

# Maine Townsgman

The Magazine  
of the Maine Municipal Association

APRIL 2016

## Starting On the Road To Recovery

Bucksport, like other  
mill towns, faces  
a different future



### ALSO IN THIS ISSUE

Warily considering gifts

Senior-friendly communities

Did your town make 'the list?'

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### MAGAZINE STAFF

*Eric Conrad*, Editor

[econrad@memun.org](mailto:econrad@memun.org)

*Valarie Pomerleau*,

Circulation Manager

*Jaime G. Clark*

Graphic Designer/Advertising

**MMA website:** [www.memun.org](http://www.memun.org)

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# Maine Townsman

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The Magazine of the Maine Municipal Association

## FEATURED STORY | 18

### Whole Lotta Love



*Web sites, magazines, social media – every place imaginable promotes ‘Top 10’ lists these days. And most of the time, it’s good to be on them.*

**Our intrepid team.** Maine Municipal Association President Stephan Bunker led a strong municipal contingent on a recent business trip to Washington, D.C. [Page 5](#)

**2016 HR/Management Conference.** We launched this event last year – and it worked! So, MMA presents its second HR/Management Conference, on June 7. [Page 33](#)

**ABOUT THE COVER:** MMA Website and Social Media Editor Ben Thomas took this photo of Bucksport. Read the article about that town’s economic plan, on [Page 7](#).

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## Cyber Security

*You wouldn’t believe how wild and woolly the computer world is these days. Or maybe you would. Either way, here are strategies to reduce your risk.*

[Page 29](#)

## Heart of the Matter

*People mean well when they offer gifts to the towns and cities they love. Still, local leaders should use care in weighing whether to accept or decline.*

[Page 15](#)

## Maine is Getting – How Old?

*Depending on your viewpoint, Maine’s demographic outlook is either daunting or soothing. Make no mistake, now is the time to plan for an older future.* [Page 25](#)

<b>2016 Municipal Technology Conference</b>	<b>11</b>
<b>Risk Manager</b>	<b>21</b>
<b>People</b>	<b>38</b>
<b>News</b>	<b>39</b>
<b>Municipal Bulletin Board</b>	<b>40</b>
<b>Legal Notes</b>	<b>41</b>

# Thinking about a broadband development project in your town? Let's talk.

FairPoint Communications works closely with towns and counties to address the broadband requirements of town offices, universities, businesses and residents. With the largest, most reliable network in Maine and a dedicated team of local technicians ready to help at a moment's notice, we are entrusted with the most critical applications, like E911 Services for the State of Maine – and for good reason!

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If you'd like to learn how FairPoint can help with your broadband development plans, or would like to set up a broadband technology evaluation for your town, please call Elizabeth McCarthy at 1.844.903.1809 or send an email to [Fiber4towns@Fairpoint.com](mailto:Fiber4towns@Fairpoint.com).



## A MESSAGE FROM MMA

BY STEPHAN BUNKER / MMA PRESIDENT

### A fruitful, welcome trip to our nation's capital

It was an honor and great pleasure to participate in the 2016 National League of Cities (NLC) conference in Washington, D.C., held at the Marriott Wardman Park Hotel & Conference Center on March 7-8. I was joined at the conference by Maine Municipal Executive Director Steve Gove and MMA Vice President Laurie Smith, town manager from Kennebunkport, along with a host of other municipal representatives from Maine.

Together, we enjoyed a most valuable opportunity for professional development on a wide range of topics such as leadership, economic development, budgeting, criminal justice reform, housing and transportation, to name but a few topics. A common theme discussed by attendees across the country is the crisis of opioid addiction. This struck home with the ongoing discussions between the Maine legislature and the Governor's office on increasing resources for both enforcement, prosecution and treatment.

Attendees were also afforded the opportunity to hear from a variety of cabinet level executives to include the U.S. Secretary of Transportation, Secretary of Housing & Urban Development and the Administrator of the U.S. Small Business Administration. Among the many talented presenters was Maine's own Jill Duson, City Councilor at Large from Portland, who spoke on "Communities Changing Together: Integrating Immigrants & Refugees."

On Day Three of our visit to Washington, conference attendees from across the country scheduled meetings with their congressional members on Capitol Hill. This afforded an opportunity for municipal leaders to present issues of concern in the relationship between the federal government and state and local entities.



As in past years, MMA crafted a document entitled "Federal Issues Paper" to present to our members of Congress. The paper this year was a joint venture of the municipal associations of the northeastern states (e.g. six New England states plus New York). In it, we documented the most significant issues facing our collective cities, towns and villages in our region. Among the issues needing federal support or action were those involving transportation, tax exemption status of municipal bonds, marketplace fairness, energy, water quality, climate change, health care and the aforementioned opioid abuse.

I was honored to lead our MMA representatives to meetings with Senators Susan Collins and Angus King, and later with senior staffers from the office of Congresspersons Chellie

Pingree and Bruce Poliquin. (Our U.S. Representatives themselves were back in Maine, as the House was not in session). Our message was strengthened by the added attendance of a large contingency from Maine cities and towns, which included appointed and elected officials and economic development staff from Augusta, Portland, Auburn, Brewer and Cape Elizabeth.

We were well received by our Senators and Congressional staffs; they were most attentive to our Issues Paper topics. It was obvious that they appreciated the direct communication from their constituents, which this event provided.

I encourage fellow municipal officials to attend future NLC conferences for the benefit of professional development, or simply to join our Maine delegation as we visit the Hill and deliver the message of the need for a federal partnership with local governments in the delivery of essential services. ■



# Protecting Greenspaces From Spring's Biggest Fan

## Pests: They're Back!

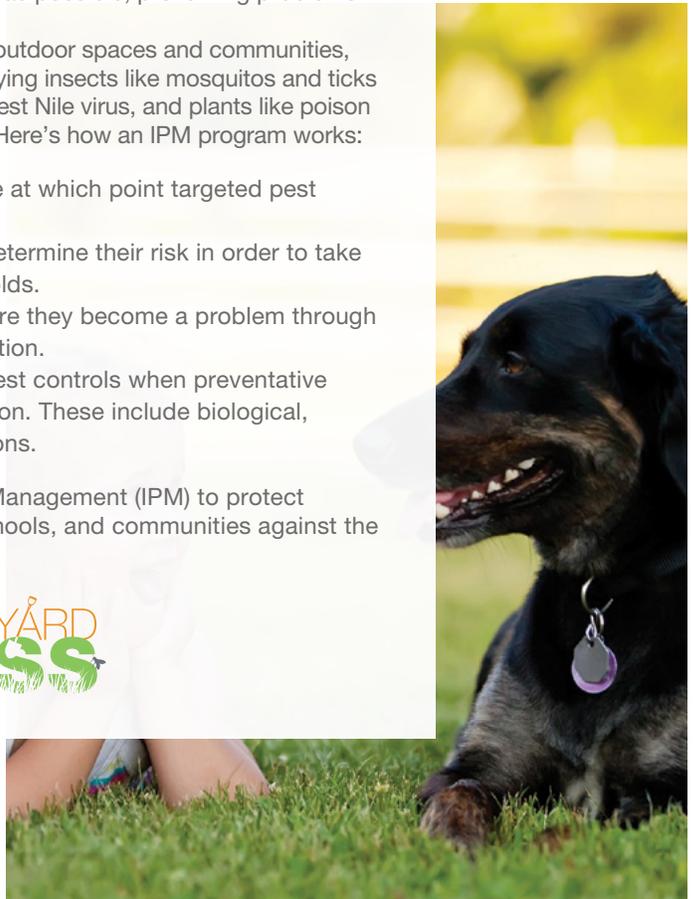
As the snow recedes and the cold gives way to warmer temperatures, don't forget to protect your playgrounds, recreational fields, schools, and communities against the threat of allergy-causing weeds, poisonous plants, and disease-carrying insects. Like everyone else, pests thrive in better weather, and spring is the perfect season for pest invasions.

Communities can take steps to ward off harmful pests and invasive species by implementing a simple, Integrated Pest Management (IPM) approach. Defined by the EPA as an "effective and environmentally sensitive approach to pest management" and supported by the Board of Pesticide Control, this method relies on a variety of tactics and common sense practices, including maintenance, sanitation, and pesticide products, when and where needed to protect any type of private and public greenspace. A lawn care toolbox of sorts, IPM consists of identifying, monitoring and, as much as possible, preventing problems.

An IPM approach can protect public outdoor spaces and communities, and also defend against disease-carrying insects like mosquitos and ticks that can spread Lyme disease and West Nile virus, and plants like poison ivy that can cause allergic reactions. Here's how an IPM program works:

- **Set Action Thresholds:** Decide at which point targeted pest populations require action.
- **Monitor and Identify Pests:** Determine their risk in order to take action when they reach thresholds.
- **Prevention:** Control pests before they become a problem through proper maintenance and sanitation.
- **Control:** Implement effective pest controls when preventative measures are no longer an option. These include biological, mechanical, and chemical options.

Learn more about Integrated Pest Management (IPM) to protect playgrounds, recreational fields, schools, and communities against the seasons' biggest annoyances.



# How one man fits into Bucksport's plans to bounce back, revitalize

*Economic Development Director Rich Rotella knows losing a signature paper mill is huge. During a defining moment, he saw a community that wants to fight back.*

By Steve Solloway

Ask Rich Rotella if he's expected to be a miracle worker who will bring jobs and prosperity to a Maine mill town which no longer has a paper mill. Rotella understands the question, and he won't blink.

Even if he was appointed the town's new Community and Economic Development Director in November, a few short months ago.

"This isn't about what one man can do," he said. "It's about a community and its many people who know what it's like to be resilient. People here care deeply about each other. Don't underestimate what people working together can accomplish."

The community in this case is Bucksport, which saw about 500 jobs disappear along with nearly half of its tax base when Verso Paper Corp. announced on Oct. 1, 2014 that the mill would close. The town had weathered such storms before. This time, there was no real hope that a single new employer would arrive in town with hundreds of jobs.

Other losses followed. Dave Milan, a fixture in town from his days as a Bucksport police officer to his appointment to the post of economic director, left in July to take a similar position in Old Town. The town manager's position opened as well.

"For the first six months (after the announcement), it was doom and gloom in town," said David Keene, the mayor and town council chairman, who grew up in Bucksport.

He looked around and decided it was time to talk with the manager of the local Camden National Bank branch. Rich Rotella, Keene believed,

was the perfect person to help Bucksport. He approached Susan Lesard, the new interim town manager, suggesting Rotella was the best fit for a job that couldn't be more important.

"I've known Rich a little bit through the bank," said Keene. "I've watched his interest with the people in this town. He's adopted Bucksport. He bleeds purple and gold (the high school colors). His enthusiasm for the people in town is infectious. A lot of us on council said Rich would be ideal. I asked him if he would at least apply (for the vacant position.)"

## Wearing the colors

Three months after Rotella won the job, it appears Keene's instincts are correct. During Maine's mild winter, it was easy to spot Rotella walking along Main Street wearing his Bucksport purple and gold windbreaker. One wall in his office in the municipal building is adorned with team photos. The 40-year-old father of two girls, Rotella is a soccer and softball coach at the middle school level.

On another wall are about 100 Post-it notes. One grouping is in dark blue, the other in yellow, the closest colors he had on hand to purple and gold. Each blue Post-it note identifies an organized group in town. Each yellow note is for a more casual group.

Rotella said he is still identifying community groups and each is important. "We need to hear what everyone in town has to say (about development and the town's future.) This is too im-



Rich Rotella

portant for one man to decide."

Meetings will be scheduled with members of the East Bucksport Cemetery Association and the local Boys Scouts troop. With the 4H Club and the Retired Nuns of St. Vincent's. With a quilters' group, residents of Knox View Apartments and Guns and Hoses, the local police and firefighters who volunteer their culinary

skills at town barbecues and other activities.

After meeting with those groups and so many others, Rotella might just get to know what's on the mind of virtually everyone in the town of 4,926. And yes, that number was sitting right on top of his head.

The meetings are part of the guidelines of the "Community Heart and Soul" initiative funded by the Orton Family Foundation out of Vermont. The idea is to build a consensus regarding the town's future. A committee, even one formed with perceptive, creative-thinking members, might be too narrowly focused.

## Dismantling process

Rotella is taking time to lay a foundation. The mill is three months into a dismantling process that is expected to take 12 to 14 months. AIM Development owns about 290 acres; Verso will retain 145 acres.

Rotella said there is good communication between himself and a counterpart at AIM regarding developers interested in the site. The search and the process will take time. Potential

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

developers need to know of any environmental issues on the site after decades of papermaking. Rotella said AIM has agreed to two environmental studies on site to be done in two phases.

Bucksport's rainy day fund has helped alleviate the property tax shortfall in the short term. That this is a period of low unemployment in Maine has also helped Bucksport maintain its population, said Rotella. Mill workers have found jobs at Bath Iron Works, the mill in Woodland and are taking advantage of career training at Eastern Maine Community College.

In the meantime, Rotella points to Bucksport's industrial park, where eight lots were added recently. The town also owns land available for new development including on Main Street.

"Right now, I'm spending 75 percent of my time with 'Heart and Soul' and 25 percent with economic development," said Rotella. He's convinced Bucksport will be attractive to new employers and new residents.

"We need to find 'it,' whatever 'it' is. We have the nicest waterfront in



**The closed Bucksport mill has a prime location.** (Photo by Ben Thomas)

the state. The marina is packed. Our biggest strength is the people who live here."

Bucksport's location is a big positive. Sitting on the top of Penobscot Bay, and alongside the Penobscot River on its west, Bucksport is a gate-

way to Bar Harbor and Acadia National Park. Closer are Maine Maritime Academy and picturesque Castine and the Blue Hill peninsula. To the south are Belfast and Camden-Rockport. All are attractive summer destinations and Rotella knows this.

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He grew up in West Warwick, R.I. Like many cities and towns in New England, West Warwick was a mill town, home to the Royal textile mill on the banks of the Pawtuxet River. The mill complex changed hands several times before it was abandoned in 1993, the year before Rotella left his home to begin his freshman year at Thomas College in Waterville.

Rotella fell in love with Maine. He graduated from Thomas in 1998, majoring in accounting. In his junior year, Rotella took a tour of the MBNA banking campus in Camden.

“I was struck by how happy the people were who worked there and thinking, this corporate culture is good,” he said

Rotella went to work with MBNA after college, meeting his wife, Jennifer, there. She grew up in East Milinocket, a town and area that was hit by the closing of the Great Northern Paper mills.

Bank of America took over MBNA. Rotella eventually left there and went



**Downtown Bucksport on a typical weekday.** (Photo by Ben Thomas)

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to Camden National. He was assigned to Bucksport to grow the branch. That was 13 years ago. The branch grew and so did Rotella's fondness for his adopted town.

"I fell in love with the people, seeing how hard they worked and how they helped each other," he said. As his two daughters, Abigail, 12, and Brianna, 8, moved through the school system, the family became more a part of Bucksport's fabric.

When Mayor Keene approached with a suggestion to consider a new position, Rotella didn't have to think long. "I wanted to give back to this town."

Keene, who played football at Maine Maritime Academy where he graduated in 1973, is an assistant football coach at Bucksport High. He believes Bucksport got lucky when Rotella was offered his new job and accepted.

#### 'Coach and cheerleader'

"He's a coach and a cheerleader," said Keene. "He's got a lot of energy and he's not afraid to go after things. He's like a dog with a bone."

The door is open to light industry, of course. Vacant storefronts need to be filled. On his first day in his new office, Rotella talked to someone interested in bringing a business to Bucksport. More prospective employers have sat across from him at his desk. The reality is that seeds have to be planted long before there can be a harvest.

Rotella did what Camden National asked him do: Capture market share in a place where the bank had no profile. He was asked to become part of the community – which didn't just mean coaching youth teams. Rotella made business contacts. He raised the bank's profile the old school way, by interacting with Bucksport residents. He talked with them.

Over the next weeks and months, Rotella will gather ideas. Some have already been discussed. A large hotel, perhaps. Maybe one with a theme or a unique brand, at least. Tourist traffic on Route 1 turns right after it crosses the Edward Thegan Bridge to downtown Bucksport. A right-hand turn takes travelers past some Bucksport businesses, but a left-hand turn – that's the route through the heart of Bucksport's downtown.

How to get that traffic to turn left is the trick.

Why not put factory outlet stores in Bucksport, Rotella mused. There isn't a cluster of such outlets north of Freeport.

He talks about the Wilson House, a solid Greek revival structure built 10 years before the start the Civil War. It served as a dormitory to the Methodist Seminary, the only seminary in Hancock County until it closed in 1933.

"Wilson Hall was one vote away from demolition," said Rotella. "But

people in this town decided it was worth saving."

That was in 2014, after the news of the mill closing hit. It was a signature moment in Rotella's eyes. Maybe one of several with more to come. The mill was gone along with jobs and tax revenues. The community could react by resigning itself to its fate of higher unemployment and broken dreams. Or, the community could be proactive in its own future.

Saving Wilson Hall was evidence to Rotella that Bucksport would fight. ■

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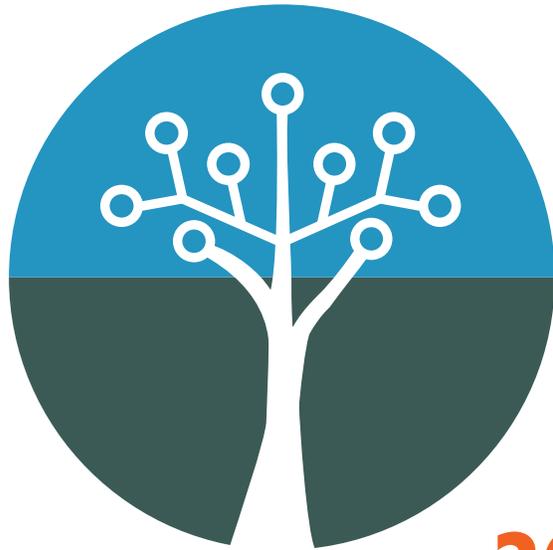
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## 2016 Municipal Technology Conference



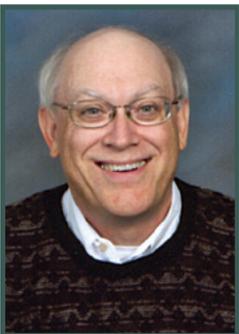
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### 2016 Keynote Speaker

**Dr. Bob Ash – Change is Inevitable. Growth is Optional.**

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# 2016 Municipal Technology Conference

## “Ready. Set. Grow!” – Preliminary Program

**8:00 – 8:45**

Registration & Continental Breakfast/Visit with Partners

**8:45 – 9:00 – Welcome**

Stephen W. Gove, Executive Director, Maine Municipal Association  
The Honorable David Rollins, Mayor, City of Augusta

**9:00 – 9:45 – Keynote Address**

### **Change is Inevitable. Growth is Optional.**

Join Dr. Bob Ash, a sought-after speaker who has informed and entertained more than 1,400 organizations such as ours about dealing with all kinds of change – including changing technology. Dr. Ash founded his company, Life Lessons, in 1995 with the premise that responsible risk-taking leads to personal growth, and growth leads to happiness. And he should know. An educator by training, with a doctoral degree from Indiana University, Dr. Ash worked as a janitor, teacher, principal and superintendent of schools prior to starting his company.

*MTCMA Certification – .75 points Leadership category*

**9:45 – 10:00 Morning Break/Visit with Partners**

**10:00 – 11:00 Concurrent Sessions**

### **Is the Cloud For You?**

Let's explore the decision to consider a cloud or software as a service solution, the best way to procure such a solution and how to protect yourself with a fair contract. Many services that municipal governments are likely to use in the future are either hosted "in the cloud" or provided as "software as a service." We will present on this growing trend, including the advantages and disadvantages of those solutions, selection, contract terms and how to protect yourself and your data while maintaining a positive relationship with your vendor.

*Presenters: Richard Thompson, Jr., Chief Information Officer, the University of Maine System; Mark Lutte, Director, State of Maine Division of Purchases*

*MTCMA Certification – 1 point Finance/Budget category*

*1 CMA/CAT re-certification credit through Maine Revenue Service*

### **Maine's Broadband Challenge**

This session serves as an update on Municipal Broadband after MMA's extensive look at the subject in 2015, focusing on how regulation and competition have contributed to the challenge and what you should know about challenges to sustainability in rural areas. It will also provide highlights from the Fort Fairfield Broadband Feasibility Study.

*Presenter: Brian Lippold, Director Broadband/Telecom Consulting, James W. Sewall Company, Old Town*

*MTCMA Certification – 1 point Leadership category*

### **The Advantages and Disadvantages of Cloud-based GIS Services**

Historically, local governments have had to rely on disconnected editing and data synchronization scenarios for field-based GIS workflows and to rely on third parties for hosting online mapping applications. More recently, technologies have allowed local governments to conduct live or disconnected editing workflows in the field and to manage and control their own hosted map services and applications. The ultimate question has quickly become, do we use the "cloud," do we use third parties, or do we own and maintain these services ourselves? This session will discuss the advantages and disadvantages of cloud-based GIS services vs. locally hosted and maintained GIS

datasets and a look at different options for achieving these solutions.

*Presenter: Andrew Land, GIS Specialist SGC Engineering, LLC*

*1 CMA/CAT re-certification credit through Maine Revenue Service*

### **ConnectME Authority Planning Grant Program**

Hear from ConnectME Authority staff and applicants of awards from the new planning grant program. The panel will discuss the opportunities, the process, the intentions and the desired outcomes of this program.

*Panelists: Representation by applicants to be determined; Moderator: Lisa Leahy, Associate Executive Director, ConnectME Authority*

**11:00 – 11:15 Morning Break/Visit with Partners**

**11:15 – 12:15 p.m. Concurrent Sessions**

### **Building a Culture of Security**

It is the unfortunate reality that your municipal office will undoubtedly face a cyber security threat. Or perhaps you have already experienced it. In this workshop, common threats will be addressed, as well as the controls you can use to minimize damage from those attacks. We will also cover the technical and human aspects of security and the basic steps to building a culture of security within your organization.

*Presenter: Eugene Slobodzian, Vice President of Security, Winxnet*

*MTCMA Certification – 1 point Leadership, Finance/Budget categories*

### **Making Sense of the Cloud**

The cloud affords municipalities flexible, innovative options for virtual desktops, mobile device management, back-up and recovery, and other diverse choices that can save municipalities time and money. Get a primer on cloud best practices as they relate to municipalities and learn practical information on how to bullet-proof your disaster recovery plan, and whether data center colocation is right for your city or town.

*Presenter: Eric Halse, Solutions Architect/ Technical Services Manager, Oxford Networks*

*MTCMA Certification – 1 point Leadership, Finance/Budget categories*

*1 CMA/CAT re-certification credit through Maine Revenue Service*

### **Recent Advancements in High Resolution Land Cover Mapping**

NOAA's Office for Coastal Management (OCM) provides technical assistance, data, tools, and training to the coastal management community. Through its Coastal Change Analysis Program (C-CAP), OCM has been producing moderate resolution land cover for almost two decades. Over the past 5 to 10 years, OCM has also worked to establish an operational higher resolution land cover product line. These products bring the national C-CAP framework to the local level, enabling additional, site specific applications. Recent increases in imagery and LiDAR data availability and improvements in processing techniques are enabling more cost-effective production of high resolution land cover products. This presentation will describe techniques NOAA and its partners are using to develop detailed land cover maps across broadening geographies.

*Presenters: Jamie Carter, TBG at NOAA Office for Coastal Management; Nate Herold, NOAA Office for Coastal Management*

*1 CMA/CAT re-certification credit through Maine Revenue Service*

### **Municipal Broadband Projects**

All across Maine, both large and small municipalities are in various stages of implementing broadband infrastructure projects. Panelists will describe their respective initiatives and share lessons learned along the way.

*Panelists: Steve Cornell, Technical Systems Administrator, Town of Bar Harbor; Steven Buck, Manager, City of Sanford; Belle Ryder, Assistant Manager, Town of Orono; Matt*

Hoffner, President, Diamond Cove Homeowner Association; Moderator: Lisa Leahy, Associate Executive Director, ConnectME Authority

## 12:15 – 1:30 Buffet Luncheon

## 12:45 – 1:30 Luncheon Address

### **Streamlining Municipal Government through Location Awareness**

Municipal governments are expected to provide an increasingly advanced level of technology services to citizens. At the same time, the number and complexity of problems that municipalities are expected to solve, and the choice in potential technical solutions grows each day. Though location-based data and solutions are often overlooked, recent technological advancements are making these solutions both more affordable and easier to use. Ray Corson will discuss how municipalities can harness the value and power of their location-based data by getting it off the desks, out of the servers, and putting it in the hands and at the fingertips of their staff and citizens.

Presenter: Ray Corson, President Corson GIS Solutions

MTCMA Certification – 1 point Leadership category

## 1:30 – 1:45 Afternoon Break/Visit with Partners

## 1:45 – 2:45 Concurrent Sessions

### **New from Maine Municipal Association: IT Services to Help You**

MMA has rolled out a suite of new services to help municipal officials deal with the risks, challenges and rewards posed in information technology. We know that your professional and civic lives are busy enough doing the “people’s business.” Come to this session to learn about our newest program and how it can help you back home.

Presenter: Christina St. Pierre, Director, Administration and IT, Maine Municipal Association; Matt Eaton, IT Service Consultant, Workgroup Technologies; Rob Herman, Senior Consulting Engineer, Workgroup Technologies

MTCMA Certification – 1 point Leadership category

### **Low-Cost GIS for Maine Municipalities**

Often considered beyond the reach of small municipalities, GIS technology is now part of the daily workflow for local government departments of every size. No longer constrained by overly complex software requiring highly skilled technicians, or by expensive acquisition and maintenance costs, municipal officials are learning the value of GIS self-sufficiency. This session will demonstrate Maine-based Global Mapper, a powerful, low-cost GIS software offering that is ideally suited to the challenges of local government operations.

Presenter: David McKittrick, Senior Product Specialist, Blue Marble Geographics

MTCMA Certification – 1 point Leadership, Finance/Budget categories

1 CMA/CAT re-certification credit through Maine Revenue Service

### **What Story Does Your Data Tell: Using Data Visualization to Build Understanding**

Most communities have a wealth of data, which can be used to build understanding of trends, analyze policy options, and communicate with citizens. How can you use maps, graphs, and charts to better communicate those stories? We will show examples of how communities are using data to build common understanding and to recognize the implications of various policy options.

Presenter: Judy Colby George, Owner, Spatial Alternatives

### **Broadband 101: Questions & Answers**

This open forum will allow attendees to ask any question pertaining to broadband. The well-informed panelists represent a cross-section of activists in promoting and providing broadband importance, use, and expansion in Maine.

Panelists: Jeff Letourneau, Networkmaine; Jeff Nevins, FairPoint Communications; Melinda

Poore, Time Warner Cable; Sue Inches, Tilson Technology Management; Moderator: Phil Lindley, Executive Director, ConnectME Authority

## 2:45 – 3:00 Afternoon Break/Visit with Partners

## 3:00 – 4:00 Concurrent Sessions

### **Not Your Grandparents’ Libraries**

The Maine State Library and many community libraries throughout the state are far more advanced technologically than you might imagine. Here’s a look at what’s happening in libraries throughout Maine, and how library technology plays a role in workforce development. The ever-present challenge of rural connectivity will also be addressed as it pertains to libraries’ mission to provide services to their community.

Presenters: James Ritter, State of Maine Librarian; Lisa Shaw, Library Director, Caribou Public Library

MTCMA Certification – 1 point Leadership category

### **Free Web Mapping Tools that Help Local Government**

Accessing mapping data online has never been easier than with the free tools offered by the Maine Office of GIS and other state agencies. Your municipality or county could greatly benefit from applications such as Parcel Map Viewer, Maine DOT projects site, Stream Habitat tool and the NG911 change request tool, all available through your web browser.

Presenter: Joseph Young, Administrative Director, State of Maine Office of GIS and Executive Director, Maine Library of Geographic Information

MTCMA Certification – 1 point Leadership, Finance/Budget categories

1 CMA/CAT re-certification credit through Maine Revenue Service

### **Local Flood Risk Assessment Using Publicly Available Data and GIS Tools**

This session will first focus on identifying the probability of a flood risk. Many places in Maine now have access to digital flood risk data and GIS tools and services that support data integration. Presenters will provide an overview of each tool’s purpose and some of their potential uses, such as using the Maine Flood Hazard Map to identify different types of FEMA flood information and what it means to a property owner or local official. You will also be informed of how to locate flood zone and base flood elevation information for an area, and what other types of information can be found in Flood Insurance Studies and Flood Risk Reports. This session will also focus on determining the likely consequences of a flood occurrence.

Presenters: Jenn Curtis - Senior Planner and Mapping Coordinator for the Maine Floodplain Management Program; Leticia vanVuuren - Geospatial Database Manager for Knox County Emergency Management Agency

### **FirstNetME Update**

Learn about FirstNetME’s plans for a dedicated public safety broadband network in Maine, which will be part of a national system. Keep up to date on the project’s status; what work has been conducted thus far and what is left to do.

Panelists: Steven Mallory, Maine Emergency Management Agency; Elissa Tracey, FirstNetME; Moderator: David Maxwell, Program Director, ConnectME Authority and FirstNetME

## 4:00 – 5:00

### **GovOffice User Group**

Calling all GovOffice Maine clients: This annual meeting of the GovOffice User Group gives you the opportunity to meet with GovOffice staff to discuss advancement and new design solutions, as well as the opportunity to provide feedback and ask questions.

Presenter: Ross Heupel, Marketing Director, GovOffice

**MTCCA CERTIFICATION CREDITS:** This conference valid for 5 points for the Maine Town & City Clerks’ Association (MTCCA) Certification Program.

# 2016 Municipal Technology Conference

Thursday, May 5, 2016 – Augusta Civic Center, Augusta, ME

(Sponsored by: Maine Municipal Association & Maine GIS User Group • In cooperation with: ConnectME Authority)

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**Fax registration form to:** (207) 626-5947 **Mail form to:** Technology Conference Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Please make check payable to: Maine Municipal Association.

### Overnight Rooms:

An overnight room block has been set up at the Best Western Plus Augusta Civic Center Inn for \$72.00/night plus tax on Wednesday, May 4, 2016. Room block is available until April 20, 2016 (release date). Reference "Municipal Technology Conference" and call (207) 622-4751 for reservations.

### Questions & Cancellations:

If you have any questions regarding registration, please call Educational Services at 1-800-452-8786 or 623-8428. Notification of cancellation must be given at least 72 hours before the conference to receive a refund (minus processing fee). **All** cancellations are subject to a \$10 administrative fee for processing.

**In order to ensure your complete participation, we would appreciate your informing us of any special requirements you may have due to a disability.**

# Even in receiving gifts, doing your homework usually pays off

*Many public-minded donors love their communities and have the best of intentions. Still, towns and cities should use caution before accepting gifts, and should be clear about the intended use.*

By **Stephanie Bouchard**

Everybody loves receiving a gift, right? Well, that depends. For most, getting a gift is a simple pleasure, but gifts are much more complicated for towns and cities.

Take for example the Charlotte Rhoades Park and Butterfly Garden.

Today a popular town park and cherished butterfly garden overlooking Norwood Cove that draws people from all over the country, the Charlotte Rhoades Park and Butterfly Garden was gifted to the town of Southwest Harbor in 1970. The trust agreement had several conditions, including directives about the home, called the Rhoades House, on the property. The trust also named the Sierra Club as a beneficiary of the property.

Over the years, the condition of the home, built in the late 1800s, deteriorated. By 2013, the town realized that the cost to maintain the house was prohibitive and sought to demolish it and replace it with a structure that would enhance the park and butterfly garden, said Donald Lagrange, Southwest Harbor's town manager.

"We didn't want to change the purpose of the gift," he said, just remove the dilapidated building. But removing the building required an amendment to the trust agreement, a situation that required a formal legal process and approval from a judge.

Amending or breaking the conditions of gifts given to municipalities is usually not an easy thing to do, said Attorney Shana Cook Mueller, of Berstein Shur, the law firm that represents Southwest Harbor.

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**Stephanie Bouchard** is a freelance writer from Bath and a new contributor to the *Maine Townsman*, [stephanie\\_bouchard@myfairpoint.net](mailto:stephanie_bouchard@myfairpoint.net).

Because municipalities generally agree to the conditions in perpetuity, courts are reluctant to make changes without the consent of the donor or the donor's heirs, which can be difficult, if not impossible, to get, she said. But because it is also impossible to predict the future, courts do allow amendments under certain circumstances, such as with the Charlotte Rhoades Park and Butterfly Garden.

With the understanding that Southwest Harbor would continue to maintain the park and garden for public use as the trust originally required, the Sierra Club agreed to the removal of the building and other amendments to the original trust and relinquished its role as a beneficiary.

## 'A different way'

When it comes to gifts, what it comes down to is that municipalities must be careful about how they handle them – careful in considering them, accepting or rejecting them, soliciting them and managing them once accepted, say town managers and municipal counsel.

"On the front end, there's a bit of a don't-look-a-gift-horse-in-the-mouth element to it," said Lee Bragg, an attorney with Bernstein Shur. "Those of-



**Shana Cook Mueller**



**Jonathan Pottle**

fers, as generous and well-intended as they are, might merit some discussion about the administrative burden that goes along with it and maybe some negotiations, so to speak, with the donor, saying 'We've got some realities on our side of it. Can we do this in a different way?'

Gifts can bring substantial benefits to communities, said Cook Mueller. "Financial or in-kind donations to municipalities can have a tremendously positive impact by either reducing tax liability on residents or enabling projects or services that wouldn't otherwise be possible," she said.

The Town of Raymond, for example, needed land to build a new public safety building along Route 302, where land is expensive and hard to

come by – especially to accommodate a facility of nearly 20,000 square feet. The town benefited greatly when the daughter of a former volunteer fire chief donated 10 acres of land fronting on highway, said Don Willard, Raymond's town manager. "That was a gift everyone was happy about."

But gifts can have downsides, too. Some gifts come with strings attached that may not be doable for towns and

cities. And some may be downright toxic, literally. The most important thing municipal administrators can do before accepting a gift is to seriously examine its public benefit and any potential burden it may place on the community if accepted, Willard said.

“If someone offers you property, make sure you have adequate due diligence and it meets your mission and the goals and objectives of the community and that it goes through the proper machinery for approval,” said Willard.

### Long-term costs

Sometimes, the offer may be a wonderful, beautiful and significant gift, but if there are sizeable costs associated with maintaining it, for example, city or town administrators or the residents in a community may have to say no thanks, he noted.

While it’s impossible to know all the future situations that could impact a gift, municipalities are best served by “being proactive” about accepting gifts, said Jonathan Pottle, an attorney with Eaton Peabody. That means municipalities should establish



**The Rhoades House; Southwest Harbor plans on tearing down.** (Photo courtesy of Ann Judd)

The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine.

MMA’s services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs.

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

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a process for accepting gifts beyond following the state statutes, to minimize trouble down the road.

Peter Nielsen, Winthrop's town manager, agreed. "My best advice would be to put as much of it in writing as possible between all the groups involved so the donors and the beneficiaries (the town/city) have as clear an understanding as possible as to what's being done and what's expected."

Additionally, said Nielsen, when the town or city receives a gift, it should make provisions for maintaining that gift going forward. "It's nice to get something, but it's wise also to provide for it once it's yours."

When everything comes to together, gifts to municipalities are "pretty cool," said Nat Tupper, Yarmouth's town manager.

"People do have an affinity for their hometown and do often want to leave something nice," he said. "(Many of these gifts) are very positive and make a town feel pretty proud with the generosity of individuals and coming together to make nice things happen." ■

## NAVIGATING GIFTS: BEST PRACTICES

- Use good judgment and planning. Ask these questions: Will the gift have a public benefit now or in the future? What are the conditions, if any, associated with the gift? If a trust must be established to manage the gift, will the municipal officers be willing/able to act as trustees if that is required? Can the municipality now and in the future comply with the conditions of the gift? What are the potential future costs (insurance, staff time, management)? What about potential future costs that aren't obvious? Will the gift help the municipality achieve its goals? Does it fit in or complement your comprehensive plan?
- Do your due diligence. Is the property contaminated? Is there a lien on it? For gifts of art or historic items, make sure to learn provenance.
- When negotiating with donors, be respectful and be upfront with them about how the town will likely use the gift. Be clear about the process. Many donors may not realize that even though the municipal administrators want to accept their gift, voters could decline it.
- Follow the legal process, including proper notice for public meetings for voting on gifts. You don't want to be in the position where it looks like you're taking a gift as a quid pro quo. Know the state statutes. Follow the legal time table. Make sure you have the appropriate documentation. Put things in writing using clear language to minimize potential misinterpretation.
- Don't shy away from asking for a gift. There are many public-spirited people out there who may be happy to help your community meet its goals.
- If your donor is amenable, publicly recognize him or her. It's always good form to say thank you.

## Meet our Attorneys Dan S. Pittman



Dan Pittman is a member of our municipal finance team. He has acted as bond counsel for towns, cities, counties, sanitary districts and other governmental entities to help them find creative and effective ways to build and maintain public infrastructure, including roads, schools, water and sewer systems, municipal buildings and capital equipment. He has also advised tax-exempt educational and charitable institutions about how to partner with their local communities to issue tax-exempt bonds. He also advises tax-exempt bond issuers regarding their ongoing compliance responsibilities, and helps them navigate the complex tax rules surrounding arbitrage and rebate.

He is a member of the National Association of Bond Lawyers and is recognized as qualified bond counsel by "The Bond Buyer's Municipal Marketplace"

To learn more, please contact Dan Pittman at 207-992-4342.

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# Lists, lists, everywhere a list. They are, blowing our minds.

*Some of the many online “listicles” are superfluous, compiled just to raise ad revenue. But when a New York Times’ list says your town has great food, well...*

By Janine Pineo

They have long been a popular way to deliver information, but today they are everywhere. The Internet drove them to such prevalence that there is even a word to describe them in media, be it print, web or otherwise.

“Listicles,” those articles with a random number of items in list form, are seemingly inexhaustible.

Head to Google and, as you begin to type “best Maine towns,” the suggested search includes everything from the state’s best tattoo artists to trout flies – before you reach the “t” in towns. Sit indecisively on the menu and it changes the wording to tempt you to check out “best towns in Maine to live,” “best towns in Maine to visit,” “best Maine coastal towns” and “best Maine beach towns.”

It is a World Wide Web rabbit hole, all in list form. Click something in the link and go to a list. Once there, guess what? That’s right, the Internet will suggest more lists.

What it translates to for municipalities depends on a slew of factors, from the source to the medium to the list and the methodology used.

For example, a list for the “10 Most Dangerous Places in Maine” wasn’t topped by the city with the most murders. Fortunately, that website pointed out that the data placed Maine as the fifth safest state, so even “danger” in Maine is relative.

The same site also offered up the “Best Places to Live in Maine for Democrats and Republicans,” which had only 100 views. That was about 50,000 fewer views than the dangerous places list.

Grand Isle, for those keeping score,

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



**Two people chat outside the Sudbury Inn.** (Carol Savage Photography)

is the place to live for Democrats, with 74.4 percent of its population “identifying” with Democrats. “Identifying” considered a person’s view on abortion, climate change, gun control and taxes while also including church attendance.

The Republican side of the list was calculated not by counting how many people identify with the GOP, but rather how *few* identify as Democrats. Topping that list was Blaine at 34.2 percent. For what it’s worth, this shoots something of a hole in the list’s summary of how Maine’s south is Democratic and the north Republican because of two rule-breaking Aroostook municipalities with populations of fewer than 500 and 750, respectively, located 85 minutes apart.

## Fictional setting

Another example is a site listing the 10 safest and most peaceful places in Maine. It gave a glowing review to the town of Northern Piscataquis, de-

scribed as having one neighborhood with 274 residents and as one of the safest places in state. The closing rhetorical question asks if it’s one of the safest because not enough people live there to commit crimes.

Or perhaps it’s because that town doesn’t even exist!

Online-only lists are a dime a dozen and cover any topic that might bring traffic to the site, a tactic called “clickbait.” The derogatory term defines the method used to lure visitors to click through to the website, which is often linked to advertising revenue.

On the other hand, some lists are legitimate and some Maine destinations use them as marketing tools.

“It’s really amazing how many different lists are out there. We appreciate all of it,” said Alf Anderson, director of membership, sales and marketing for the Bar Harbor Chamber of Commerce. “We also have to be careful... make sure they are legit.”

For Anderson, that means not pro-

moting the list until they check to see if the site is “spam-heavy” or clickbait.

As you might imagine, Bar Harbor is frequently on lists. In the heart of Acadia National Park, the Hancock County town of 5,235 has been named, to mention but a few recent lists: one of the state’s great retirement locations; one of the “15 Picturesque New England Towns for Your Next Road Trip;” and, one of the prettiest coastal towns in New England.

“We do seek out these types of lists,” Anderson said. They can be used for marketing, bringing not only tourism dollars but new residents.

“It’s an interesting phenomenon,” he said. “I think it speaks to the way people consume content today.”

When asked if there was a stand-out among the many lists, Anderson’s answer spoke to the frequency of such accolades. “We see them so often now,” he said. “It’s not as easy to pick off the top of my head.”

A contender for being on the most lists, if such a list was made, would be Camden, most recently declared the fifth “Most Beautiful Town in America” by the prestigious Conde Nast Traveler.

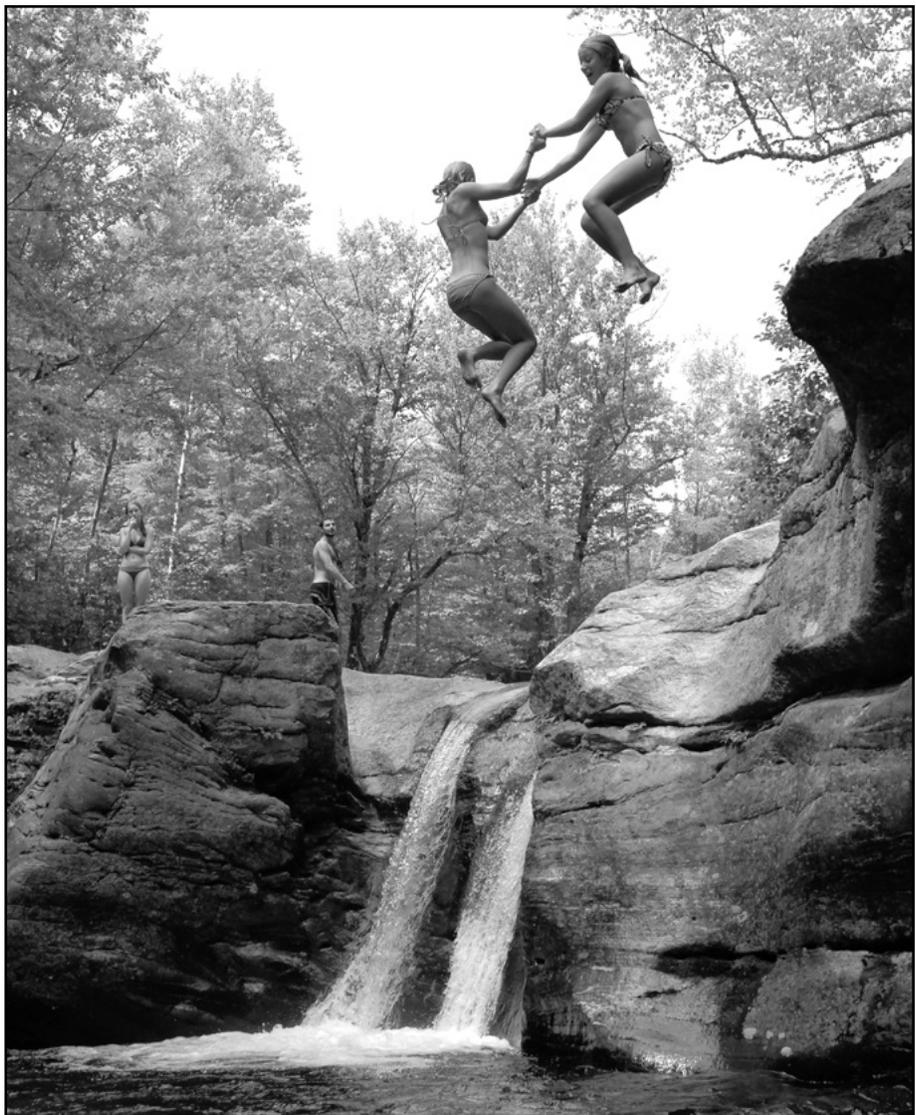
### Camden ‘set apart’

“We’re always happy when we’re recognized in those lists,” said Patricia Finnigan, Camden’s town manager. “We know we’re special. It does help set us apart.”

For the Knox County town of 4,850, this publicity helps. “We don’t have a big marketing budget,” she said. “Marketing is not usually one of those items that rises to the top.”

She cited several events that may help fuel some recognition, speaking to the diversity the town seeks in attracting visitors year-round. The Camden International Film Festival enters its 12th year in 2016, drawing international attention in September. “We consider ourselves the Sundance of Maine,” Finnigan said.

In October is the PopTech convention, bringing “600 diverse thinkers and doers from around the world,” according to the website, which happens to mention that Camden also made Forbes’ list of “America’s Prettiest Towns.” The nonprofit organization was founded in 1997 and meets annually in Camden and nearby communi- ties.



**Swimmers at Frenchman’s Hole, near Bethel.** (Carol Savage Photography)

Finnigan said the founders of ClIFF and PopTech both had the idea to bring these events to Camden, working with the town to figure out how to make them a reality.

In the winter is the Camden Conference. Created in 1987, it is a week-end steeped in foreign affairs that

now draws 800 people to town in the middle of February.

“They deliberately selected February because they wanted to help the local economy,” Finnigan said.

The source of a list does matter, she said, and determines the amount of exposure.

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"When you get recognized by the New York Times for being a foodie town, that's a good thing," she said.

Sometimes a list is the result of a vote, such as Down East magazine's "Best Places to Live" featured in its March issue. The magazine pitted 16 favorite towns using "benchmarks like home prices and median income, along with subjective criteria like natural beauty." Then it opened online voting.

Making it into the top eight was Bethel, which also ranked among the "Best Ski Towns in New England" on [boston.com](http://boston.com) in January.

"We get so excited when we are on a non-winter list," said Jessie Perkins, events and marketing manager for the Bethel Area Chamber of Commerce. "In the summertime, we have a huge amount of traffic going through to Acadia. The tourism is an introduction to people who might move here in the future."

When a list is publicized on Facebook, she said they are "by far the most shared and liked things. It's a great branding tool."

One of the lists that keeps on giving for Bethel was its No. 2 placement on a Yankee magazine list for the top foliage towns. Even though it was nearly six years ago, the list is still mentioned. "The foliage seekers are very determined," Perkins said. "It's like seeing a unicorn to some people."

Some towns are a little surprised to find themselves on a list.

Yankee magazine's March/April issue offers "Hidden New England – 6 Special Places You'll Want to Discover," naming Vinalhaven one such destination.

Town Manager Andrew Dorr was quick to point out that 10 percent of the state's lobster catch comes from the island community. "That takes front and center in our harbor," he said.

It's not that the island doesn't welcome tourists, it's more that tourists don't understand the nature of the island, such as the lack of amenities like hotels. Dorr could list three places to stay overnight, although he wasn't sure one was operating.

### 'Don't bring a car'

The ferry service plays into limited access to the island. "Don't bring a car," Dorr emphasized.

For the island municipality, there needs to be a different type of tourism, Dorr said, one that focuses on the working culture and the natural beauty.

The Piscataquis County town of Monson, population 686, is teeming with natural beauty. On the shores of Lake Hebron, it is the gateway to the Hundred-Mile Wilderness of the Appalachian Trail.

Last summer, Monson found itself featured as one of the top Labor Day vacation spots in the nation by [tripping.com](http://tripping.com), a vacation rental search site. One of the other places chosen was the quaint little city of – San Francisco.

"Somebody must have had a camp or been through at some time," said Lucas Butler, Monson's town manager. He admits there are a lot of private camps and vacation rentals on the lake, but making the list still surprised him.

"Tourism is our No. 1 business now," he said. "We lost our school in town. Right after, we lost Moosehead (Manufacturing)."

Anywhere from 2,500 to 3,500 hikers start or end their Appalachian Trail journey in Monson, he said. "We've seen a big increase in the last couple of years."

He is expecting a "serious uptick" in hikers this year because of the Robert Redford movie "A Walk in the Woods" released late last summer. The town plans to staff a hiker information center with two full-time positions starting Memorial Day.

"We're a small town with a lot of spirit left in it," Butler said.

As for the Labor Day listicle, Butler said he couldn't tell if there was an increase in tourists that weekend.

"I sat on my front porch and watched all my dream boats and dream campers roll by," he said, noting the convenience store was "very busy." ■

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# The Municipal RISK MANAGER

SPRING 2016

A Publication of the Maine Municipal Association

## Cyber Awareness Training Held at MMA

The MMA Information Technology Director and MMA Risk Management Services joined with Cameron Wellman of Maine Emergency Management Agency and Rob Herman of Workgroup Technologies to help members gain knowledge of the ever increasing cyber threats that are attacking public sector networks.



The program was held on March 15, 2016 with 65 members in attendance representing cities, towns, schools and utilities throughout the State of Maine. The programs centralized focus was "Awareness." Member Services Representative Marcus Ballou stated "we wish to make our members aware of the present hazards, aware of the tools available to help them, and to be aware of the coverage and services we offer through the Property & Casualty Pool." Risk Management Services would like to make all members aware of this exciting program offering:

MMA's Risk Management Services is offering Cyber Liability & Data Breach Expense coverage to members of the Property & Casualty Pool. Today's technology makes it easier to store, steal or lose personal information so make sure your entity is protected. The coverage can be added at No Additional Cost (with completion of a new simplified application and subject to underwriting review).

### Coverage Highlights:

- Cyber Liability - \$1,000,000 limit per wrongful act

- Data Breach Expenses - \$50,000 aggregate limit
- \$1,000,000 aggregate limit per member
- \$1,000 minimum deductible

Please contact a member of Risk Management Services Underwriting staff at 1-800-590-5583 for questions or additional information

Maine Municipal Association Risk Management Services is also pleased to offer four new Online Cyber Liability

courses free of charge to members of the MMA Risk Management Services programs.

### The new courses are:

- Preventing Phishing 1
- Privacy Awareness
- Records Management Security Awareness
- Responsible Use of Social Media

### To access online training:

**Step 1:** Log on to: <http://www.memun.org/InsuranceServices/RiskManagementServices.aspx>

**Step 2:** Choose Online Safety Training Registration and follow the easy instructions. 

## The Actual Cost of a Cyber Attack

### Excerpts from FirstNet Learning

Pay a ransom or no? Even though the question seems dramatic and ripped from the script of a 70s spy movie, according to Joseph Bonavolonta, assistant special agent for the Cyber & Counterintelligence Program for the FBI, you may want to if you get hacked. "The ransomware is that good," he said.

Depending on how you want to handle a cyber breach, what it will cost your organization can now vary widely.

Below are two examples of how much it can cost your organization if (when?) you get hacked.

*Scenario 1:* An employee accidentally leaves his work-issued laptop at a restaurant. The laptop has an unencrypt-



ed database of current client records that include protected information with the name, Social Security number, credit card, insurance ID and medical information of at least 200

employees.

Based on the above, estimated costs could potentially break out as follows:

Incident Investigation Costs: \$100,000 to \$180,000

Customer Notification and Crisis Management Costs: \$20,000 to \$50,000

Fines & Penalties: \$100,000 to \$175,000

Total Costs: \$220,000 to \$405,000

*Scenario 2:* An employee opens a phish-

Story Continued on Page 22

## Cyber Attack *(cont'd)*

ing e-mail. The malware in that email then accesses the District's centralized network exposing names, addresses, dates of birth, Social Security numbers and financial information, such as credit card and bank account numbers.

Based on the above information, estimated costs for this attack could potentially break out as follows:

Incident Investigation: \$200,000 to \$300,000

Post Incident Management: \$350,000 to \$500,000

### Preventive measures:

1. Back up your data. Frequent backups ensures your ability to restore in the event of an attack.
2. Protect all sensitive data and develop policies for the distribution of sensitive data including who can send, to whom and in what protected/encrypted media.
3. Be suspicious of emails which requests information.
4. Do not click on links within an email unless you requested the information.
5. Within any email, be sure you know where a link is really taking you – the easiest way to do this is to let your mouse hover over the link to determine whether the link looks familiar or can be determined to be a real website.
6. Keep browsers and operating systems up to date.

7. Utilize virus and firewall protections and ensure latest patches have been installed.

8. Learn how to see where a link is really going.

- Locate the first single forward

slash (/) in the address.

- Look at the information immediately to the left of the forward slash. That is the actual url name.

9. When in doubt verify or throw it out. 

## Housekeeping at Work

Effective housekeeping can eliminate some workplace hazards and help get a job done safely and properly. Poor housekeeping can contribute to accidents by hiding hazards that cause injuries. If the sight of paper, debris, clutter and spills is accepted as normal, then other more serious health and safety hazards may be taken for granted.

Housekeeping is not just cleanliness. It includes keeping work areas neat and orderly; maintaining halls and floors free of slip and trip hazards; and removing of waste materials (e.g., paper, cardboard) and other fire hazards from work areas. It also requires paying attention to important details such as the layout of the entire workplace, aisle marking, the adequacy of storage facilities, and maintenance. Good housekeeping is also a basic part of accident and fire prevention.

Effective housekeeping is an ongoing operation. It is not a hit-and-miss cleanup done occasionally. Periodic "panic" cleanups are costly and ineffective in reducing accidents.

### What is the purpose of workplace housekeeping?

Poor housekeeping can be a cause of accidents, such as:

- Tripping over loose objects on floors, stairs and platforms.
- Being hit by falling objects.
- Slipping on greasy, wet or dirty surfaces.



- Striking against projecting, poorly stacked items or misplaced material.
- And, cutting, puncturing, or tearing the skin of hands or

other parts of the body on projecting nails, wire or steel strapping.

To avoid these hazards, a workplace must "maintain" order throughout a workday. Although this effort requires a great deal of management and planning, the benefits are many.

### What are some benefits of good housekeeping practices?

Effective housekeeping results in:

- Reduced handling to ease the flow of materials.
- Fewer tripping and slipping accidents in clutter-free and spill free work areas.
- Decreased fire hazards.
- Lower worker exposures to hazardous substances (e.g. dusts, vapors).
- Better control of tools and materials, including inventory and supplies.
- More efficient equipment cleanup and maintenance.
- Better hygienic conditions leading to improved health.
- More effective use of space.
- Reduced property damage by improving preventive maintenance.
- Less janitorial work.
- Improved morale.
- And, improved productivity (tools and materials will be easy to find). 



### The Municipal Risk Manager

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

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P.O. Box 9109, Augusta, ME 04332-9109

1-800-590-5583 or (207) 626-5583

## Welcome Our New UC Coordinator: Denise Kolreg

Please welcome Denise Kolreg as our new Unemployment Compensation Coordinator. Many of you will recognize Denise as she has assisted our membership for more than 16 years. Denise brings a true dedication to exceeding our member's needs.



MMA's Unemployment Compensation Fund (UC Fund) was created in 1978 at the request of MMA members to assist them in meeting their obligations under the Employment Security Act in an efficient and cost effective manner.

The UC Fund membership is composed of municipalities and other public and related non-profit entities that are individually self-insured but administered as a group. Within the Fund, each member has a separate account. Members make quarterly payments into their account, based on rates developed by MMA's consulting actuary. Claims are paid out of the member's own account. The UC Fund reimburses the State monthly for unemployment claims paid to former employees and reports these payments to each member. Even if the member's account is overdrawn because of high claim activity, the UC Fund continues to pay their monthly claim reimbursement to the state. This service provides our members with cost stability throughout a calendar year.

### The primary benefits for program participants include:

- **MODERATION OF CASH FLOW:** Each December members of the UC Fund are notified of their contribution obligation for the next calendar year. The amount of the contribution is fixed for the year and additional payments are not required in the event a large sum is paid out in claims.
- **SIMPLIFICATION:** Communications and reporting to the Department of Labor are simplified. All mail for the UC

Fund members from the Maine Department of Labor is directed to MMA. In most cases the Fund Coordinator can resolve any issues raised. Members' UC wage reports also come to MMA for uniform reporting each quarter. The UC Fund Coordinator is available to answer unemployment compensation questions.

- **DIVIDENDS, INTEREST AND EXCESS BALANCES:** Dividends, interest, and excess balances are returned to members, based on the

determination of MMA's consulting actuary there is a sufficient balance in each member's account to pay claims for the next year. Dividends are not guaranteed from year to year and their award depends not only on the claims but must also be approved by the MMA Executive Committee. The MMA Executive Committee oversees the operations of the UC Fund.

- **TECHNICAL GUIDANCE:** Technical guidance is available from MMA staff in preparing for fact findings and appeal hearings, preparing wage reports, requests for separation information, wage audits and other unemployment issues that may arise. 🏠

## Welcome New Members

### Property & Casualty Pool

Orono Veazie Water District • Southwest Harbor Water and Sewer District

### Workers Compensation Fund

Southwest Harbor Water and Sewer District • Orono Veazie Water District

## Playground Safety

Congratulations to Risk Management Services Loss Control Consultants Ann Schneider, Bob Thomas, John Waterbury, Lance Lemieux, and Dan Whittier for passing the National Recreation & Parks Association Certified Playground Safety Inspector course and exam. The program covers two days of training, followed by a half-day proctored



exam, which is described by the National Recreation and Park Association (NRPA) as a program that offers the most comprehensive and up-to-date training on playground safety as well as provides certification for playground

safety inspectors. The NRPA is dedicated to promoting children's rights to play in a safe and challenging play environment.

Story Continued on Page 24

# Accident Investigation Kit

What if you were supervising a jobsite that was two hours away from your main office? The unthinkable occurs and a worker is seriously injured. What do you do? Everything that happens from this point forward will be influenced by the actions you take in securing the accident site and performing a preliminary investigation. Most supervisors have limited training and experience when it comes to responding to emergencies. Preparing an Accident Investigation Kit, including an Accident Investigation Checklist to help you manage the investigation, will help them respond appropriately in an emergency situation.

## Your kit should include the following:

- **Signs and barricade tape:** Use “Caution” and “Danger” signs and tape to immediately mark off areas to protect others on the site and impound evidence to ensure it isn’t inadvertently moved or tampered with. Be sure to provide a wide area around the actual incident site so that the investigation can proceed without interference.
- **Camera:** Take as many pictures as you can from as many angles and positions as possible. Based on the facts gathered, you may want to take simulated photos of where the individual was prior to the accident and or steps involved leading up to the accident. Many digital cameras have a video feature that can be very useful as well.
- **Measuring devices:** Accurate mea-

surements will assist outside investigators, your MMA claims staff, and/or consulting engineers that may be involved with the incident to develop more precise data.

- **Gloves:** Be sure your kit contains both leather gloves (protection from damaged equipment or sharp materials) and nitrile gloves (protection from bloodborne pathogens).
- **Sign-in sheet:** Document the names of all the workers who are typically in the immediate area, and whether or not they were on site at the time of the incident.
- **Witness forms and pencils:** Obtain statements from witnesses while the incident is fresh in their minds. Remember at this point you are only collecting facts. All you want to do is have each witness record exactly what he or she recalls and witnessed. Don’t delay this process, even if workers are upset. You want to gather the information before their memory begins to play tricks on them.
- **Digital voice recorder:** You may find it easier to take statements from employees electronically and later transcribe your notes on paper.
- **Other items:** Your kit should also include a flashlight with batteries, a pad of lined paper, a permanent marker (to identify objects or mark areas being photographed), and contact information for company personnel, the MMA, and government agencies such as OSHA.

When serious incidents involve loss of life, third parties, and other catastrophic events, contact the MMA immediately for guidance and support. Remember, if a serious incident occurs, protect the scene, particularly if it involves a fatality. Keeping the site untouched is a sign that you’re willing to cooperate with the investigators. Don’t forget, you have 8 hours to notify OSHA in the event of a fatality and 24 hours to report any work-related inpatient hospitalizations, amputations, or loss of an eye. 

## Playground Safety *(cont'd)*

This certification enables the MMA Loss Control staff to provide high quality inspections of playgrounds and help to identify potential hazards which may result in injury to users. Any hazards identified are documented and recommendations are presented as a loss prevention tool for participating members. The loss prevention surveys are performed in an effort to assist members of the MMA Property & Casualty Pool with educational tools to minimize loss exposures and improve risk management efforts. Recommendations are developed from the conditions observed at the time of the visit and are not meant to include every possible cause of loss.

We also wish to thank the City of South Portland for hosting this training. There were several Parks/Recreation staff from numerous municipalities throughout Maine, along with participants from Massachusetts and other areas of the country that took part in the training and examination. Partial funding for this course was provided to our members thru a grant from MMA’s Risk Management Services in an effort to help reduce overall costs.

Please remember that April is playground safety month and if your town would like a visit, please contact your Loss Control Consultant or Risk Management Services for your personalized playground survey. 

### Property & Casualty Pool Renewal Reminder

We would like to thank our Members for their cooperation with the completion of the Property & Casualty Renewal Applications. The Property & Casualty Pool renewal application was due by March 31, 2015. Your 2016 Pool renewal application is an important part of the renewal process and we want our Members to know that help is available. If you would like assistance with the completion of your application or just have a question, please contact Marcus Ballou (mballou@memun.org) or Judy Doore (jdoore@memun.org) at 1-(800) 590-5583, so that we can help. .

*Serving Maine Communities Is What We Do And All We Do*

# Gray is the new blonde: An aging Maine presents many challenges

*The good news is municipalities are responding to senior needs. Efforts in four communities were highlighted recently at a conference in Bangor.*

By Janine Pineo

The face of Maine is older than every other state in the union.

"We're the oldest population," said Garrett Martin, executive director of the Maine Center for Economic Policy. "What does that mean for us?"

This was the crux of the daylong conference at the 37th Annual State-wide Manager Interchange of the Maine Town, City and County Management Association held at the Bangor Hilton Garden Inn.

The specifics are staggering. From the Maine Council on Aging, the data paint this picture of Maine's population:

- The oldest population by median age in the country.
- The highest concentration of baby boomers per capita.
- Lives rurally, away from service centers (most rural population in the U.S.).
- Lowest 0-18 population.
- Very low, if not the lowest, rate of in-migration.
- High concentration of working family caregivers.
- Higher than average poverty rate of those over 65.

According to a study from the Maine Affordable Housing Coalition, Maine in 2012 had roughly one-third of its population over the age of 55, or about 420,000 people. That number is expected to increase 13 percent by 2022.

"No one is untouched" is how Martin, the opening keynote speaker, summed it up. With the median age of 44 as calculated by the 2012 U.S. Census, Maine has a growing "sandwich generation," adults with aging parents and who are still raising children of their own.

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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).*

"We have to think about approaches that cut across generations," Martin said.

It means that what worked in the past needs to be reassessed. Businesses, for example, need to understand the dynamics of an aging population. Martin pointed to models of employment that value such things as institutional memory of older workers while offering more flexible work schedules not only for seniors but for the children who care for aging parents, including flexible family leave policy for the sandwich generation.

Martin said that we have to move past zero-sum choices, where a gain in one area means there must be a loss elsewhere.

"Our idea of 'old' has changed," said Jess Maurer, executive director of the Maine Association of Area Agencies on Aging. "We really are at an incredible time in our lives. We're all living longer than anyone anticipated."

That has brought about an unexpected situation.

"Our systems... are no longer working," Maurer said, during the second keynote address.

## Outliving our systems

Maurer is also project manager for the Tri-State Learning Collaborative on Aging (TSLC), which states on its website that: "We have outlived our systems and need to reimagine how to live in community together – to build communities for all ages. We can increase our collaborative impact and pool our limited resources through shared learning."

Sharing information, connecting



Jess Maurer

communities and fostering partnerships is the way to address the changes facing Northern New England, according to Maurer and the TSLC. Maine, New Hampshire and Vermont are in the top tier of the aging population in the country.

There are, Maurer said, some resounding characteristics to aging Mainers.

"Older Mainers are fiercely independent and proud," she said. "Correspondingly, they don't know what resources are available." Most rely on "gossip" to find any assistance and usually depend on family, friends and neighbors to assist them.

"They say, 'You're gonna take me outta this house in a body bag,'" Maurer said, which equates age with disability, where disability is the equivalent of death. "There's a large fear component."

The economics of aging are a huge issue in Maine. "We're living longer on fixed incomes, for 20 or 30 years," she said. Forty percent of Mainers over the age of 60, she said, are 200 percent below poverty level, with 30 percent of Mainers living on \$13,000 per year or less.

Two key challenges face aging Mainers, Maurer said. The first is housing. The second is finding personal care.

Most seniors do not want to leave their homes. With the eighth oldest housing stock in the nation, that presents its own set of problems when a retiree on a fixed income is looking at living in what can be a large, two- or three-story house for 20 or more years.

"They don't want to leave their

town,” Maurer said, but there is a 9,000-person gap in affordable housing units in the state with a three- to five-year wait.

She said when a call comes in to one of the agencies around the state – emphasizing that there are dozens of calls a day on this subject – one of two things happens: The person in need will either leave the state, or he or she will continue to live in unsafe housing, sometimes without plumbing, heating or other basic amenities.

“This is a crisis,” Maurer said.

The challenge of finding care is growing. As of the day of the conference, 5,400 hours of approved care is going unstaffed because there are no workers to fill those low-wage caregiver jobs, Maurer said. Then, add in the fact that 18,000 more Mainers turn 65 each year.

“If we do nothing, we’re going to be in trouble,” Maurer said.

## 50 communities step up

There is good news, she said. Communities have recognized that changes must be made and needs addressed. About 50 municipalities are involved with “Aging in Place,” a concept that is built around creating communities that work to keep seniors in their own homes safely but also keep them involved in those same communities where they have spent their lives.

“Isolation is probably the biggest killer,” Maurer said. “Isolation is bad.”

Involving older adults in everything a municipality does may offer some surprises to local officials, who sometimes discover that what they thought was a major concern to senior residents wasn’t the biggest one, she said. Success comes in having seniors take part in every aspect of planning.

Four municipalities were featured during the “What’s Working in Maine” panel, detailing what those communities have done to embrace their changing demographics.

Bowdoinham Town Manager Bill Post said that 19.8 percent of the town’s 2,900 residents are 60 or older. Between 2000 and 2014, the town increased in size by 10 percent, but the number of residents 65 to 74 grew by 88 percent.

In 2012, the Sagadahoc County town did a needs assessment, identifying five areas: information, organization, transportation, housing and a gathering place. Among many initiatives, an

Advisory Committee on Aging was created, which advises the Bowdoinham Select Board on aging issues while also providing services and advocacy to older residents.

Post said the town has made improvements, from a gazebo and picnic tables to accessible paths. A durable medical equipment loan program is in place, with the town accepting donated equipment.

When concerns about library access were raised, changes were made, Post said. From a third rail in the middle of the stairs to heated stair treads to melt any snow or ice, the gratitude was immediate. “You’d think that I was walking on water for these people,” he said.

“We have received worldwide recognition for making changes,” Post said. Bowdoinham became Northern New England’s first municipality in the World Health Organization Global Network of Age-friendly Cities and Communities in 2014. Last year, it became a member of the AARP Network of Age-Friendly Communities, which is an affiliate of the WHO-GNACC.

## Global perspective

The WHO’s effort was launched in 2006 “to help cities prepare for their own and the world’s growing population of older adults and the parallel trend of urbanization,” according to the AARP. It shows that the aging population is not just a local, regional or national trend, but also a global one.

For Cumberland, the No. 1 issue for seniors is taxation, said Town Manager Bill Shane. What fuels him is an urgency to help the “invisible people” who are affected.

Cumberland has done a number of things for its Aging in Place commit-



**Susan Lessard**

ment. A staff member works 12 hours a week on it, a retired school bus is now a means of transportation and twice a month programs are held for seniors with 25 to 75 attendees.

The town is implementing a senior property-tax assistance program that will offer relief to those who apply, but the weight of the screening process is fully on the town. “It’s going to be a challenge for us,” Shane said.

“What’s good social policy is good economic policy,” said David Cole, Ellsworth city manager. The “genesis” of Ellsworth’s age-friendly initiative came in the last decade when a new school was built, leaving two schools empty. What resulted was one school’s demolition for the building of a community park while the second school became a senior-friendly community center.

Bucksport has been working for 20 years to make an age-friendly community. Interim Town Manager Susan Lessard said that today the Bucksport Bay Healthy Communities Coalition is the resource for seniors, which covers not only Bucksport, but Orland, Prospect and Verona Island.

In 2015, the Thriving in Place program was initiated, which has 16 partner agencies to help with health, safety, transportation, housing and financial needs. It also recently applied to become an AARP Age-Friendly Community.

“This isn’t new for the town of Bucksport,” Lessard said. “This is just a part of how they are.”

The aim of age-friendly communities is straightforward. The goal, Ellsworth’s Cole said, is to accommodate all age groups. “I, for one, don’t want to be segregated as I grow old,” he said. ■

## AVAILABLE ONLINE RESOURCES

The Tri-State Learning Collaborative on Aging is a free resource. Among its resources are weekly webinars as well as a roadmap on how to do an assessment to become an age-friendly community. <http://agefriendly.community/>

AARP Network of Age-Friendly Communities  
[aarp.org/agefriendly](http://aarp.org/agefriendly)

WHO Global Network of Age-friendly Cities and Communities  
[http://www.who.int/ageing/projects/age\\_friendly\\_cities\\_network/en/](http://www.who.int/ageing/projects/age_friendly_cities_network/en/)

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# Growing issue of cyber security addressed at MMA program

*Municipalities can take steps to minimize risk, experts say. MMA will unveil a new computer service at the 2016 Municipal Technology Conference in Augusta on May 5.*

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

**T**hey have scary, unfamiliar names: Ransomware. Bitcoins. Viruses. Hackers.

Unfortunately, businesses, health-care organizations and municipalities encounter computer hacks and breaches of legally protected and highly sensitive data too frequently these days.

We've all read about recent intrusions, right here in Maine. Sophisticated, computer-savvy places have been affected, such as Anthem Insurance, MaineGeneral Medical Center, Hannaford and Target stores.

Government agencies have been affected, too, including one Maine city that had to pay a hacker more than \$2,000 to "unfreeze" its computer system after a virus locked it up.

On March 15, a panel of cyber security and risk-management insurance experts met at Maine Municipal Association in Augusta to lead a half-day workshop on the topic. Sixty municipal officials attended and were told, among other things, that preparation is the best step toward preventing a computer breach, but even those steps don't insulate municipalities fully.

Why do "bad guys" spend their time looking for ways to infiltrate computer systems? The answer is money, of course. There is a black market for confidential data, the most valuable of which is health-care information, because that doesn't change over a person's lifetime, said Rob Herman, senior engineer with Workgroup Technologies, which is based in Westbrook.

## Data worth stealing

In addition to hospitals and doctors' offices, guess what other organizations have similar information? First, municipal employers might – data



**Rob Herman, senior engineer with Workgroup Technologies in Westbrook.**  
(Submitted photo)

## CYBER INSURANCE

MMA'S Risk Management Services Department offers insurance Cyber Liability insurance and other important protections and resources. To learn more, go to Pages 21-24 (Risk Manager section) of this edition of the Maine Townsman.

about their own staff members. Beyond that, fire-rescue, ambulance and police departments keep and transmit that information in encrypted fashion all the time.

Hackers who used to spend their time stealing credit card numbers still do that, but they've come to realize that credit card companies respond quickly to fraudulent charges and that credit and debit cards can be quickly shut down, Herman said.

"Probably the biggest risk is for

employees to have Internet access at all," he said.

That makes sense, right? Computer viruses tend to be spread through deliberately infected links contained in emails and through websites, especially social media websites. If you don't have Internet access, you can't use email. You can't surf the Web or use Facebook, Twitter and other Internet sites.

Herman recommended that employers start by asking if groups of employees truly need general Internet access at their work stations. It's not a typical municipal position, but as an example, many nurses' stations in hospitals have Internet access, he said. Yet, nurses don't always need it. He recommends that employers only provide work station-based Internet access to employees who truly need it.

Employees rarely balk because many of them have "smart phones" and other personal communications devices that enable Internet access almost any time and any place, anyway. That's fine, because smart phones aren't – or shouldn't be – connected to a municipality's computer system, which is where the system data is kept.

A first step toward protecting municipal systems is writing and adopting an "acceptable use policy" for employees, computers and the Internet.

MMA's Risk Management Services department offers Cyber Liability Insurance coverage to its customers at no extra charge – but, a town or city can't get that coverage until it has written, and its legislative body has formally adopted an acceptable use policy, said Michelle Pelletier, MMA's Underwriting Manager with Risk Management Services. There are a few other, basic requirements as well.

Here are some elements that a

standard acceptable use policy typically addresses:

- How are “information resources” used?
- Password management.
- Internet access and usage.
- Email use (professional and personal).
- Incidental computer and email use.
- The use of hand-held and other portable computing devices.

A basic component of most acceptable use policies involves the creation and retention of computer passwords, said Marcus Ballou, RMS’ Member Services Supervisor. We all know that computer passwords are needed to check email, log into personal and work computers and to perform many computer-related tasks. In fact, keeping track of the nearly zillion passwords that one has to create can seem like a full-time job in itself.

### Own your password

What is far too common, however, is for employees to share their passwords with co-workers, Ballou said. It may seem simple to do that or even efficient, but it’s a very dangerous practice on many levels.

“Employees need to know that their work can be monitored whenever that password is being used,” said Ballou. “Any work being done using that password – is that employee’s work. That employee is responsible for whatever happens.”

Back to ransomware and computers being held hostage, it’s amazing how sophisticated, and even brazen, computer hackers have become.

Ann Willette, RMS’ Claims Manager, said hackers that demand payment through Internet bitcoins often offer “discounts” if payment is made immediately. Some even have customer-service telephone lines set up to take incoming calls. Their staffs are well-trained.

“They pride themselves on providing good service,” Willette said. Of course, they’re not providing a needed or welcome service at all.

Pelletier said MMA knows of five municipalities in recent years that have been forced to pay a hacker, after being hit by ransom ware viruses.

### Two key questions

Christina St. Pierre, Director of

Administration and Information Technology at MMA, said a basic, threshold question for municipal leaders to ask themselves in assessing the need for

acceptable use computer policies, cyber security insurance and technology-related consulting help is this: “Do you store sensitive data on your

## COMING SOON FROM MMA: NEW TECHNOLOGY SERVICE



Maine Municipal Association and its partner, Westbrook-based Workgroup Technologies, is now offering Information Technology services to MMA members. Services will include: comprehensive

IT education and awareness programs; policy and procedure development assistance; and, assistance with technical specifications, network analysis and purchasing.

The new service will be rolled out officially at MMA’s 2016 Municipal Technology Conference, to be held on May 5 at the Augusta Civic Center. For more information about the service, please contact MMA Director of Administration and Information Technology Christina St. Pierre at 207-623-8428 or [cstpierre@memun.org](mailto:cstpierre@memun.org).

To register for the Technology Conference, please visit our website: [www.memun.org](http://www.memun.org).



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computer?”

Another question is does your town and city touch credit cards in any way, either issuing them to employees for official use or accepting them as payment for various fees and services.

Many municipalities do one or both, she said.

The program included a presentation from Cameron Wellman, who is the state's new Cyber Security Coordinator, working for the Maine Emergency Management Agency. Wellman described various efforts that are under way to prepare for and, if necessary, respond to and investigate a large-scale cyber attack in Maine.

The topic will be addressed as part of the Annual Maine Partners in Emergency Preparedness Conference, coming up on April 19 and 20 at the Augusta Civic Center, said Wellman.

At the end of the day, people generally realize today that computer hacks and breaches will happen. If major businesses and health-care providers can be hacked, no one will be surprised if a small store or municipal office is, too.

What citizens may not forgive is if municipal leaders have not taken reasonable steps to minimize, if not prevent, such an occurrence. Employee mistakes can happen as well.

“People will accept an error,” said Willette, of MMA's Risk Management Services Department, “but they will want to know that it's not going to happen again.” ■

## FIGHTING RANSOMWARE

Ransomware viruses can lock up an organization's computer network and keep it from functioning until “ransom” is paid. This has happened before in Maine. Here are some tips on how to prevent or address the problem:

- Slow down, especially with email and while on the Internet. Virtually all ransomware viruses start with employee error, such as when a suspicious email is received with an unfamiliar Internet link, and the employee clicks on the link anyway.
- Do not trigger viruses accidentally. Only forward links that you are familiar with and are for official purposes.
- Make sure that a web page address (often contained in an email) matches the name of the company that supposedly originated the unfamiliar message.
- Check to see that the company logo (Google, PayPal, Federal Express and UPS are commonly copied) is a high-quality image visually. Culprits who spread viruses often use second-hand visual images that are lower quality.
- Make sure your computer browser and operating system have good security installed and that the latest version is the one you are running.
- Report any suspicious email or link to your municipal IT staff member or to the outside vendor that your town or city uses. “When in doubt, report.”
- Adopt a written “computer incident policy” pre-emptively. This policy should outline steps to be taken if a virus attack threatens or disrupts your computer system.
- Follow the policy in the event of a hack. Employees should know how to report the incident immediately, who to contact and what to tell the public.

(Sources: MMA Risk Management Services and Information Technology departments; USA Today)

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**HR** & Management  
Conference

**ATTENDEE REGISTRATION**

**June 7, 2016**  
**Thomas College**  
**Waterville, ME**



Maine Municipal Association

**Presented by:** Maine Municipal Association

**In Cooperation with:** Maine Local Government Human Resources Association



[www.memun.org](http://www.memun.org)

## Keynote Speaker – Sandra Matheson



### The 2nd Annual Municipal Human Resources & Management

**Conference** – Ever-tightening municipal budgets in Maine are creating increased challenges for municipal elected officials, managers, human resource directors, supervisors and department heads. As a result, municipalities are more concerned than ever about uses of technology in the workplace, health-care and other employee benefits, initiatives aimed at reducing costs and services, optimizing employee performance and following all of the assorted laws that go along with these topics.

This timely conference is designed to be a “one-stop shop” – one day, very well spent, concentrating on management topics.

As the executive director of the Maine Public Employees Retirement System, Sandra is well-known in Maine for overseeing its largest retirement system. She will provide an update on Maine PERS, and will discuss pension and retirement benefits trends and changes.

## Conference Agenda:

### 8:00 am: Registration

### 8:45 am: Welcome

Stephen W. Gove, Executive Director, Maine Municipal Association, and Nick Isgro, Mayor of Waterville.

### 9:00 – 10:00 am: Keynote Presentation

#### What is the Future of Maine Retirement?

Session Summary: Maine’s leading authority on retirement benefits, and the administrator of its largest public-sector retirement system, Sandra will share her insights into Maine PERS, public pensions and benefits trends in general. We all look forward to enjoying our “golden years.” What will they look like when we get there?

*Presenter: Sandra J. Matheson, Executive Director, Maine Public Employees Retirement System.*

**MTCMA Certification – 1 point Human Resources category**

### 10:00 – 10:15 am: Break/Visit with Sponsors

### 10:20 – 11:20 am: Block 1

#### Creating A Safe Workplace

We all know that municipal employees do stressful and sometimes hazardous work. From Public Works to Fire-Rescue, from staffing the front counter at city hall to handling stray animals, there are ways to minimize risks and create workplaces that are as safe as possible. Here are some of the best strategies.

*Presenter: Ann Schneider, Loss Control Supervisor, Risk Management Services, Maine Municipal Association.*

**MTCMA Certification – 1 point Human Resources category**

#### Defensible Documentation

A little preparation goes a long way. Attendees at this session will be presented with templates that are necessary inclusions in every employee’s personnel file. The workshop addresses

topics like: “Why do we do this?” “This law requires documentation” and “Really consider this before implementing a change in your practice.” Deb’s motto is “let’s keep this simple.” By the end of the session, participants will have a greater understanding of what to do and how to do it.

*Presenter: Deb Whitworth, owner and CEO of HR Studio Group.*

**MTCMA Certification – 1 point Human Resources and Legal categories**

#### Social Media Dos and Don’ts

Towns and cities are in the communications game, whether they really want to be or not. Along with showing attendees effective ways to operate, and control, their social media outlets, this workshop includes practical advice on limiting employee influence over official social media channels and what to do – and what not to do – about employee use of social media in their personal lives.

*Presenters: Amanda Meader, Staff Attorney, MMA’s Legal Services Department; Detective Dorothy Small, Ellsworth City Police Department; Eric Conrad, Director of Communication & Educational Services, MMA.*

**MTCMA Certification – 1 point Leadership and Human Resources categories**

### 11:25 – 12:25 pm: Block 2

#### How to Plan for a Maine Department of Labor Inspection

This session will discuss the Department of Labor’s Safety Works! program, which is designed to assist employers (at no cost) correct hazards and reduce their injury and illness rates. We also will discuss public sector enforcement, the most frequently issued citations and voluntary protection programs (SHAPE).

*Presenter: Michael LaPlante, Occupational Safety and Health Supervisor, Maine Department of Labor, Division of Workplace Health & Safety.*

**MTCMA Certification – 1 point Leadership and Human Resources categories**

*(Cont’d on next page)*

## Conference Agenda:

### Yes, Here's Another Update on the ACA

Worried about the seemingly ever-changing nature of the Affordable Care Act? We'll walk you through the latest requirements, changes and deadlines and offer some helpful hints to make it all more understandable. Then we'll spend a little time talking about the Act's "Cadillac Tax" – just for fun!

*Presenter: Anne Wright, Director, Maine Municipal Employees Health Trust.*

**MTCMA Certification – 1 point Human Resources category**

### Collective Bargaining

Successful collective bargaining requires understanding labor law, developing an effective strategy, researching the comparables, being familiar with union players and most of all learning the lessons of The Gambler: "Ya gotta know when to hold 'em, know when to fold 'em..." In this session, we'll cover the legal knowledge, factual information and other tools that the successful management negotiator needs to play a winning hand at the bargaining table. We will review how to stay on the right side of the law, how to use dispute resolution tools to your advantage – all of the tricks that make bargaining less of a gamble and more of a plan.

*Presenter: Linda McGill, attorney, Bernstein Shur.*

**MTCMA Certification – 1 point Leadership, Human Resources and Legal categories**

### 12:30 – 1:30 pm: Lunch

Cafeteria style, "picnic" stations, can sit in cafeteria or outside.

### 1:30 – 2:30 pm: Block 3

### Making Great Hires

One of the most costly mistakes that employers make – is hiring the wrong person. Listen to one of Maine's best-known consultants as he talks about making not just good hires, but great ones. He uses real-life examples of companies and organizations, from Maine and beyond, that have done just that.

*Presenter: Ray Inglesi, President, Drake Inglesi Milardo, Portland.*

**MTCMA Certification – 1 point Leadership category**

### Creating, Maintaining a Healthy Worksite Wellness Program

Join Anne to learn strategies on how to create an effective wellness program. In this session, we will discuss how to do that, what to consider and how to maintain your program for the long-term. Examples from successful municipal programs, right here in Maine, will be shared.

*Presenter: Anne Charles, Health Promotion Manager, Maine Municipal Employees Health Trust.*

**MTCMA Certification – 1 point Human Resources category**

### How To Keep Employment Practices 'Discrimination Proof'

Attorneys from Eaton Peabody will help you navigate the employment discrimination laws that cause municipal officials to lose sleep at night. This session will provide information that

you need to ensure that your city or town follows the law and uses good judgment in hiring, managing and terminating employees.

*Presenters: Thad Zmistowski, Attorney, Eaton Peabody; Sarah Newell, Attorney, Eaton Peabody.*

**MTCMA Certification – 1 point Human Resources and Legal categories**

### 2:30 – 2:45 pm: Break/Visit with Sponsors

### 2:50 – 3:50 pm: Block 4

### Stretching in the Workplace

End your program day in invigorating fashion, as experts and presenters explain why – and demonstrate how – stretching in the workplace is so important to maintain employee health and morale.

*Presenters: Denise Dumont-Bernier, Workplace Health Director, MaineGeneral Medical Center; Gary Bowman, Manager, Town of Oakland.*

**MTCMA Certification – 1 point Human Resources category**

### Common Supervisor Pitfalls & How to Avoid Them

This session will focus on typical mistakes that municipal supervisors can make, how to prevent them and what to do when they happen anyway. Topics will include: unintended discrimination in the hiring process; understanding employees' proper rights in their jobs; and union contracts, including how they fit into decision making and terminating employees.

*Presenter: Robert W. Bower, Jr., Attorney, Norman Hanson & DeTroy.*

**MTCMA Certification – 1 point Leadership, Human Resources and Legal categories**

### 2016 MMA Salary Survey: An Update

Maine Municipal Association's Annual Salary Survey is back in 2016, and better than ever. Working with our vendor, Dynamic Benchmarking, MMA soon will release important data on municipal salary and benefits, in database-searchable form.

*Presenters: Carol Weigelt, Web Publishing Technician, MMA; Ben Thomas, Website & Social Media Editor, MMA; Eric Conrad, Director of Communication & Educational Services, MMA.*

**MTCMA Certification – 1 point Leadership and Human Resources categories**

### 3:50 – 4:00 pm: Wrap up and thank you

### Directions to Thomas College:

Thomas College is located at 180 West River Road in Waterville, Maine. From Interstate 95 exit 127 (formerly 33), go east on Kennedy Memorial Drive (Route 137). In approximately 1.5 miles, turn right onto West River Road (Route 104 South). Thomas College is 1.5 miles on the left. **Please follow these directions instead of those provided by your GPS for the best route to campus.**

2nd Annual  
**Municipal  
HR & Management  
Conference**

# Attendee Registration

**June 7, 2016 – Thomas College, Waterville, Maine**

**Presented by:** Maine Municipal Association

**In Cooperation with:** Maine Local Government Human Resources Association

**Registration Type** *(please check ONE):*

- MMA Member Municipality/Patron/Non-Profit/State Agency-\$75.00  
 Non Member Municipality-\$150.00 /  Business Representative-\$100.00

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**Billing Information:**

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

Employer: \_\_\_\_\_

Billing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Name Badge Information** *(Name badge will read as indicated here):*

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

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

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

Employer: \_\_\_\_\_

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**Payment Options:**  Send invoice\*  Check will be mailed\*\*  Payment Enclosed\*\* PO #: \_\_\_\_\_

*(\*You will be invoiced after the Conference – \*\*Please send a copy of this registration form with payment)*

**Fax registration form to:** (207) 626-5947

**Mail form to:** HR Conference Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330.

**Please make check payable to: Maine Municipal Association**

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**Dietary Requirements:** We do our best to plan meals according to general dietary guidelines. If you have a specific dietary restriction, please contact the Educational Services at: 207-623-8428. Please note that we are not able to accommodate on site requests, as catering planning happens in advance of the event.

**ADA Message:** In order to ensure your complete participation, we would appreciate your informing us of any special requirements you may have due to a disability.

**Questions & Cancellations:** If you have any questions regarding registration, please call Educational Services at 1-800-452-8786 or 623-8428. Notification must be given at least 72 hours before the conference to receive a refund (minus processing fee). **All** cancellations are subject to a \$10 administrative fee for processing.

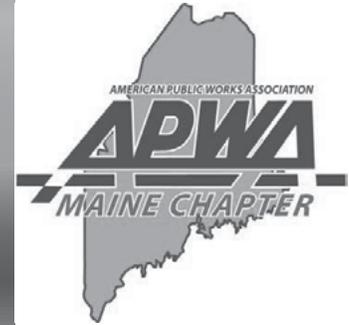
The Maine Chapter  
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The Twenty Fifth Annual  
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SKOWHEGAN FAIR GROUNDS

Thursday — June 2, 2016 — 7:00 a.m. - 3:00 p.m.



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The Lions will serve breakfast from 6:30-9:00 a.m.



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***WHO SHOULD ATTEND?***

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- Solid Waste Departments
- Municipal Officials and Managers
- Water and Sewer Utility Departments
- Parks and Recreation Departments
- YOU!!!

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Annual State Snow Plow Rodeo  
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Brochure and registration forms will be sent out in mid-April. Registration Deadline is May 23, 2016.  
For more information call the Affiliate Services Office—Maine Chapter APWA, 1-800-452-8786.

# PEOPLE



**Stefan Pakulski**

Hallowell City Manager **Stefan Pakulski** died on March 4 at the age of 57. Pakulski took over the Hallowell manager's job in September after managing the Town of Readfield for 12 years. Officials said he had already made

a difference in Hallowell during the short time that he served. He was an adventurer who served in the Peace Corps earlier in his life, and was planning his next trip with family and friends at the time of his death.

**Lisa Bennett** was named chief of Turner Rescue, effective April 1. Bennett had worked for a year as deputy chief and replaced **Toby Martin**, who resigned to take the job of director of the Wiscasset Ambulance Service. Bennett has 20 years of experience as an emergency medic, including a dozen as chief of Buckfield Rescue.

Veteran East Millinocket firefighter **Peter Larlee** died on March 2 at the age of 57. Larlee, a captain, was remembered by his peers and town officials as a caring, thoughtful and hard worker for 16 years for the town's volunteer department. Lincoln and Medway fire officials, who worked with Larlee in providing mutual aid, also praised the captain and expressed shock at his sudden death.

**Carrie Castonguay** was hired last month as Belgrade town manager. She will replace **Gregory Gill**, who retired in late March. Castonguay served as administrative assistant to the Livermore selectmen since August 2014, after spending 14 years directing multiple adult education programs throughout the region. While in Livermore, Castonguay also worked as tax collector, the town's Freedom of Access officer, deputy town clerk and deputy treasurer.



**Ronald Grant**

Long-time Greene Selectman **Ronald Grant** retired in March after 20 years on the board. Grant was elected chairman each year for the past 15 years. He did not seek reelection in March. An owner with his family of Grant's Bakery in Lewiston, Grant and his wife hope to spend more time in Florida, as well as at their Greene home.

Damariscotta Town Manager **Matt Lutkus** has agreed to continue working another year before retiring, but on a part-time basis, officials confirmed in mid-March. Selectmen wanted Lutkus to oversee a number of important projects. They said he would be worth more part-time than a new full-time manager. The agreement will take effect on Dec. 30, 2016, when Lutkus originally planned to retire.

Wiscasset Police Chief **Troy Cline** resigned in March to return to his hometown of Buxton. Cline worked as Wiscasset chief for nearly five years. He replaces **Michael Grovo**, who worked as Buxton police chief for eight years, and who was set to resign on March 31.

Four months after being elected, Rockland City Councilor **William Jillson** resigned effective immediately on March 7. He listed several assertions in making his departure. Jillson defeated sitting mayor **Frank Isganitis** last November. The council will not fill the vacancy, rather waiting for voters to make their choice in June.

West Paris Town Manager **John White** died on March 25 of cancer at the age of 59. He continued to work while getting treatment, combatting the disease for more than two years. At the same time



**John White**

White died in Hospice care, 300 town residents and officials were holding a benefit dinner for White and his family, without knowing that he had died. The benefit turned into a memorial that raised \$4,000 for White's

family. In his resignation letter to selectmen on March 10, White said he would miss serving the people of West Paris and that he was grateful for their support. White devoted his 35-career to municipal management, working in New Hampshire and Maine. He managed towns from Surry to Durham to Orrington and Paris. He earned his Public Administration degree from the University of Maine. He was only the second manager of West Paris, serving eight years.

Retired U.S. Coast Guard officer **Matthew Ripley** was named Rockland harbor master in late February. Ripley, who grew up in St. George, most recently served as a Naval Engineer and has been assigned either to Rockland or St. Augustine, Fla., over his 21-year career. Ripley got his sea legs as a boy working out of Port Clyde. Ripley's Coast Guard work required him to work closely with municipal, state and federal government agencies.

Saying he is getting too old to keep up with the work, **Stan Waltz** resigned as Alna code enforcement officer in late February after three years. Waltz will continue his CEO work for the towns of Damariscotta, Edgecomb, Nobleboro and Wiscasset. He will give up his plumbing duties in Bristol after the new inspector is trained. Officials worried that finding a replacement would be hard, since there are more CEO openings statewide than people to fill them. ■

If your municipality submits a news item for the Townsman, consider sending a corresponding photo to:  
Eric Conrad or Jaime Clark  
(econrad@memun.org or jclark@memun.org)

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## ANSON

The Anson-Madison Water District will receive \$3.2 million in federal funding to upgrade its water system infrastructure, including the main water line. The U.S. Department of Agriculture has agreed to loan the district \$2.4 million and award another \$800,000 in grant funding. The district serves 1,600 households and more than 100 businesses and public buildings in the two towns.

## BRUNSWICK

The town became the latest in March to ban polystyrene foam, or Styrofoam, food and drink containers beginning this fall. The decision followed a public hearing attended by an overflow crowd. Only one person spoke against the proposed ban. Townspeople supported the ban to protect the environment and marine life that ingest bits of Styrofoam that breaks off street litter and other sources, supporters said.

## LEWISTON

A superior court judge on March 18 refused to dismiss a civil lawsuit brought by 12 municipalities against the Androscoggin County Commission. The lawsuit asks that county commissioners repay money and benefits they paid to themselves in 2014, without approval by the county budget committee. It further seeks a permanent injunction to address a little-known state change in the Androscoggin County Charter that allowed commissioners to decide their own wages. All but two of the county's 14 municipalities joined the lawsuit. Androscoggin County has a \$10 million annual budget.

## MADISON

Maine's paper industry took another blow when the owners of Madison Paper Industries announced on March 14 that they would close the mill in May, leaving 200-plus employees behind. The company cited a declining market for glossy magazine paper as a prime reason for its decision. The mill was considered to be not cost-competitive, with sales that have been declining for years, according to the mill owners. Madison Paper is the fifth paper mill to close during the past two years, leaving six still operating in the state.

## 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*.

**Land Conservation.** The Maine Coast Heritage Trust will hold its annual Land Conservation Conference April 22-23 at Mount Ararat High School in Topsham.

**Build Maine.** Build Maine will hold its annual conference, emphasizing smart planning and urban revitalization, June 22-23 at the Bates Mill No. 1 building in Lewiston.

**Spirit of America.** Municipalities are encouraged to pick a local person, project or group to receive its 2016 Spirit of America Foundation award.

**Municipal Revenue Sharing.** The State Treasurer's Office has released projected 2017 Municipal Revenue Sharing figures. The figures are conservative, as they are based on May 2015 income and sales tax estimates, which have been rising.

## OTISFIELD

Selectmen in March passed a policy allowing ATVs to be driven on some town roads from 8 a.m. to 8 p.m. beginning May 15. The Otisfield ATV Club asked selectmen last fall to consider opening some roadways to ATV riding. Selectmen held a public hearing, during which some residents expressed concerns, but the majority liked the idea. The board has been working since then to develop the policy, which sets speed limits and establishes which roads can be used by ATV riders. The ATV season must end by Dec. 15 or earlier, at the discretion of the road commissioner.

## PORTLAND

A new Greater Portland group has formed to address housing issues throughout the region. During its first meeting in late March, members said resistance by neighbors was among the most challenging issue in trying to build or expand housing. Members talked about successful strategies, including early and effective communication with residents about new projects. Some communities have changed zoning to allow for more density and others are converting old schools into housing complexes. A federal housing report released in March concluded the three counties of Cumberland, York and Sagadahoc need 6,000 new housing units – both residential and rental. The new group includes Portland, South Portland, Cape Elizabeth, Scarborough and Falmouth. Members agreed the lack of housing must be tackled as a regional issue.

## ROXBURY

Selectmen in March banned public smoking at all public beaches bordering Main Street and added pipes and e-cigarettes to its 2010 smoking policy. The western Maine town of about 375 residents prohibits smoking at any public building or in town vehicles, and bans smoking, chewing and spitting tobacco within 20 feet of any workplace entrance, vent, window or door.

## WISCASSET

The state jettisoned its plan to build a \$115 million bypass around Route 1 in Wiscasset and offered residents an alternative plan to improve summer traffic through one of Maine's busiest villages. A bypass would have required nearly 40 businesses and homes to be relocated. The latest plan calls for new parking lots, traffic lights, pedestrian signals and wider and longer sidewalks. The plan also calls for elimination of angled downtown parking, which causes more summer traffic woes when a vehicle backs up to get into traffic. The town was given a second option, which is identical to the first except for elimination of on-street parking on a section of Main Street. A public hearing was held March 8, attracting more than 100 residents. A second informational meeting will be held this month prior to an official public hearing. The new \$5 million proposal would reduce long traffic delays by 58 percent, according to state planners. Residents will decide which option they prefer in a nonbinding referendum on June 7. Selectmen will have until June 30 to make a final decision. ■

# MUNICIPAL BULLETIN BOARD

## **April 25-26** **MWDA Spring Training Seminar: Bangor**

Various speakers from the Maine Welfare Directors Association, Maine Municipal Association, Maine Department of Health & Human Services and Maine Housing Authority will cover a wide array of topics and issues at MWDA's Spring Training Seminar April 25-26 at the Hollywood Hotel and Conference Center in Bangor.

Costs vary based on number of days attending and whether registrants are MWDA members. Registration begins at 8 a.m. on the first day, Monday, April 25.

## **APRIL 27** **Labor & Employment Law: Augusta**

This full-day course is appropriate for any appointed or elected official or municipal employee who needs to stay abreast of the most up-to-date legal and practical approaches to common personnel issues. Topics include: Legal Updates, Managing Leave Requests, Important Management Tips and Managing Personnel Information.

The workshop will be held at Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta. Presenters will include attorneys from the law firm Bernstein Shur and David Barrett, Director of Personnel Services at MMA. The workshop begins with registration at 8:30 a.m. and concludes at 2:30 p.m. Cost is \$75 for MMA members and \$150 for non-members.

## **APRIL 28** **Elected Officials Workshop: Bar Harbor**

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on April 28 at the Atlantic Oceanside Hotel & Event Center. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend 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 may benefit from the refresher and legal updates

as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members.

## **MAY 3** **Voter Registration: Augusta**

The Maine Town & City Clerks' Association will hold a day-long session on voter registration on May 3 at MMA's Lockwood Conference Center in Augusta. Patti Dubois, City Clerk in Waterville, and Maine Deputy Secretary of State Julie Flynn will conduct the workshop. The program will include a review of duties for registrars of voters and outline their tasks before, during and after Election Day.

The workshop starts with registration at 8:30 a.m. and end at 4 p.m. The cost is \$55 for MTCCA members and \$75 for non-members.

## **MAY 4** **Title 21-A: Augusta**

Patti Dubois, City Clerk in Waterville, and Julie Flynn, Deputy Secretary of State, will present a workshop on Title 21-A at MMA's Lockwood Conference Center on May 4. The workshop will cover all aspects of administering state and federal elections at the municipal level.

Sponsored by the Maine Town & City Clerks' Association, the workshop will begin with registration at 8:30 a.m. and end at 4 p.m. Cost is \$55 for MTCCA members and \$75 for non-members. Member attendees are encouraged to wear their MTCCA badges.

## **MAY 13** **MAAO Northern Maine Spring Training: Caribou**

The Maine Association of Assessing Officers will hold its annual Northern Maine Spring Training program at the Northern Maine Development Commission office in Caribou, on May 13.

The full-day workshop will touch on a variety of assessing topics, from estate properties and issues to the Municipal Farm Support Program to the BETE program. Registration begins at 8:30 a.m. and the program will end at 4 p.m. Cost for attendance is \$35.

## **MAY 23** **Elected Officials Workshop: Union**

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on May 23 at Union Town Hall. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend 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 may benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members. ■

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# LEGAL NOTES

## New Requirements for Local Petitions

We learned recently that amendments made by the Legislature last year to Title 21-A governing the circulation of *state* voter petitions have also effectively altered the requirements for circulating *local* voter petitions under Title 30-A and under municipal charters (see PL 2015, c. 99, § 1, amending 21-A M.R.S.A. § 903-A, which has long been incorporated by reference in 30-A M.R.S.A. § 2504 to govern the circulation of local petitions). These changes took effect on May 24, 2015.

The upshot is that now the circulator of a local voter petition must (1) be a Maine resident and registered voter somewhere in this state, (2) personally witness all signatures to the petition, and (3) verify this by a circulator's affidavit (a statement signed and sworn before a notary).

Also, the petition must include, along with the voter's signature, the voter's printed name, street address and municipality of residence.

If a petition fails to meet any of these requirements, it is invalid and cannot be certified by the municipal clerk or registrar of voters as legally sufficient. As a result, the petition will have no legally binding effect.

It is unclear whether the Legislature intended to alter the requirements for local petitions, but the linkage between Title 21-A and Title 30-A (see above) nevertheless has this effect.

It's noteworthy that nothing in the new law requires local officials to prepare petition blanks, and we generally discourage them from doing so unless required by applicable law (see "Should Office Staff Help Draft Petitions?," *Maine Townsman*, Legal Notes, April 2014).

It's also noteworthy that local nomination papers are not subject to these requirements unless imposed by municipal charter.

Prior Legal Notes on petitions, including "Voter Petitions: A Primer," *Maine Townsman*, February 2010, and "Voter Petitions: What's a Reasonable Refusal?," *Maine Townsman*, March 2010, should be read as being revised by this article.

For a more detailed explanation of these changes, see Supplement #1 (February 2016) to MMA's *Town Meeting & Elections Manual*, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## What Must Be on a Warrant

Every town meeting or municipal election must be called by a warrant unless otherwise provided by municipal charter (see 30-A M.R.S.A. § 2521). The warrant serves as notice of the items or "articles" of business to be transacted as well as the time, date and place of the meeting or election. A properly prepared and posted warrant is an absolute prerequisite to the validity of the meeting or election.

Maine law (see 30-A M.R.S.A. § 2523) requires a warrant to include the following:

It must be directed to a town constable or to any town resident by name, ordering that person to notify all voters to assemble at the designated time and place of the meeting.

It must specify the time and place of the meeting (and for a secret ballot election, the voting place and the polling hours, see 30-A M.R.S.A. § 2528(3)).

It must state in distinct articles the business to be acted upon; no other business may be transacted. (The first article should be to elect a moderator by written ballot to preside over the meeting, see 30-A M.R.S.A. § 2524(2).)

It must be signed by a majority of the municipal officers (selectmen or councilors) and should be dated.

The copy to be posted must be attested as a true copy (typically by the municipal clerk).

The original must include a "return" or certification signed by the person to whom it was directed and stating that an attested copy was posted in a specified conspicuous, public place in the town at least seven days before the meeting.

For more on the preparation of warrants, see Chapters 2-3 of MMA's *Town Meeting & Elections Manual*, available free to members at [www.memun.org](http://www.memun.org).

For sample warrants – for a traditional "open" town meeting, for a secret ballot election, and for a "bifurcated" or two-part meeting consisting of both – see the Appendix 2 of the same manual.

For more on who can post a warrant and when and where to post it, see the next three issues of this magazine. (By R.P.F.)

## Nicknames on Ballots

In the run-up to municipal elections

## MUNICIPAL CALENDAR

**MAY** — Municipal officers shall meet as the "licensing board" to license innkeepers and tavernkeepers during the month of May (30-A MRSA §3812)

**ON OR BEFORE MAY 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).

**MAY 30** — (Last Monday in May) Memorial Day observed. A legal holiday (4 MRSA §1051); a school holiday (20-A MRSA §4802). Municipal officers shall direct the decoration of veterans' graves. (30-A MRSA §2901).

(typically held in March, June or November), we're often asked if a nickname can be used on a pre-printed ballot, either in addition to or in lieu of a candidate's given or birth name. For example, John "Jack" Doe or simply Jack Doe. The short answer is no, nicknames are not permitted. But as is often the case in law, there are exceptions.

According to 21-A M.R.S.A. § 601(2) (B-1), which applies to municipal ballots by virtue of 30-A M.R.S.A. § 2501, a ballot may contain a name other than the candidate's given name if (1) the name has been approved by Probate Court order, or (2) if it is the name consistently used by the candidate during the past two years in filings with governmental agencies and in the transaction of public business. Applicable filings and transactions include voter and motor vehicle registrations; drivers' licenses; passports; professional licenses; local, state or federal permits; public benefit programs; veterans' benefits; and social security.

Since most people who go by nicknames still use their given, legal names in these types of filings and transactions, most nicknames will not qualify for this exception.

We should note that although nicknames are generally not allowed on a pre-printed ballot, they can be used for a write-in vote if the voter's intent is clear

# LEGAL NOTES

(see 21-A M.R.S.A. § 696(4)).

Whether write-in votes must be counted at all, however, is now subject to a number of variables (see "New Law on Write-In Voting," *Maine Townsman*, Legal Notes, October 2015).

For more on preparation of ballots, see Chapter 9 of MMA's *Town Meeting & Elections Manual*, available free to members as [www.memun.org](http://www.memun.org). (By R.P.F.)

## Specialty License Plates

Every now and then we need a break from the more serious side of law, and probably you do too, so here goes:

We were wondering the other day, while driving, how many specialty registration plates Maine offers for motor vehicles. (Technically, "registration" is the correct term, but most people call them

"license" plates.) The answer is, a lot. Here's what we found.

In addition to the standard, general issue Chickadee plate, the following specialty plates are available for an extra fee (a portion of which goes to support the cause): Agriculture, Animal Welfare, Black Bear, Breast Cancer Support, Conservation, Lobster, Sportsman, Support Our Troops, and University of Maine System. Also, a Wabanaki Recognition plate is available at no extra fee but only to tribal members.

Then there are the special veterans plates, including for those still serving or honorably discharged, disabled veterans, amputee or blind veterans, Purple Heart recipients, former POWs, Pearl Harbor survivors, and Gold Star families. There are also special commemorative decals

for medals, badges and ribbons awarded and for each branch of the armed forces.

Plus, there are special plates for state, county and municipal vehicles, antique and custom vehicles, experimental vehicles, farm trucks, and vehicles of certain State officials, firefighters, car dealers, and so on.

It seems like a bewildering variety, frankly (and we probably missed a few). Evidently even the Legislature thinks so. There are laws prohibiting the issuance of any new specialty or recognition plate unless at least 2,000 supporters have signed a pledge to purchase and display it and have prepaid for a set (see 29-A M.R.S.A. §§ 468, 468-A). They also phase out a specialty or recognition plate after 10 year or if the number of sets issued falls below 4,000 for more than one year, whichever occurs first.

While specialty license plates can be colorful, they can also be controversial, at least in other states. About 30 states, for instance, have "Choose Life" (pro-life) plates, but only a few offer a pro-choice alternative. Abortion advocates have argued that this constitutes "viewpoint discrimination" by the states, in violation of the First Amendment, but the U.S. Supreme Court has held that states can pick and choose which causes they support. The Court last year upheld Texas' refusal to issue a Confederate flag specialty plate on the grounds that this was protected "government speech" (see *Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U.S. \_\_\_\_ (2015)). Texas, incidentally, has hundreds of specialty plates.

For more on Maine's plates, including graphics, go here: <http://www.maine.gov/sos/bmv/registration/agplates.html> (By R.P.F.) ■

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**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)

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