Risk Management Services

**Editor:** Marcus Ballou

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## PTSD Presumption *(cont'd)*

enforcement officers and first responders do seek and are treated for PTSD already, so there may be no increase or even a decrease in costs if they are encouraged by this legislation to self-identify earlier, making treatment less acute.”

*Past Experience.* The municipal officials who have handled claims under a rebuttable presumption law that was enacted in 2009 with respect to firefighter cancer know better. At that time, staff at the Maine Workers' Compensation Board issued a cost estimate of the legislation under consideration, LD 621 in the 124<sup>th</sup> Legislature, which stated, “I don't think this legislation would have any particular cost effect ... for municipalities who employ firefighters ... claims would be extremely rare.”

Prior to the passage of LD 621, the MMA Risk Services Division had four claims submitted for cancer. Since LD 621 passed, MMA Risk Services has handled 27 claims. In addition to insurance claims costs and attorneys' fees, municipal employees have spent significant amounts of time responding to discovery requests including researching and documenting information on fire calls occurring over large periods of time.

In contrast to the 2009 predictions that LD 621 would not create new costs for municipalities, the experience of towns and cities throughout the state shows this legislation has resulted in significant new costs being placed on municipal government. Based on this experience, as well as the proponents' interest in passing the legislation to encourage new claims, municipal officials have clear reason to expect a significant fiscal impact from LD 848, which applies not only to firefighters but law enforcement and emergency medical responders as well.

*Splitting the Baby.* Due, at least in part, to the Committee's difficulty reaching agreement as to whether a bill encouraging employees to file claims will in fact lead to an increase in claims and insurance payouts, the Committee's Senate co-chair offered an amendment

to the bill that automatically repeals or “sunssets” the new PTSD presumption after five years, on October 1, 2022. Additionally, her proposal requires the Director of the Workers' Compensation Board, the Maine Municipal Association, and a representative of the state to report back to the Legislature prior to the sunset, by January of 2022. The report would include information relating to the fiscal impact of this new presumption, which applies exclusively to public employees.

**Conclusion.** For the reasons explained above, Maine's 128<sup>th</sup> Legislature showed little reluctance to become the first legislature in the nation to enact LD 848. Effective November 1 as Public Law 2017 ch. 294, this law will mark the fourth (out of five total) Workers' Compensation presumption in state laws which predominantly impact Maine's municipal employers.

This new law will impact the rates used for all first responder class codes in the years to come. 2018 rates for the MMA Workers Compensation Fund are being promulgated this fall. The amount of the increase has not been fully determined as yet. You should check with your assigned underwriter to see what effect this change will have on your municipality. 🏠

## MEWEA Convention

Risk Management Services is pleased to continue our support of the Maine Water Environment Association by being an exhibitor at the annual convention held September 20-22.

We would like to thank all of the attendees that visited our booth to discuss the programs and services offered by MMA Risk Management Services.

For more information about the Property & Casualty Pool, Workers Compensation Fund or the Unemployment Compensation Fund, please contact Marcus Ballou at [mballou@memun.org](mailto:mballou@memun.org) or by calling 800-590-5583, ext. 2244. 🏠

## Snow Load Safety *(cont'd)*

from snow load.

When in doubt, get people out! If warning signs are apparent the building should be evacuated, and a structural engineer consulted to check the buildings integrity. FEMA's “Snow Load and Safety Guide can be found by accessing Risk Management Services, then Loss Control and Loss Control Advisories in the MMA web site.

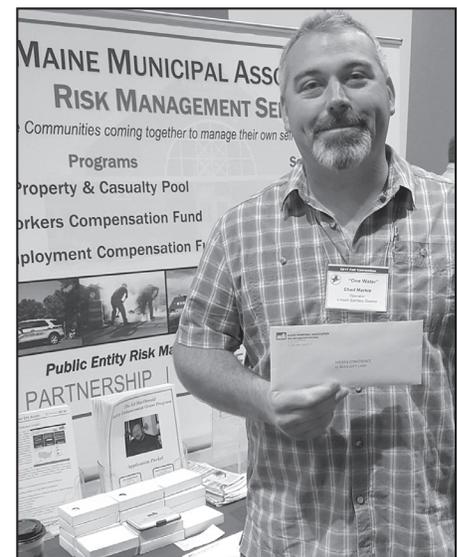
Also see:

OSHA- Falls and Other Hazards to Workers Removing Snow From Rooftops and Other Elevated Surfaces in the Loss Control Advisories section of the MMA web site. 🏠

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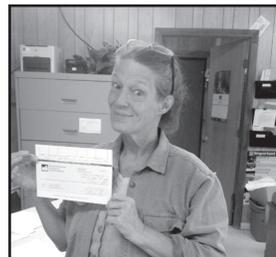


## MMA Risk Management Services Delivers Dividends to Membership



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to those members who met the dividend criteria. Because of the efforts of our member's sound management, responsible underwriting and favorable loss experience, this year the Workers Compensation Fund has distributed almost \$650,000 in dividends to participants and the Property and Casualty Pool has paid dividends of nearly \$550,000, for total payments of just under \$1.2 million returned directly to MMA members. Since 1997, the two programs have returned almost \$20 million in dividends to participating members. 🏠



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# Maine municipalities join state, feds to face weather-related risks

*They may not be attention grabbing, but culverts that channel water away from roads and properties are hugely important. Maine has 'hundreds of thousands' of them.*

By Liz Mockler

**D**r. Seuss once philosophized that, "Sometimes the questions are complicated and the answers are simple." Despite the gravity, enormity and impending threats, Seuss could have been talking about climate change when he penned those words decades ago.

At Maine Municipal Association's 81<sup>st</sup> Annual Convention earlier this month, a panel discussed the topic at some length.

As more elected officials in Maine recognize that climate changes must be dealt with, they are joining forces with planning commissions, state and federal agencies, private businesses and each other to begin discussing the expensive challenges that a warmer and rising ocean, stronger storms and more frequent flooding pose to Maine.

The hour-long talk proceeded without anyone even naming the "hurricane in the room" – the actual words "climate change." Floodplain mapping was also slated to be discussed, but there was no time for it except for one or two quick comments.

Elizabeth Hertz, principal of Blue Sky Planning Solutions, led the panel.

"I think we have broken the inertia" about the climate change debate and the possible consequences of the more extreme weather events that are already occurring, Hertz said after the workshop.

"We are really poised to take action" at all government levels, she said. "We are seeing more nodding heads and less push back that it's happening."

Hertz encouraged attendees to



**Presentation from the climate-related Convention program.** (Photo by Ben Thomas)

take the "KIS" approach to dealing with climate change – Keep It Simple – and to take on one issue at a time if necessary.

"We can pick it apart" and solve the problems, she said. "It's the Maine approach."

## Small changes, big results

Hertz joined Milbridge Town Manager Lewis Pinkham in addressing attendees. Pinkham talked about small changes and new strategies that have borne positive results in his small fishing town in coastal Washington County.

Pinkham focused on how the town replaced 14 culverts over the past decade that had washed out and flooded roads. All the work was financed with federal funds.

"None of the culverts we replaced have flooded out since," Pinkham

said.

However, some federal and state funding for culvert repairs or replacements has dried up. Municipalities hope new funding will be provided via state bonds and federal cash. The longer the wait, the higher the cost, officials agreed.

Pinkham said the town raised its fishing piers in recent years with \$2 million in federal funding and a local match of \$125,000.

Hertz conceded that climate change is an overwhelming issue, but added there has been great progress statewide by officials who no longer accept that the present and potential dangers can be handed off to the next generation.

She said no matter where she goes in Maine, officials have anecdotal stories of environmental changes they have experienced or witnessed firsthand.

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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)

The time is now to begin making plans, setting new policies and gathering the enormous amount of money that will be needed to make the necessary changes, Hertz said.

Hertz, whose firm helps cities and towns address myriad planning issues, said one idea would be for the state to create a fund to provide low-interest loans to municipalities to begin making needed changes. "It would be paid back and paid forward," she said.

### Challenges inland, too

The discussion centered on coastal issues, since storm surge and flooding topped the list of municipal officials' concerns, but inland Maine is not being ignored and brings its own challenges, Hertz said.

According to Robert Faunce, a veteran Lincoln County Regional Planning Commission planner, where only three towns do not include coastal geography, officials in inland communities also need to worry about more frequent flooding since so many scenic and historic villages and downtowns are located near rivers.

Inland Maine communities will not escape the effects of climate change, he said.

"A Maine town might have 100 to 150 culverts and that's pretty significant," Faunce said. "Culverts are a tremendous deal for all municipalities."

He said heavy 24-hour rainstorms can wash soil, broken tree limbs and logs into the head of culverts, quickly creating floods, destroying roads and wrecking critical fish passageways.

"Every town is going to be affect-



**Another workshop scene from MMA's 2017 Convention.** (Photo by Ben Thomas)

ed" as climate changes intensify in both number and force, Faunce said.

Legislation proposed by Rep. Lydia Blume of York would establish Maine's Coastal Risks and Hazards Commission, the first formal entity charged with finding and gathering information and making recommendations needed to begin to confront the challenges posed.

The Legislature's Environment & Natural Resources Committee asked MMA to ascertain the need for this commission, find out what some communities already do and gather other information for the committee. The MMA convention workshop followed the first stakeholders meeting held pursuant to the committee request, organized by MMA and held on Sept. 13.

### Finances are key

According to experts, a key to attacking weather challenges will be convincing the federal and state governments to provide the lion's share of the money that will be needed to: move municipal buildings; stop further construction near the shoreline; stop or slow erosion; protect working waterfronts and local utilities, especially wastewater operations and facilities; fortify or rebuild bridges and roads; and, protect electrical grids.

These challenges are time-consuming expensive to address, yet fairly simple to identify and engineer solutions for, officials agreed.

There are other less visible problems to address as communities plan for the future, Hertz said, particularly

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identifying where vulnerable residents live and figuring out ways to be sure they are not trapped in areas where they cannot be reached during floods and other catastrophes.

Those locations include where nursing homes and hospitals are situated, for instance, or where poor people with few or no resources to help themselves live.

Another example: Maine's summers are expected to become markedly hotter over the next decades. Will a community that now provides warming shelters to their residents during the frigid winter months when they lose electricity also provide cooling shelters when the heat can turn deadly?

To highlight some of the changes that were not difficult, but required awareness and the drive for change, Milbridge Manager Pinkham talked about a number of projects he and selectmen have accomplished to address the most pressing infrastructure problem, such as digging deeper ditches, cutting trees away from power lines and raising roads where essential.

The biggest and most successful change, however, has been to culverts,

Pinkham said.

### Focus on culverts

Most people would not consider culverts to be such a big deal, but they are essential to protecting the rest of a community's infrastructure. They channel water away from roads, homes, downtowns and public facilities and move water into larger bodies of water and into the sea in many communities.

Pinkham said one culvert in particular in Milford, a concrete one built in 1940, was recently restored and the road raised by 1.5 feet. Before the improvements, the road easily flooded

even with modest rainfall.

Pinkham mapped all the culverts in Milford, with help from public works, and started keeping track of the condition of the culverts and making plans to replace or buttress all of them over time.

Moreover, officials in many small towns surrounding Milford have agreed to let Milford take the lead in purchasing new culverts for their towns. That collaborative project has saved each town \$150 per culvert, or thousands of dollars over several years.

Pinkham said newly installed culverts must be larger and stronger to

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handle the higher water flow.

According to Faunce, there are hundreds of thousands of culverts in Maine. Because they are so vital to protecting infrastructure and accommodating water and fish, they must be a priority for municipalities.

Ditches must be deeper, culverts larger and stronger and must be engineered to handle the biggest problem with increasingly stronger rain storms: the amount of water that falls within a 24-hour period, Faunce said.

"This is not a political issue," said Faunce, who attended the Sept. 13 meeting to discuss success stories in Lincoln County, where only three towns do not include coastal geography.

"It doesn't matter what it's called" he said. "It only matters that we are doing something about it."

One recent project, he said, was the multi-million dollar replacement of piers in Damariscotta. The new piers were not wooden, but rather metal filled with concrete.

### The biggest concerns

During the MMA's convention workshop, Hertz reviewed the conclusions from the first meeting in September. Among the short-term concerns expressed were:

- Extreme weather events, including winter storms.
- Lack of information.
- Extremes in precipitation.
- Impacts on transportation infrastructure.
- Loss of wildlife habitat and increases in invasive species.
- Emergency funding.
- Conflicts between and among local, state and federal regulations.
- Lack of a way to hold local and state conversations about shared concerns and interests.
- The impact of storms and storm surges on working waterfronts, most of which are privately owned.
- Lack of appreciation for the level and types of threats that must be addressed.
- Fear of over-regulation.
- Historic development in highly-vulnerable locations.
- Impact on economic sustainability.
- Lack of training and information for municipal decision-makers.
- Lack of training on determining social vulnerability.

- Lack of trust between municipal, state and federal officials.

- Increases in non-point source pollution and the resulting impact to the marine economy.

- The unpredictability of multiple and common issues.

- Affordability of flood insurance.

- Access to medical facilities.

Long-term concerns included many of the issues that worry officials in the short-term, but also include impacts to the state's large economic sectors such as fishing, tourism and agriculture. The economic impact on historic downtowns, many that border rivers or the ocean, and lack of policies on the location of new development in vulnerable areas, are also important considerations.

Garrett Corbin, a legislative advocate with MMA's State & Federal Relations Department, developed and sent surveys in August to 122 municipalities asking about climate concerns and issues. About 25 percent of cities and towns responded, he said.

According to the results, 76 percent of respondents said they were concerned about the risks posed by increased sea levels, storm surges and other extreme weather events. The survey showed that 63 percent have identified specific weather-related risks they want to address. Only three percent of communities indicated the issue has never been raised.

Corbin said that even though some municipalities have not formally identified local risks, 90 percent of participants are most concerned about storm surges and flooding, followed by 80 percent that are worried about emergency management, 75 percent that are anxious about erosion and 70 percent that are concerned about rising sea levels and damage to infrastructure.

Faunce, the Lincoln County regional planner, has been steeped in climate change and related issues for 20 years. He has helped numerous coastal communities plan for and accomplish large and small improvements that will help as the climate risks intensify.

The cost of confronting the myriad challenges cannot fall on the backs of local property owners, he said.

Maine voters will get a chance to raise some state money for culvert work when they decide Question 3 in

the Nov. 7 election: A \$105 million transportation bond issue includes \$5 million for competitive matching grants to municipalities for culvert replacements and repairs at stream crossings.

"It's a big deal," Faunce said. "It's not a lot" of funding based on the need, "but it's at least a down payment."

### Destructive weather

Mother Nature is becoming more destructive, as recent hurricanes in Texas, Florida and Puerto Rico have shown. Flooding is the No.1 killer during hurricanes, not wind or flying objects or landscape destruction. People who are unprepared, refuse to evacuate or are trapped in their homes drown.

Meanwhile, the fate of the U.S. territory of Puerto Rico, an island about 1,000 miles off the southern U.S. coast, remains uncertain after Hurricane Maria screeched its way across the once-lush island in September and left behind scenes better recognized in post-apocalyptic movies.

This year, from Aug. 9 through Sept. 29, eight hurricanes swirled in the Atlantic Ocean – the most recorded in 124 years. Included was indolent Harvey, followed by the also slow-moving Irma and then Jose before the catastrophic Maria destroyed Puerto Rico. Experts expect rebuilding will take years or even decades.

Much of what fueled the super storms was warmer ocean water. Storm surges and flooding caused much of the worst damage. Maine is fortunate, for now, that the water in the Gulf of Maine, while warming, remains cold enough to temper hurricanes or send them out to sea.

Less than a week after the MMA workshop, Hurricane Nate made landfall as a Category 1 hurricane along the Louisiana and Mississippi border and quickly dissipated to a tropical storm.

"You don't plan for disasters based simply upon the statistical probability of them occurring in one year," Faunce said. "You plan for disasters based on their uncertainty and the scope and scale of the potential damage to life and property." ■

# Young leaders say making a difference is what calls them

*Many first entered municipal government by accident, or they were motivated by a specific issue. Once there, they found the variety of challenges to be stimulating.*

By Janine Pineo

Ask someone why they choose to serve in municipal government and the answers run the gamut.

Ask people under the age of 35 why they choose to serve, and the answers also vary. Yet, there is an underlying thread that appears: a passion to make a difference.

"I think it's a great profession to go into if you're a person who wants to go in for the greater good," said Audra Caler-Bell, 34, Camden's new town manager.

"There's a huge opportunity to effect change at the local level," said Alison McKellar, 33, a newly elected member of Camden's select board.

"Nobody gets into this business to get rich. You get into this to make a difference," said Benjamin Breadmore, 29, Holden's town manager.

Maine and much of the country is struggling to find ways to attract young professionals to become involved in local government, from volunteering for a board to running for office to being a paid employee. The aging of the United States, with Maine leading as having the highest median age in the nation, can challenge succession planning in municipalities, which can spend a lengthy amount of time and resources searching for an appropriate candidate to fill vacancies. Pair that with the diversity in forms and sizes of local government and the difficulties can seem compounded.

Except that with younger professionals, the diversity of tasks and structures might well be considered a feature, not a flaw.

"No day is the same," Caler-Bell said. The variety of work is attractive

to her, particularly the problem-solving aspect of daily tasks. "No right or wrong answers; just chart the course for the problem that you're in."

Camden's new town manager believes that creative problem-solving is all part of what makes for strong, vibrant communities, something that she thinks is understood well by veteran municipal officers and employees.

## Long way home

Caler-Bell's road to Camden traveled through Australia. She graduated from Bowdoin College, where she studied visual art and art history before she headed down under for graduate school, earning her master's degree in community development and land use planning. She worked in Logan City, the sixth largest community in Australia. Located in Queensland, Logan City was the highest growth region in the country and required her to help plan for an influx of 150,000 new residents.

"Then I missed home and wanted to come back to Maine," she said. "It actually was really hard for me to find a job."

She did find one at the Midcoast Economic Development District, which offers assistance to all of Sagadahoc and Knox counties, as well as Brunswick, Harpswell, Lincolnville, Searsmont, Belmont, Northport and Wiscasset. Then she worked in Rockland



Audra Caler-Bell



Alison McKellar

before being hired in Camden.

Caler-Bell cites the financial crisis of 2008 as a wakeup call for young professionals.

"Everybody comes to a point where you need some kind of stability in your life," she said. "People under 35 understand that stability and security are important."

She said the recession illustrated that jobs in local government are a little more protected than private-sector employment. "Those things are surely more important than what you are going to get paid," she said.

Camden select board member McKellar said she got involved in local government because of the town's proposed solid waste disposal plan, and found the rules and format of board meetings to be cryptic.

"We learn how the U.S. Senate works but we don't learn how local government works," she said of civics education in Maine.

"We just have so few people participating, so few weighing in," she said. When she began attending meetings of the solid waste board four years ago, McKellar found it difficult to know when to ask questions or to raise her hand. "I didn't know what was going on. It exists in such a separate sphere," she said.

McKellar doesn't see local government as a political machine. Replacing

Janine Pineo is a freelance writer from Hudson and regular contributor to the *Maine Townsman*, [jepineo@gmail.com](mailto:jepineo@gmail.com).

a bridge, she said, is not partisan. You have to work together.

**Goal of involvement**

One of her goals is to get more residents involved, beginning with changes for town meeting. McKellar would like to make it more of a community event. She believes moving it from midweek to the weekend will help and would like to offer child care, hold an informal information session prior to the meeting and possibly have a public supper after.

Samantha Paradis, 26, thinks running for office is an education itself, calling it “eye-opening” after knocking on 2,000 doors in her bid for mayor of Belfast.

The former Frenchville resident is a registered nurse working at Waldo County General Hospital and the facilitator for Aging Well in Waldo County, an initiative that seeks to create age-friendly communities for those 50 or older, part of AARP’s nationwide drive.

Paradis spent five weeks serving in Ghana, a West African nation of about 27 million people, as part of her master’s in public health as a Global Impact Fellow. It was while she was there that she realized she didn’t need to be in Africa to serve, that she could serve at home, too. Like McKellar, Paradis saw that public policy is regularly made at the local level, prompting her decision.

“I know that every policy affects the community,” she said. “Every single policy affects the health of the community.”

She first worked as a travel nurse in Belfast but she liked it so much, she stayed. “I’m really impressed with how things are run here in Belfast,” she said. “I’m so thankful for all of the leadership that’s come before me.”

Newly elected to Lincolnville’s Board of Selectmen, Josh Gerritsen, 33, left Midcoast Maine for about a decade before moving back and settling in Lincolnville. Gerritsen, son of novelist Tess Gerritsen, started a farm called Donkey Universe, a moniker stemming from his father’s love of astronomy and, yes, donkeys. Gerritsen also is a full-time filmmaker, making a horror film last year called “Island Zero” from a script by his mother. He now is working with both his parents on a documentary about pigs.

Gerritsen is enthusiastic about public service, mentioning his parents as a source of inspiration. He served on the Lincolnville lakes and ponds committee for the past two years and also on county and state committees for the Maine Democratic Party. What propelled him to seek a bigger role in Lincolnville was the town’s solid waste disposal plan: Gerritsen felt it was



**Josh Gerritsen**



**Samantha Paradis**



**Benjamin Breadmore**

the wrong decision. Ultimately, the town got a better contract, he said.

When asked about public service and his generation, Gerritsen had a few things to say. “There’s no shortage of passion for change,” he said. “People need to serve. We need people serving.”

Young people will protest, he said, but they won’t run for office. “We need to normalize that anyone can run. Just wanting to serve your community, maybe we’ve lost that,” he said.

Gerritsen has changes he would like to see, changes that would help residents be more informed about what is happening in town: live streaming of meetings, making board packets available to residents before meetings and archiving meetings for easy access.

**Significance in a name**

He’d also like to see the name of the Board of Selectmen changed to Select Board. “It’s the right thing to do,” he said.

Benjamin Breadmore, Holden’s town manager, actually flipped a coin – a 1920 silver dollar – to decide if he should go into forestry or public administration when he changed his major from elementary education.

Guess what happened? Breadmore interned in Brewer for 15 weeks during college, getting a taste of multiple areas of municipal work, including public works, assessing and code enforcement. “I really enjoy code,” he said.

He also is Holden’s code enforcement officer and plumbing and building inspector, finding that it helps him stay in close contact with current and new residents.

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Trying to get people to volunteer is difficult, he said. "It's not like it once was." Having face-to-face contact works. "It's an outreach thing," he said.

Breadmore is a vocal proponent of education and is disappointed that the public administration program he graduated from at the University of Maine ended the following year. He would like to see courses at the community college level to encourage more to train for jobs such as code enforcement.

Bethel Town Manager Christine Landes isn't a "millennial" but she chose a job in municipal government early in her career. Landes was part of a panel at the Maine Municipal Association's annual convention to discuss ways to attract young leaders to public service. She also serves on MMA's 12-member Executive Committee.

"I honestly don't know exactly how I got here," she said. "I took a chance, I guess you'd say."

Landes initially thought she would give municipal work a go for five years.

She then stayed for 12 in Warren before leaving due to a military transfer for her husband. When they returned to Maine, she worked in Veazie, Brewer and now in Bethel. She thinks an appealing factor is the constant change, where every task is different.

"Everything cycles within the year," she said. But she also cites interaction with townspeople as a factor. "It's the support you get from residents."

Landes said the variety of jobs in municipal government is a draw, from the fire department to the assessor's

office to code enforcement. "You don't necessarily need to go to college to be in public works," she said as an example. Municipal work "is more than just a management position."

"I am all for education" she said, but she will hire for experience. "They can't teach you how to deal with that irate resident."

At the end of the day, however, it comes down to a simple truth, whether you have the education or the experience. "If you're not happy in it, you're not going to perform," Landes said. ■

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### MMA Personnel Services and On-site Consulting Services

MMA Personnel Services offers a wide range of specialized on-site consulting services for our municipal and associate members. Personnel management and labor relations expertise is available for direct assistance or general inquiries through a toll-free telephone line. Direct on-site assistance is available in the following areas:

**Labor Relations** — Representation of the municipality in labor negotiations, mediation, arbitration and grievance processes.

**Executive Search** — Assistance with the recruitment of a new city or town manager, department head and/or senior management position.

**Training** — On-site training in a variety of topics.

**Testing** — Entry level police and fire testing.

**For more information on all Personnel Services programs, or general personnel management information, contact David Barrett, Director of Personnel Services and Labor Relations at 1-800-452-8786.**

For more information visit the MMA website: [www.memun.org](http://www.memun.org)

# - 2017 -

## Elected Officials Training Opportunities

### Elected Officials Workshops

#### Who Should Attend:

This workshop is a "must" for newly elected and veteran officials (councilors & selectpersons) as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state. **(Qualifies as Maine FOAA Training.)**

As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that this course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou. Attendees can participate via ITV Technology by viewing the presentation remotely. ITV broadcasting allows for live viewing as well as interactive participation with the attendees. A facilitator will be onsite to assist. Should you wish to attend this session at NMDC, simply fill out the registration form and select the Caribou live broadcast.

A perfect opportunity for elected officials to take advantage of the expertise that the Maine Municipal Association has to offer, attain a better understanding of their role as public officials, and stay abreast of ever-changing local government responsibilities and issues.

#### Frequently Asked Questions:

- What are our rights and duties as officials?
- Can we hold multiple offices?
- Which of our meetings are open to the public?
- Must we have an agenda and take minutes?
- What ordinances can we enact?
- What authority do we have over the schools?
- What are our liabilities and immunities?
- What is a disqualifying conflict of interest?

### Elected Officials:

#### Dates & Locations:

**Augusta**  
**11/30/2017**

Maine Municipal Association  
60 Community Dr.,  
Augusta, ME 04330

**Caribou**  
**11/30/2017**

#### \*Live Video Conference\*

Northern Maine  
Development Commission  
11 West Presque Isle Rd.  
Caribou, ME 04473



Maine Municipal Association

60 Community Drive – Augusta, ME  
1-800-452-8786

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# PEOPLE



**Steven R. Buck**

**Steven R. Buck, Thomas Goulette and Shiloh LaFreniere** were honored recently at the Maine Town, City and County Management Association's Annual Institute at the Sunday River Resort and Conference Center in Newry.



**Thomas Goulette**

Buck, who serves as city manager in Sanford, won the MTCMA's Linc Stackpole Award, which goes annually to the association's Manager of the Year. Buck, who was hired in Sanford in 2012, received nomination support from management colleagues, elected officials, school officials and private-sector representatives.



**Shiloh LaFreniere**

"Mr. Buck has been a pleasure to work with and has consistently demonstrated tremendous knowledge of the local, state and regional economies and how his city fits into the region," wrote Aaron B. Svedlow, project manager for NextEra Energy Resources.

Prior to moving to Sanford, Buck served as city manager in Caribou for 11 years. He also serves on the Southern Maine Health Care board of directors, Maine Municipal Association's Legislative Policy Committee, the York County Advocacy Committee and the York Pines Committee.

Goulette was named town manager in Guilford 17 years ago. He received MTCMA's Leadership Award for his tenure in office and for many activities that he is involved in – too many to list in this article, actually.

During his 17 years as town manager, Goulette solved a dispute involving the town landfill, rescued a failing cemetery

corporation, brought the local library into the fold as a town department and convinced a local bank to donate its downtown building to the town. He helped start the annual River Duck Race during the Guilford RiverFest. He even winds the town clock once a week. Goulette is a firefighter and Master Mason.

LaFreniere has been town manager in Jay for a little over four years. It has been a "very difficult time in our town's history," wrote Finance Director Lisa Bryant, in nominating LaFreniere for MTCMA's Rising Star Award. The main challenge has been the bankruptcy filing and loss of value of the town's largest employer, the Verso paper mill, which was preceded by another paper mill closure.

Through it all, LaFreniere showed "great leadership in the midst of a budget crisis," wrote Bryant. Terry Bergeron, select board chair in the Town of Jay, also wrote that LaFreniere "has been instrumental in bringing new businesses to Jay and continues to work tirelessly to attract more."

Prior to being named town manager, LaFreniere, a Jay native, was the town environmental code enforcement officer for 17 years.

Brownfield Treasurer **Wanda Bartlett** and **Richard Perreault**, the town's full-time fire chief and former public works employee, were recognized in August for 25 years of service to the town.



**Nyoka Irish**

**Nyoka Irish** was feted in September upon her retirement as Reed Plantation town clerk after 28 years. Although she learned the job through hands-on training, Irish studied toward town clerk certification

until her husband, former Fire Chief Buck Irish, became ill. Reed Plantation, better known for its village Wytopitlock, is located on the southern border of Arrostook County.

Standish Town Councilor **Michael Delcourt** returned to the council in early September after suffering multiple

injuries, including a broken neck, in a July car crash. Delcourt, 72, was struck from behind while waiting to turn into his driveway. He told well-wishers he considered it a miracle that he survived the crash.



**James Kennerley**



**Ray Cornils**

**James Kennerley** was named Portland's next municipal organist, taking effect after long-time organist **Ray Cornils** retires at year's end. Raised in Essex, England, Kennerley will play the city's Kotzschmar Organ, which underwent a \$2.6 million restoration in 2014. The Kotzschmar is considered the grandest and most famous pipe organ in the world. The organ was constructed in 1912 with 7,100 pipes when

city hall was built. Cornils has served for 27 years. Kennerley, 33, will become the 11th municipal organist in the 105-year history of the Portland organ. Only Portland and San Diego, Calif., employ municipal organists. ■

**If your municipality submits a news item for the Townsman, consider sending a corresponding photo to:**

**Eric Conrad:**  
[econrad@memun.org](mailto:econrad@memun.org)  
 or  
**Jaime Clark**  
[jlclark@memun.org](mailto:jlclark@memun.org)

## STATEWIDE

Every year during its September meeting, Maine Municipal Association's 12-member Executive Committee reviews the questions that will be put before the voters at the November general election and establishes the association's position on ballot measures seen as having both a direct and statewide impact on local government.

Of the four questions on the Nov. 7 ballot, the executive committee voted to support Question 3, which is a \$105 million bond issue for transportation purposes. Of the total bond package, \$80 million of the revenue is dedicated to the construction, reconstruction and rehabilitation of Priority 1, 2 and 3 state highways, the municipal partnership initiative and to replace and rehabilitate bridges. Another \$20 million is dedicated to capital improvements to ports, harbors, marine transportation, aviation, freight and passenger railroads and bicycle and pedestrian trails. Some \$5 million capitalizes a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and increase community safety. The bond proceeds are estimated to leverage \$137 million in federal and other funds.

The Executive Committee voted to take "no position" on the remaining ballot initiatives:

Question 1. A citizen-initiated bill seeking to authorize the Department of Public Safety, Gambling Control Board to accept applications for a license to operate a slot machine facility or a casino in York County.

Question 2. A citizen-initiated bill seeking to expand Medicaid coverage to qualifying adults under age 65 with incomes at or below 138 percent of the federal poverty line, which in 2017 is \$16,643 for a single person and \$22,412 for a family of two.

Question 4. A resolution seeking to amend the Constitution of Maine to extend the pay-back amortization period for an unfunded actuarial liability created by experience losses (e.g., negative difference between expected performance and the actual outcome of an investment, etc.) from 10 years to 20 years.

## 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.

**Personal Income Growth.** The state Office of Policy and Management calculates that Maine's average personal income growth rate for 2018 will be 2.61 percent, an important figure for municipalities that use the LD 1 calculation.

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

**Capital Improvements.** The Maine Rural Water Association will address planning for major water and wastewater utility projects, rate-setting and effective use of surcharges during a program that launches on Nov. 1.

## STATEWIDE

The Maine State Police is now using aerial drones to investigate car crashes in rural areas that take as much as a day's drive to reach. In early August, state police took 81 photos of a crash in Northfield in Washington County, which are then "stitched together." Using the photos, investigators were able to determine the cause of the crash in 14 minutes. The use of drones, which are unmanned aerial vehicles with mounted cameras, continues to grow in Maine, as does the debate over the impact of drones on personal privacy.

## BIDDEFORD

The city council last month inked a 99-year lease with Bangor Savings Bank to allow the bank to maintain and improve the City Square Park in the downtown as part of building a new branch that will open next year. The park will be expanded, making access easier for residents via a new sidewalk. The agreement states that the bank must also maintain the park in the winter. The bank site abuts a historic building, used most recently by another bank, and will be renovated beginning this month. The deal includes adding three parking spaces for bank and park use.

## ISLE AU HAUT

The town's member-owned and for-profit electric power company plans to switch its power supply from an underwater cable from Stonington to 300 to 600 solar panels in the first stage of the conversion. The company provides electricity to 140 year-round and seasonal customers. The project will begin in 2018.

More panels will be added in the second phase, depending on the final design of the project. Company owners said the cable from Stonington is more than 30 years old, far beyond its expected lifetime, and fear it could fail. Residents voted in 2016 to sell the power company almost five acres on Coombs Mountain for the solar panel arrays.

## WILTON

Town officials and residents were happy in August to hear of a \$360,000 private donation to benefit the programs and facilities of the recreation department. The donation was made on behalf of a resident who died recently. The family of the donor has asked for the gift to remain anonymous. The town's recreation committee will meet to decide how best to use the money and then present its report to selectmen for approval. One idea is to create a trust for the department, which would earn interest annually to support recreation efforts and still have the money in the bank.

## YORK

In late September, selectmen agreed unanimously to join the citizens group Think Again to appeal a recent Maine Turnpike Authority decision to move ahead with plans to build a new toll booth. The decision could delay the start of the project for many months. Selectmen voted to use \$9,000 in contingency funds to appeal the MTA decision in state superior court. The citizens group will pitch in \$3,000 and the town attorney said the town's cost of the appeal process should be capped at \$12,000. ■

# MUNICIPAL BULLETIN BOARD

## SPECIAL SESSION!

**NOV. 15**

### **MMA Marijuana Update: Augusta**

Maine Municipal Association attorneys and legislative advocates will hold an update session for members on Nov. 15 about the legal marijuana initiative and where things stand – as best we can determine on this date – from a legal viewpoint and at the State House. This session will be held at the Augusta Civic Center.

The three-hour event begins with registration at 1 p.m. The updates will begin at 1:30 p.m. and will end at 4:30 p.m. There will be time for questions regarding issues involving municipal jurisdiction over marijuana. It is important for attendees to understand this is a legal and legislative update. The Legislature may further amend Maine's recreational marijuana law in 2018 and beyond. Cost is \$30 for MMA members and \$60 for non-members.

**OCT. 26**

### **Law for Tax Collectors, Treasurers: Orono**

The Black Bear Inn in Orono will be the site as the Maine Municipal Tax Collectors' and Treasurers' Association holds a day-long, basic class covering legal issues relevant to the profession. Manuals should be downloaded and brought with you to this workshop.

Cost is \$55 for MMTCTA members and \$75 for non-members. The session begins with registration at 8:30 a.m. and will conclude at 4 p.m. Attorneys from MMA's Legal Services Department will lead the class.

**OCT. 27**

### **Verbal Judo! in Bangor**

A special MMA session – Verbal Judo: Tactical Communications for the Contact Professional – will be offered on Oct. 27 at the Bangor Hilton Garden Inn. If you work with the public and you ever find yourself

in conflict situations, this workshop is for you. The featured speaker is Joel Francis of the Verbal Judo Institute.

The workshop, which includes five distinct "modules" addressing conflict resolution, begins with registration at 8 a.m. and concludes at 4:30 p.m. A reserved seat, workshop materials and light lunch will be provided. Cost for the workshop is \$95 for MMA members and \$190 for non-members.

**NOV. 2**

### **Planning Boards/BOA: Dedham**

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 Nov. 2 at the Lucerne Inn in Dedham.

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.

**NOV. 15**

### **Labor and Employment Law: Portland**

If you manage municipal personnel, as an employed manager or as an elected official, this workshop is a must for up-to-date information about legal and practical approaches to personnel situations. Attorneys Linda McGill and Matt Tarasevich, from the law firm Bernstein Shur, and MMA's David Barrett, head of Personnel Services & Labor Relations, will lead the workshop.

It will be held at the Fireside Inn and Suites on Riverside Street in Portland, starting with registration at 8:30 a.m. It will conclude at 2:30 p.m. Cost for the session is \$75 for MMA members and \$150 for non-members.

**NOV. 16**

### **Law for Tax Collectors, Treasurers: Augusta**

MMA's Christopher G. Lockwood Conference Center in Augusta will be the site as the Maine Municipal Tax Collectors' and Treasurers' Association holds a day-long, basic class covering legal issues relevant to the profession. Manuals should be downloaded and brought with you to this workshop.

Cost is \$55 for MMTCTA members and \$75 for non-members. The session begins with registration at 8:30 a.m. and will conclude at 4 p.m. Attorneys from MMA's Legal Services Department will lead the class.

**NOV. 30**

### **Elected Officials Workshop: Augusta, Caribou (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 the MMA 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. ■

**All of the upcoming workshops can be found on the MMA website.**

**Use the following link:**

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

# LEGAL NOTES

## FOAA Amendments for 2017

The Legislature has amended Maine's Freedom of Access Act (FOAA) or "Right to Know" law to protect the application materials and other personal information of participants in so-called "community well-being check programs." These are voluntary programs that involve daily or regular contact with participants (such as the elderly or disabled) and that dispatch first responders to check on them when contact cannot be established. The protected information is confidential and not a public record under FOAA, except that it may be made available to first responders as necessary to implement the program (see 1 M.R.S.A. § 402(3)(V)).

The Legislature has also amended FOAA to require payment of all costs associated with public records requests before the records are provided to the requester. (see 1 M.R.S.A. § 408-A(8)(F)). This is different from, and in addition to, the present requirement that requesters pay prior to commencing the search, retrieval, compilation and copying of records if the estimated costs exceed \$100 or the requester has previously failed to pay any costs (see 1 M.R.S.A. § 408-A(10)).

Both amendments take effect Nov. 1, 2017.

For a comprehensive guide to the Right to Know law, see our "Information Packet" by that title, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Poverty Abatement Law Now Defines 'Primary Residence'

The Legislature has amended the law governing property tax abatements for hardship or poverty to add a definition of "primary residence" (see PL 2017, c. 273, eff. Nov. 1, 2017). The law was amended several years ago to restrict "poverty abatements" to a taxpayer's primary residence.

The new definition of "primary residence" includes "the home, appurtenant structures necessary to support the home and acreage sufficient to satisfy the minimum lot size as required by the municipality's land use or building permit ordinance or regulations or, in the absence of any municipal minimum lot size requirement, as required by Title 12, section 4807-A [the State minimum lot

## MUNICIPAL CALENDAR

**BY NOVEMBER 1** — Any governmental subdivision holding tangible or intangible property presumed abandoned under 33 MRSA §1953 must make report to the Administrator of Abandoned Property of the State Treasury Department, pursuant to 33 MRSA §1958.

**BY NOVEMBER 1** — Or 30 days after the date of commitment, whichever is later, the municipal assessors and assessors of primary assessing areas shall make return to the State Tax Assessor all information as to the assessment of property and collection of taxes. The forms of such return shall be supplied by the State Tax Assessor (36 MRSA §383)

NOTE: Failure to file this return in a timely manner could result in loss of tree growth reimbursement (36 MRSA §578).

**PRIOR TO NOVEMBER 7** — Election Day. Registrars of voters shall accept registration prior to the November 7 election according to the time schedule of their population group (21-A §122[6]).

■ The Registrar shall publish his/her time and hourly schedules in a newspaper having general circulation in the municipality at least 7 days before it becomes effective. In municipalities of 2,500 or less population, this publication is discretionary rather than compulsory (21-A MRSA §125).

■ The hourly schedule for voter registration established by 21-A MRSA §122 may be changed by the municipal officer according to the needs of the municipality (21-A MRSA §122[8]).

**NOVEMBER 10** — Veteran's Day Observed. A legal holiday (4 MRSA §1051).

**ON OR BEFORE NOVEMBER 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 [22 MRSA §4311].

**NOVEMBER 23** — Thanksgiving Day, a legal holiday (4 MRSA §1051; 20-A §4802)

size for a single family residential unit on a septic system, currently 20,000 square feet]."

The effect of this definition is to make surplus acreage an asset that could be monetized by the applicant to help pay the taxes for which an abatement has been sought.

For a detailed guide to poverty abatements, including calculating financial eligibility, see MMA's "Information Packet" on the subject, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Special Amusement Permits – From Mandatory to Optional

The Legislature has amended Maine's liquor laws to make optional the once mandatory "special amusement permit" for live music, dancing or entertainment in establishments licensed for on-premise consumption of alcohol (see PL 2017,

c. 13, amending 28-A M.R.S.A. § 1054, eff. Nov. 1, 2017).

Formerly, and for many years, the law required a special amusement permit from the municipal officers (selectmen or councilors) in every municipality where an on-premise licensee proposed live music, dancing or entertainment of any sort on the premises. Every municipality with on-premise licensees also had to have an ordinance regulating the issuance of these permits.

Now, however, whether a municipality wants to continue regulating live music, dancing or entertainment in on-premise establishments is a local option. Municipalities that want to may keep their current ordinances or enact new ones. Municipalities that do not want to should repeal their current ordinances and not enact new ones.

For those municipalities that opt to

# LEGAL NOTES

continue requiring special amusement permits, the failure to obtain or comply with the provisions of a permit can be considered by the municipal officers as a reason for denial of a liquor license renewal. (By R.P.F.)

## Sodium vs. Calcium Chloride

A road commissioner told us recently that he was thinking of using sodium chloride (rock salt) instead of calcium chloride to treat the town's icy roads this winter because rock salt is less expensive and less corrosive to vehicles. But rock salt is also less effective, so he was wondering if it would increase the town's risk of liability for accidents.

Well, rock salt is less expensive and less effective than the alternative. (Calcium chloride is effective down to -25°F; sodium chloride is ineffective below +20°F.) There is no conclusive evidence, however, that calcium chloride is significantly more corrosive than rock salt. (In fact, all chloride salts are corrosive; variations in corrosion levels have as much to do with climate, application rates and vehicles components as with the type of chloride used.)

But regardless of what the road commissioner decides to use, it will not affect the town's liability for icy roads – because there is none.

While municipalities have a duty to remove snow so as to make town ways passable (see 23 M.R.S.A. § 3201), they are immune from liability for accidents caused by snow or ice on road surfaces (see 23 M.R.S.A. § 1005-A(1)). Neither does a slippery road surface on account of snow or ice constitute a “highway defect” under the “Pothole Law” (see *Wells v. City of Augusta*, 135 Me. 314 (1938)). Nor does the failure to remove snow or ice constitute negligent “street cleaning or repair” under the Maine Tort Claims Act (see *Goodine v. State*, 468 A.2d 1002 (Me 1983)).

For some excellent technical information on using road salts, see the MDOT Local Roads Center's webpage on “Winter Plowing/Sanding Issues,” available here: <http://www.maine.gov/mdot/csd/mlrc/technical/winterplowsand/index.htm>. (By R.P.F.)

## Election Recount Changes

The Legislature has made two rela-

tively minor but still important changes to the law governing municipal election recounts (see PL 2017, c. 191).

Title 30-A M.R.S.A. § 2531-B has been amended to enlarge the time for requesting a recount from five to seven business days after the election. The new seven-day deadline applies to both recounts for an election for municipal office and recounts for a municipal referendum.

Also, 30-A M.R.S.A. § 2532 has been amended to require an application for a recount for a municipal referendum to be signed by 10% or 100, whichever is less, of the registered voters in the municipality. Previously, it was 10% or 100, whichever is less, of the persons whose names were checked on the voting list at the election (in other words, those who actually voted).

These amendments take effect Nov. 1, 2017 and will govern all recounts beginning with November 2017 elections.

For a detailed discussion of election recount procedures, see Chapter 11 of MMA's *Town Meeting & Elections Manual*, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## General Assistance Updates

The Legislature has made the following minor changes to Maine's General Assistance (GA) laws:

*Incarcerated persons.* Under prior law, for persons applying for GA within 45 days of release from a correctional facility, the municipality where they resided prior to incarceration was initially responsible for GA benefits. This has been repealed. A previously incarcerated person's residence for GA purposes will now be determined under general residency rules (see PL 2017, c. 130, amending 22 M.R.S.A. § 4307(4)).

*Bank information.* The requirement that banks cooperate with GA administrators in verifying assets has been extended to national banks, which were previously exempt. The new law also clarifies that a bank information request must be accompanied by a release signed by the applicant. Also, the new law authorizes information requests to banks concerning the assets of a deceased applicant when burial or cremation benefits are sought (see PL 2017, c. 28, amending 22 M.R.S.A. § 4314(2)).

*Burial or cremation costs.* Spouses and registered domestic partners have been added to the list of family members potentially responsible for payment of burial or cremation costs. The new law also removes the requirement that family members must live or own property in Maine in order to have any responsibility for these costs (see PL 2017, c. 62, amending 22 M.R.S.A. § 4313(2)).

These changes take effect Nov. 1, 2017. MMA's Model GA Ordinance has already been updated to incorporate them. The ordinance is available free to members at [www.memun.org](http://www.memun.org) in our “General Assistance – Selected Resources” Information Packet. (By S.F.P.) ■

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