

Maine Townsgman

The Magazine
of the Maine Municipal Association

JUNE 2015

All Aboard? Rail Gains Popularity

Money, subsidies and
ridership statistics
still major factors



ALSO IN THIS ISSUE

Credit card usage grows
Municipal profile: Linda Cohen
Examining employee leave laws
Scenes from the Tech Conference



Thriving downtowns are good for all of Maine.

At Bangor Savings Bank, we make the complex simple. We work with municipalities across Maine to help them provide security, efficiency, and prudent management of taxpayer money. And we offer the kinds of banking tools local businesses need to thrive—from payroll services to cash management solutions and merchant card processing.

For more information about how we can help you, visit us at www.bangor.com, or call us at **1.877.Bangor1**.

Bangor Savings Bank

You matter more.

Member FDIC.

EXECUTIVE COMMITTEE

PRESIDENT

Stephan Bunker

Selectperson, Farmington

VICE PRESIDENT

Laurie Smith

Town Manager, Kennebunkport

MEMBERS

John Bubier

City Manager, Biddeford

James D. Chaousis II

City Manager, Rockland

Linda Cohen

Mayor, South Portland

Michael Crooker

Town Manager, Glenburn

Cynthia Mehnert

Chair Council, Orono

Marianne Moore

Mayor, Calais

Mary Sabins

Town Manager, Vassalboro

Patricia Sutherland

Chair Selectboard, Chapman

IMMEDIATE PAST PRESIDENT

Nicholas Mavodones, Jr.

City Councilor, Portland

EXECUTIVE DIRECTOR

Christopher Lockwood

MAGAZINE STAFF

Eric Conrad, Editor

econrad@memun.org

Valarie Pomerleau,

Circulation Manager

Jaime G. Clark

Graphic Designer

MMA website: www.memun.org

© 2015 Maine Municipal Association.
All rights reserved.

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



Maine Townsman

June 2015 | Volume 77 | Issue 6

The Magazine of the Maine Municipal Association

FEATURED STORY | 7

Eight Days a Week



So many communities these days are pushing for passenger rail stops, stations and schedules. But, the financial wheels of mass transit turn slowly.

MMA's 2015 Convention will be about substance, advice and answers. From transportation to fire-rescue, collaboration to economic development, Maine Municipal Association is planning a "can't miss" event. **Page 5**

Scenes of success: Turn here for a photographic look at the 2015 Municipal Technology Conference, held last month at the Cross Insurance Center in Bangor. **Page 17**

Cover photo: Freelance photographer Jill Brady took this photo recently at the Brunswick train station. It shows Downeaster passengers returning from a leisure trip.

Mayor, Councilor & City Clerk

*Linda Cohen has worn several municipal hats over the years in the cities of South Portland and Portland. Her advice is simple: "Sometimes, you have to let things go." **Page 11***

Loving Their Plastic

*Municipalities are responding to citizen requests to use credit and debit cards to make all kinds of payments and reservations. Yarmouth is one town that has learned along the way. **Page 13***

Employee Leave Laws

*Two attorneys with Bernstein Shur, Matt Tarasevich and Kelsey Wilcox Libby, outline the laws governing employee leave requests. Preventing grievances and lawsuits, they write, is the best approach. **Page 19***

People	26
News	27
Municipal Bulletin Board	28
Legal Notes	29

FIND US!



www.facebook.com/MaineMunicipal



@Maine_Municipal



Maine Municipal Employees Health Trust

**INNOVATIVE
PROGRAMS**

**QUALITY
BENEFITS**

**EXCEPTIONAL
SERVICE**

For 30 Years...
The Difference is Trust.



1-800-852-8300

www.mmeht.org





A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

A convention that you can't afford to miss

Substance and answers. In two words, Maine Municipal Association's 2015 Annual Convention will be all about substance – and helping our members find answers to some of the newest and most difficult challenges that you face.

This year's convention, to be held Oct. 7-8 at the Augusta Civic Center, will feature keynote speaker **Eric Klinenberg**, a professor of sociology and director of the Institute for Public Knowledge at New York University, who is a renowned author and expert on demographics and other trends.

Klinenberg's ground-breaking report, "Going Solo: The Extraordinary Rise and Growing Appeal of Living Alone," has major implications for municipal government, particularly in a state that is saddled – or blessed – with the label of being the "oldest" state in the nation.

Klinenberg's 2012 report found that 32 million Americans – more than one in four of us – live alone, a figure that's more than doubled over the past 50 years. Think about what that means for municipal transportation (one person, probably with one car), planning, code enforcement, school enrollment and emergency response.

In fact, Klinenberg came across this trend in 1995, when he was examining an historic heat wave in Chicago that killed more than 700 people. Many of the victims lived alone.

Living alone in the 21st Century is not the same as *being* alone – or, certainly, the same as being lonely. Klinenberg finds that living alone is often simply a preference. Many people who do so have friends and family nearby. They are active. And technology keeps them connected – even "over-connected" – just as it does people who live with partners or larger families.

Our second featured speaker on Oct. 7 will be **Suzanne Leland**, a professor of political science at the University of North Carolina-Charlotte, who is an expert on local government collaboration.

Leland, director of the Master of Public Administration program at UNC-Charlotte, hasn't just studied efforts to



Eric Klinenberg

collaborate and consolidate local governments in other parts of the U.S. – she has been deeply involved. Her experience with municipal and county collaboration, both as a participant and an academic researcher, will offer attendees the best information yet about what works and what doesn't work when major collaborative efforts get going.

Do they save money or cost more? Will economic development accelerate or slow down? Are local leaders more likely to oppose the efforts, or is it citizens themselves who prefer the status quo?

Leland will answer those questions and more during her presentation, which will follow Klinenberg's on the convention's opening day.

And finally, the latest in fire-rescue and firefighting is about more than trucks, hoses and hydrants – it's about community risk reduction and fire prevention.

Our third featured speaker, who will appear on the morning of Thursday, Oct. 8, is **John Barylick**, a Rhode Island attorney who represented many

families of victims of the infamous Station nightclub fire in that state 12 years ago. One hundred concert goers died in that West Warwick nightclub, when a rock band's pyrotechnic display went out of control. Hundreds more were injured.

Since then, Barylick has dedicated a large part of his career to this cause: Making sure something like that never happens again. There was plenty of blame to go around for that tragedy, from show promoters to club owners to product manufacturers. Municipal government played a role as well, Barylick maintains, especially in the areas of building inspection, code enforcement and fire prevention.

Fire Prevention Week is held each year to pay somber tribute to the Great Chicago Fire of 1871, which started on Oct. 8 that year and lasted through Oct. 9. MMA is proud to have Barylick speak to convention attendees about fire prevention this year. Several other workshops and demonstrations about fire prevention and community risk reduction are scheduled. ■

CONVENTION PROGRAM

MMA will post details about the 2015 Convention on our website (www.memun.org) in early July. The preliminary program for the two-day event, along with registration materials, will appear in next month's edition of the Maine Townsman.

WHEN YOUR IRON FITS YOUR CHECKLIST, YOU KNOW YOU'VE FOUND YOUR DEALER.

- Meet lifecycle costing and get peace of mind.
 - All the options – new, used and returned-from-rent.
 - The inventory you need is here, now.
 - A complete work tool range expands your choices.
 - Experienced sales staff doesn't waste your time.
 - Parts availability never an issue
 - Unbeatable resale value.
-

Scarborough, ME
207-883-9586
16 Pleasant Hill Rd.

Brewer, ME
207-989-1890
79 Robertson Blvd.

Milton 

www.miltoncat.com

Many ideas for passenger rail, but when will the time be right?

Advocates say the Downeaster's success – fueled in part by people seeking medical care in Boston – is undeniable. Skeptics aren't so sure, and question if subsidies can last.

By Lee Burnett

Momentum for expanding passenger rail service in Maine is growing in likely and unlikely places.

Lewiston-Auburn, Augusta, Bangor and Bethel are all pushing for studies and upgrades to restore passenger rail service on lines that haven't seen passengers in a half century. Much of the track needed to extend passenger rail currently sees only intermittent freight traffic and is rated for speeds no faster than 25 mph.

There's even interest in the Portland to Fryeburg corridor, even though that track is good for speeds no faster than 10 mph and the tracks are missing entirely along a 1.4-mile stretch in Windham. Advocates envision tourist trains on this line as a by-product of restored freight rail service.

Enthusiasm is being driven by the success of the Amtrak Downeaster, which cheated death many times in gestation, but since its inception in 2001 has grown quicker than projections. The most recent passenger rail figures showed a decline in ridership during the last fiscal year. However, that was blamed not on passenger disinterest, but rather on harsh winter weather and problems with a track rehabilitation project this spring.

The extension of passenger rail service to Brunswick in late 2012 seems to have been particularly energizing, explained Caroline Paras, a planner at Greater Portland Council of Governments.

"Many people thought (service to Brunswick) would never happen. And then it happened," said Paras, who has worked on rail restoration on behalf

Lee Burnett is a freelance writer from Sanford and regular contributor to the Maine Townsman, leeburnett_maine@hotmail.com.



Passengers disembark at Brunswick's train station. (Photo by Jill Brady)

of communities on the Route 113 corridor from Standish to Fryeburg.

It's not just the passenger counts that are turning heads, but the significant commercial development that has sprung up around rail stations. There's the \$25 million Maine Street Station in Brunswick, the \$50 million Lincoln Mill hotel development in Biddeford, just across the river from the Amtrak station in Saco, and a \$110 million Thompson Point near the Amtrak station in Portland.

"The economic value to communities that have passenger rail is well documented," said Tony Donovan, founder of Maine Rail Transit Coalition. Rail stations "will attract people, will increase private investment, will increase taxes."

History of expansion

The most recent expansion of passenger service (two trains a day began running between Portland and Brunswick in November 2012) has been a

smashing success. Officials had projected 36,000 people a year would ride the train, but in the first year 52,000 rode the train and it's been rising ever since.

Why the service has been more popular than expected is "hard to say," said Patricia Quinn, executive director of Northern New England Passenger Rail Authority. It's related to changing work habits and travel patterns and to the high quality of the service itself, she said. Some 86 percent of trips begin or end in Boston, she said.

"The connectivity to Boston is why they ride it," she said. Both Brunswick and Freeport folks seem quite happy with the service.

"I don't have any way of quantifying what it's meant for Freeport merchants, but from shopping bags they're carrying when they get back on the train, I can see they've been helping the Maine economy," said Ed Bonny, who manages the information center at the station in Freeport.

Claudia Knox of the Brunswick Downtown Association said the service is so popular that last-minute travelers can be out of luck. “People who use the service are well aware of making reservations a couple of weeks ahead of time... all seats sold out.”

One surprise to Knox is the value of the service to people with medical appointments in Boston. That’s certainly an audience that Amtrak markets to, said Quinn.

Next stop: L-A?

Lewiston-Auburn seems to have the most momentum for capturing the next expansion. Rep. Michelle Dunphy, D-Orono, received a favorable committee vote for a \$300,000 study to expand rail service to Bangor. But L-A seems to have more going for it at the moment, as the cities have been pushing for it longer.

They also represent the second-largest metropolitan region in the state. The closest rail service is only

20 miles away. And, the Northern New England Passenger Rail Authority favors it if certain upgrades are made to the line between Portland and Brunswick. There was legislation calling for a \$500,000 study and also legislation for a \$25 million bond that included \$5 million for rail upgrades between Portland and Lewiston-Auburn.

Gov. Paul LePage has yet to stake out a position on passenger rail. It would surprise some observers if he supports a service that relies on public subsidies, although Auburn Mayor Jonathan Labonte, a passenger rail advocate, now works for LePage as director of Office of Policy and Management.

When asked about LePage’s view of passenger rail, Donovan, founder of the Rail Transit Coalition, said: “I really don’t know. I haven’t had a conversation with him.”

Folks in areas that are not served by passenger rail find little to cheer about in the long-awaited State Rail Plan, a

draft of which was released in 2014, five years after input was received. The plan identifies \$104 million to \$135 million in priority projects, almost all of them directly tied to improving passenger service on the core line to Brunswick. Just \$5 million is earmarked for preservation of rail corridors and another \$5 million is earmarked for a study of service between Portland and Montreal.

Neither the novelty of the plan – the first state rail plan in recent memory – nor its scope should be read as a commitment to make the investments outlined in the plan, said the director of the rail program for Maine’s Department of Transportation.

“This plan is so if there’s another stimulus (spending bill) and we have money falling from the sky, where are we going to spend it?” explained Nate Moulton. “The feds decided to mandate this (plan)... They dictated what’s in it.”

Moulton said he appreciates the

DRAFT MAINE STATE RAIL PLAN – PASSENGER RAIL PROJECTS

Project	Rationale	Cost
Downeaster Corridor improvements to increase capacity, frequency and speed	Reduced travel time and increased frequency will increase ridership	\$40-60 million
Additional Downeaster trains needed to increase service frequency	Amtrak will retain ownership	\$20 million
Evaluation of Portland station to help grow service and improve efficiency	Current location and configuration constrains service	\$10-20 million
Develop equipment layover and maintenance facility in Brunswick	Expanded service to Brunswick will require increased equipment servicing capability	\$12 million
Re-establish Portland track from Portland station to Pan Am main line	Cut travel time to Brunswick by 8-10 minutes	\$10 million
Preservation of rail corridors	Protect integrity of rail corridors for future transit needs	\$5 million
Commuter rail analysis for greater Portland. Conduct an assessment of ridership demand, land-use policies and alternatives analysis.	Recent studies have identified long range potential demand for commuter rail, but short term needs do not meet benefit - cost test. Public support suggests further consideration.	\$2-3 million
Examine alternatives related to inter-city service between Portland and Montreal, including tourist operations, standard inter-city and high-speed rail options	Public support and national policy suggests need for further analysis	\$5 million
TOTAL COST		\$104-135 million

enthusiasm for expanding passenger rail service, but there is a danger in spreading resources so thinly that the core service suffers. “We have to make sure the core is really capable and can support extension,” he said. “If you start to add service too quickly you start having late trains. Delayed service is bad service.”

Critics of the plan say it flies in the face of prevailing sentiment. “The Maine DOT is not listening to the Legislature or to the people of Maine,” said Donovan. “This is not a statewide plan. The current plan is only for the Downeaster.”

He said the expansion plans are quite consistent with earlier projections. “It was said (previously): ‘If you want expanded service, you’ll have to wait 10-15 years.’ Guess what? It’s been 10 to 15 years. Time to expand.”

Mountain Division line

Somewhat overshadowed has been new momentum in the decade-long push for rail service on the Mountain Division line between Portland and Fryeburg. A 2010 bond issue resulted in the laying of five miles of new track between Westbrook and South Wind-

ham, although a \$28.5 million TIGER grant proposal to finish the job was unsuccessful.

Now comes David Schwanke of Norridgewock, a former logistics manager for the film industry, with new plans. Unlike earlier plans for a short-line freight rail service, Schwanke envisions the line as a crucial freight link “to the west” with excursion passenger service to resorts in northern New England. An advantage of restoring passenger rail service as a byproduct of a successful freight operation is that

it’s quicker and more sustainable, said Schwanke.

“We’re all private,” said Schwanke. “It (Amtrak) takes an awful long time. Even if they say ‘yes,’ it’s still five or six years. And look at the future. How long can Amtrak keep asking the taxpayers to foot the bill?”

Schwanke’s Golden Eagle Rail Corp. is a “game changer” in its vision for combining freight and excursion rail under single ownership and in recruiting many modest-size shippers rather than a few large shippers,

Engineering a Sustainable Environment

WATER | WASTEWATER | INFRASTRUCTURE






WRIGHT-PIERCE

Engineering a Better Environment

Offices Throughout New England
888.621.8156
www.wright-pierce.com

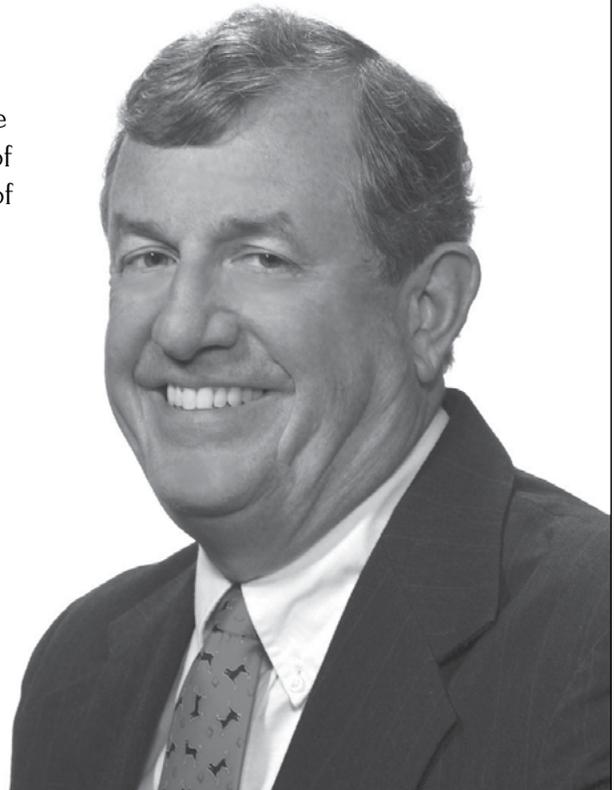
Meet our Consultants Don Gerrish

With over 35 years in municipal management in the State of Maine, Don brings extensive experience in all facets of municipal government. He was formerly with the Town of Brunswick where he served 19 years as Town Manager. Don previously managed the Town of Gorham and worked for the Cities of Auburn and Rockland. Don is a member and served as the President of the International City/County Managers Association. He provides interim management, strategic planning, budgeting, personnel management and training services.

Eaton
Peabody

Consulting Group

1-800-564-0111 | eatonpeabody.com
Augusta | Bangor | Brunswick | Ellsworth | Portland



said GPCOG's Paras. "Until Golden Eagle... no one has tried to make it happen," said Paras, who concedes it has been a tough sell convincing policy makers. "They're still stuck in the old model."

Passenger rail expansion has triggered some impressive coalition building. But some have questioned how high a priority passenger rail should be, given all the needs and challenges facing local governments.

The Town of Woodstock recently pulled out of joint planning efforts to restore rail service through Bethel, with Town Manager Vern Maxfield saying there are more pressing needs in western Maine than rail, which he says won't happen "in our lifetime."

Waterville and Augusta may not see eye to eye. Waterville's history – which includes watching Maine-General Medical Center build a new facility in Augusta – has made it wary of cooperating with Augusta on passenger rail, said Waterville City Councilor Fred Stubbert. Augusta favors service restoration along the line from Brunswick, although there's another option through L-A, which bypasses Augusta.

"All these communities want their

own terminal, their own station," Stubbert said. "We're not working as a region."

The Northern New England Passenger Rail Authority supports the study of service to Lewiston-Auburn. An earlier study, before the expansion of Downeaster, "didn't really demonstrate there was sufficient ridership," said Patricia Quinn, the authority's executive director. "But that was a while ago."

The study should evaluate how much the service would be used by

commuters to Portland versus Boston. "What is that mix? We need good information," she said.

Before expanding to L-A, Amtrak should make investments to increase service to Brunswick to five times a day and service between Portland and Boston to six times a day, Quinn said.

"People who want (expansion) now don't understand why a passing siding in Massachusetts helps them in Lewiston. It's a building block." ■

ENGINEERING HEALTHY COMMUNITIES

INFRASTRUCTURE | ENVIRONMENT | ENERGY | RESILIENCY | RECREATION

Residents shouldn't worry about living in a healthy community. We help you address your financial, environmental, infrastructure, and emergency preparedness challenges, so they don't have to.

COMMITMENT & INTEGRITY DRIVE RESULTS
woodardcurran.com

WOODARD & CURRAN

Got Brush, Yard Waste & Trees?



*Attention Municipalities,
Cities & Towns...*

*Oldcastle Lawn & Garden in Poland Spring...your best local
source to dispose of brush, yard waste and trees.*

No out of pocket costs

No need for grinding leaves

No cost for removal (large loads)

*Let us help you keep your site clean!
Annual removal available with just a phone call!*

Oldcastle®
Lawn & Garden
481 Springwater Road
Poland Spring, Maine 04274

Please contact:

Aaron Boone 207-557-8218 or Kerry Varney 207-754-3671

South Portland's Linda Cohen: A lifetime of public service

The mayor, councilor and long-time city clerk credits mentors, experience and good listening skills as keys to her success. Loving her city – actually, loving it – surely doesn't hurt.

By Steve Solloway

Linda Cohen finished her interview about the journey that led to her selection as Mayor of South Portland. Her coffee cup was nearly empty. She stood to leave the small café in the downtown neighborhood of Knightville and someone recognized her.

"I'm so glad you came back," said a woman, adding that the city missed Cohen, needed her. Cohen had left her longtime and visible position as South Portland's City Clerk in 2001 and went to work at Portland's City Hall. Those who valued honest answers and her direct manner missed the woman who came to exemplify the best in public service. The two talked briefly.

"I didn't pay her," said Cohen minutes later, with the ghost of a smile. She wanted to deflect the compliments.

In fact, that brief encounter between citizen and mayor reflected public service at the grassroots level. Cohen, 59, has spent a career in municipal offices believing in the integrity of democratic process and cultivating trust.

"Don't make a process if you're not going to follow it," said Cohen. "If the process breaks down, then you need to look at it and fix it."

She may be mayor, and for now the face of South Portland's government, but she doesn't see herself as a personality. Call her the mediator of the process. A catalyst, perhaps, of people



Linda Cohen

helping people.

Cohen is nearly three years into her first term as an elected official. She had never before asked would-be constituents for their votes to represent District Four on South Portland's city council. She can't say she was overly nervous on election night. After all, she had spent so many years helping tabulate votes in her position as city clerk.

"I was unopposed, so everyone was saying it was assumed I would win. Still, I was grateful to the voters." Last December, her fellow city councilors elected her mayor.

Trial by fire

Outsiders might think the last three years have been one long trial by fire, especially for a first-time councilor like Cohen.

Last summer, the city council voted 6-1 to change zoning ordinances to block the possible transport of Canadian tar sands oil to the South Portland waterfront for export. Cohen voted with the majority on an issue that divided residents. A group calling itself Protect South Portland was at odds with the Working Waterfront Coalition.

Cohen believed the council's mission was clear: It needed to educate itself and listen to the different, and sometimes contentious, viewpoints. The council also had to lead.

The Portland Pipe Line Corporation, which touts the financial benefits of exporting tar sands oil, is trying to overturn the city council's vote, challenging the city's Clear Skies or-

CITY OF SO. PORTLAND

Incorporated: 1898

Population: 25,002

Form of government: councilor, mayor, manager

Home to: Maine Mall, Portland International Jetport (runway), Southern Maine Community College, Spring Point Ledge Light, Fairchild Semiconductor, Texas Instruments, Portland-Montreal Pipeline.

dinance. Gov. Paul LePage revoked South Portland's designation as a "business friendly city."

Was Cohen's seat getting hot? Had she discovered how thick or thin skinned she really is?

South Portland, the fourth largest city in Maine, has also heard recent arguments for and against new liquefied natural gas storage facilities, funding for a solar farm, traffic patterns in the Knightville neighborhood, a hike in the minimum wage in the city and the sale and development of the South Portland Armory.

Those issues alone make for a full plate in front of the city council and its mayor. Cohen all but shrugs. She can't talk about the specifics of the major issues facing South Portland, particularly the transport of tar sands oil. She can talk about getting people to talk to each other instead of shouting. At her core she believes the democratic process is the best means to find the solutions to issues. Cohen understands the world has become a polarized place and South Portland is part of that world.

Cohen prides herself on knowing

Steve Solloway is a freelance writer from Hallowell and new contributor to the *Maine Townsman*. ssolloway@roadrunner.com.

the answers or finding the answers. "People haven't always liked my answers," she said, adding that she thinks they respect the work she did to give them answers.

"I try to reason and explain the city's perspective (and) be honest and transparent and keep my word. We want to be inclusive." She works for 25,000 people, she said, not just those who agree with her.

'Let things go'

"Sometimes you have to let things go because some opinions and perceptions won't change. South Portland is evolving. It's a time of great focus on sustainability and green initiatives. It comes from within City Hall and also from residents. We've always got things happening."

She understands how the speed of communicating in the 21st Century can collide with the fact that the "wheels of government do move slowly. You watch any police show on television and the crime is solved in an hour. That doesn't happen in one day," said the woman who once considered a career in law enforcement.

No, said Cohen, she doesn't believe she's in the eye of the storm, so to speak, or that her seat is hot. She does pay attention to comments on social media and letters to the editor. Perceptions can too easily distort facts. That's her biggest peeve: people who stir things up without having all the facts.

Her biggest reward? Representing a great city, she said. That may be an answer out of a Municipal Government 202 course but to know Cohen is to understand how deeply she feels that. She's a public servant who, by her count, worked as city clerk with 23 different city councils. Think of the varied personalities. Think of all the agendas. Cohen listened and learned.

Cheryl Leeman, who ended a 30-year career on the Portland City Council last June, became an example to follow. Leeman was a conservative among liberals but she was no less effective. The process of governing, the process of politics, need not always be at odds with each other.

Ralph Howard, who served on the South Portland City Council, was another mentor. Howard, who died in 2010, believed in giving back to his community.

"He always called me 'kid,'" said

Cohen. He was mayor when I was working in code enforcement. He told me he always voted what he thought was best for the city, not because it would get him re-elected. He said, 'The people who put me here did so because I share their views.' That's all I needed to know."

Cohen doesn't seem to have a personal agenda, although she knows how to forge a path. She was raised by her mother in the Portland neighborhood of Libbytown. She knows what it's like to live on public assistance for a time. She will never forget her mother's favorite saying: "Where there's a will, there's a way."

Cohen became a single mother herself and raised her daughter, April, in South Portland. Later, she enrolled at the University of Southern Maine, getting her bachelor's degree in business administration. She ran for her first term on the city council to give back to her community, never forgetting Howard's words. There may be another rung on Cohen's ladder but she's not paying a lot of attention to her political future, she said. She just started a new job as branch manager of the Bangor Savings Bank in South Portland's Mill Creek Shopping Plaza.

"I may be interested in serving in the Legislature some day, but not right away," she said. For now her motivation is to be a problem solver, a calm-

ing influence, a cheerleader in South Portland. She loves her city.

"There's so much more to South Portland than the Maine Mall" and the LNG storage tanks visible from Interstate 295, she said.

Chamber president

Cohen has been president of the South Portland/Cape Elizabeth Chamber of Commerce, a former leader of the Maine Town and City Clerks' Association and serves on the Executive Committee of the Maine Municipal Association. She has spent so much time being the public servant, and yet she has a wonderful relationship with her daughter. She has friends, and, as a child of the 1960s and '70s, still loves rock. Her home needs care as do her cats.

And yes, she is a fan of the New England Patriots. On this day in mid-May at other tables in the café, there is talk about quarterback Tom Brady, his four-game suspension by the NFL for the alleged use of deflated footballs and the penalties slapped on the team.

Here and there voices are raised. Cohen lowers hers.

"I'm a rules person. My thought is, they (the Patriots) broke the rules of football, the rules of the game (Brady) makes a living at. Where is the trust? If I break a rule, I know the consequences I must face." ■

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



60 Community Dr., Augusta, ME 04330 • 207-623-8428

Credit card acceptance is growing, in Maine and across the U.S.

People today expect to use credit cards to make all kinds of payments. However, when they see extra fees, many choose to pay property tax bills by check instead.

By Douglas Rooks

Just six years ago, there were few municipalities anywhere in the country accepting credit card payments for any transactions, in large part because of long-standing policies by credit card companies, such as Visa and Mastercard, prohibiting surcharges from merchants – which in this case would be the town or city.

That would leave the municipality bearing the fee for a credit card transaction, and few, if any, municipal boards believe offering such payments would be acceptable to the public, since those who pay by cash or check would effectively be subsidizing credit card transactions.

That has now changed, partly because of lawsuits challenging the card issuers' policies, and also through state laws such as the amendments to the Maine Consumer Credit Code the Legislature enacted in 2011. Under the provisions of Article 8A in the Maine Truth-in-Lending Act, the state maintains its surcharge ban for most commercial transactions.

But municipalities are now permitted to impose the surcharge on those using a credit card, as long as it is simply passing along the fees charged by processors and card companies, and that the cost is fully disclosed at the time of sale.

Gradually, towns and cities are getting used to the idea of allowing credit card use for water and sewer bills, municipal licenses, and even property tax bills – in large part because of customer demands.

"People would come in all the time and ask if we'd take a credit card payment, and we had to tell them no,"

Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the *Townsmen*, drooks@tds.net

said Dawn Madden, who's been Yarmouth's finance director since 2010. "They have to go back to their car, or go home, to get their checkbooks."

Sewer and tax bills in Yarmouth

For the past year, Yarmouth has accepted credit cards for sewer bills and tax bills, and the number of electronic transactions is slowly increasing.

The shift was made possible through services offered by Municipay, a subsidiary of Nationwide Payments, a company based in Scarborough that processes transactions throughout the country.

Jamie Nonni, Municipay's chief executive officer, said his company began offering the service for the same reason encountered by Yarmouth – customers are used to paying for just about everything by credit card, and figure that municipal bills should fall into the same category. Few of those customers, however, understand the surcharges that merchants pay on the card, or the issues that would arise if municipalities also decided to subsidize credit purchases.

"We decided to add a basic software program that towns could use for free," Nonni said, "because few, if any of them, were lining up to buy such a program. He said the changes in card regulations have facilitated electronic payments by municipalities, but the field is still a small one.

"There are about 2,000 payment processors in the country now," he said, "but only five of them offer services to municipalities."

And, of those five, only Municipay processes the transactions itself, rather than using a third party.

For Dawn Madden, working with a local company has been a big plus,

as well as a reason the town council ended up approving the arrangement.

"When we've had any problems or errors, we've been able to get answers over the phone right away." If the difficulty can't be resolved that way, "They'll make a site visit to get it straightened out," Madden said.

Municipay not only offered the program, but trained Yarmouth staff in how to use it, she said. Another advantage was that Yarmouth was already using a municipal financial program that Municipay offers, which made the transition a smooth one.

900 municipal users

Nonni said that about 900 municipalities use Municipay's services around the country, and about 30 of those are in Maine. Customers here range from larger towns like Yarmouth, Norridgewock and Lyman to smaller ones such as Dayton, Milo and Frye Island. Portland has used Municipay for a number of years.

Some town and cities, including several in Colorado, use Municipay for just about everything, including commercial real estate taxes and their transaction rates have surpassed \$1 million a month – "still small, by retail standards, but growing," Nonni said.

Yarmouth doesn't have anything like that volume, yet Madden was surprised to discover that, in the first year it was offered, the electronic payment program totaled more than \$250,000 in transactions.

Most of those, she added, are not credit card payments, but EBT transfers from checking accounts. Municipay will process an EBT payment for a flat \$1.50 charge, while using a credit card will require a 2.45 percent surcharge – or \$3 for the first \$100.

“That can really add up for a property tax bill,” she said, and has probably deterred more people from using their credit cards. Now, when people ask if the town accept credit cards, she can say yes. “But when they hear about the fees, a lot of them will put away their cards and get out a check,” she said.

For those customers who do use credit cards, “It’s often because of the points,” she said. The lure of getting cash-back rewards apparently trumps the fee – even though the fee is sometimes a larger amount.

The check and credit card fees passed along by Municipay, Madden said, are the lowest she’s found. Many other processors charge considerably more, especially for EBT transactions.

Nonni said Municipay can offer the free software because it gets a slice of the processing fee itself. And, several years after the rollout of the initial, fairly simple software platform he dubbed “M1,” the company expects to unveil a more sophisticated version this summer, known as “M2.” This one took more development time and expense, and was aided by a matching grant from the Maine Technology Foundation, Nonni said.

The M2 platform should streamline the process of interfacing municipal systems and payment transactions, Nonni said. It also will incorporate new features that will be familiar to those who do a lot of business online, but in a new municipal context. M2 will be provided free, though some

additional services – electronic billing, for instance – may carry additional charges.

Madden said Yarmouth isn’t likely to expand its program much beyond its existing boundaries. Some commonly purchased items, such as vehicle registration and excise tax payments, and hunting licenses, already have dedicated state systems, and there would be little point in the town trying to duplicate them, she said.

Security concerns

One big concern in town halls, Nonni said, is security, and rightly so given the number of major data breaches reported by retailers, banks and other sophisticated financial sys-

tems. The attraction of Municipay, in this respect, is that all data remains in the central, highly secure system at Nationwide Payments.

When a town office enters a payment, it opens a “portal” into the secure system, which remains open only as long as it takes to process the transaction, generally a few seconds. No data remains on the town’s computer system, so there’s no possibility of customer information being hacked or misused, he said.

Municipay has also been a lifeline for municipalities in difficult circumstances. When an early client in New Jersey found its town office literally awash after Hurricane Sandy, Municipay was able to get the municipal



is happy to welcome
Susan Stacey to the Business
and Government Services team.



Susan brings a wealth of experience and is committed to delivering smarter banking to all municipal clients.

207-376-3564
androscogginbank.com
sstacey@androscogginbank.com



“The Eastport Port Authority cannot thank CES enough for their immediate assistance and responsiveness to us during a difficult time. The willingness of CES to meet our needs and work within difficult scheduling is much appreciated.” *Chris Gardner, Director of Eastport Port Authority*

CES was there to help when a large portion of the Eastport breakwater suddenly collapsed into the inner harbor.

Sensible Solutions



Engineers ♦ Environmental Scientists ♦ Surveyors
Six Locations | 207.989.4824 | www.ces-maine.com



payment system up and running on a separate website, even though it was many days before the town office was able to reopen.

Dawn Madden said that Municipapay has operated almost exactly the way it was described when Yarmouth decided to use it. Towns that follow suit should be aware, however, that there's plenty of paperwork that must be done. Since the municipality is tapping into a number of discrete systems, it needs approval from all of them.

Nonni said that, in general, it takes about three months between the time the documentation is complete and when the system is up and running.

While he doubts that municipal payments will ever amount to a large proportion of online transactions, Nonni thinks there's considerable room for growth, which is why the M2 package was created. Customers expect the convenience of credit transactions, he said, and this is one way of providing that option.

Madden agrees. It may not be used by a large number of townspeople, she said, but it does offer a service that people value, and that some of them will use. ■

1-800-532-6654
tdbank.com



America's Most Convenient Bank®

Member **FDIC** TD Bank, N.A. | Equal Housing Lender

MUNICIPAL RESOURCES, INC.

•Relevant Experience

•Effective Solutions

•Valuable Results

MRI has been providing solutions to local governments and educators for 20 years. Our team of experts is able to provide the following services custom fit to the needs of your community:

- Organizational, Management, and Efficiency Studies
- Professional Recruitment
- Consolidation/Regionalization Studies
- Finance Support/Internal Controls Assessments
- Interim Staffing
- Assessing
- Wage & Salary Studies
- Community & Economic Development
- Emergency Response Planning



120 Daniel Webster Highway
Meredith, NH 03253
(603) 279-0352
www.municipalresources.com

We Are Bond Counsel for Local Government

Drummond Woodsum's public finance team provides guidance to local governments throughout Maine. We are recognized by financial institutions locally and nationally, we are listed in the *Red Book* of municipal bond attorneys, and we are approved as local bond counsel by the Maine Municipal Bond Bank.

- Experienced
- Responsive
- Respected

Learn what **Dick Spencer**, **Bill Stockmeyer**, **Greg Im**, and **Aga Pinette** can do for you:

dwmlaw.com
800.727.1941

DrummondWoodsum
ATTORNEYS AT LAW



FairPoint Communications: Fiber Networks For Maine Communities

Thinking about a broadband development project in your town?

Let's talk.

Since April 2008, we have invested more than \$700 million in our communications infrastructure technology to reach new customers, upgrade our network and expand broadband across northern New England. With our 16,000 route-mile Ethernet network, the largest in Northern New England, we provide Internet speeds of up to 1 Gbps to towns throughout Maine, enabling next-generation mobile and cloud-based communications, such as Hosted Voice, SIP Trunking, and data center and managed services.

We work closely with municipalities and counties on a wide range of broadband development projects to address the requirements of town offices, universities, businesses and residents. And, unlike other service providers, FairPoint recognizes that serving a community means serving the entire community.

Fully committed to the state of Maine

We've been serving Maine for more than 20 years. We provide the network, services, expertise, and ongoing support to ensure that we meet the needs of communities today – and tomorrow. 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 trusted with the state's most critical applications, including E911 services.



More than **1,000 fiber-lit buildings** in Maine.

More than **\$360,000 in community and civic contributions** in 2013

More than **\$57 million in local goods and services** purchased annually

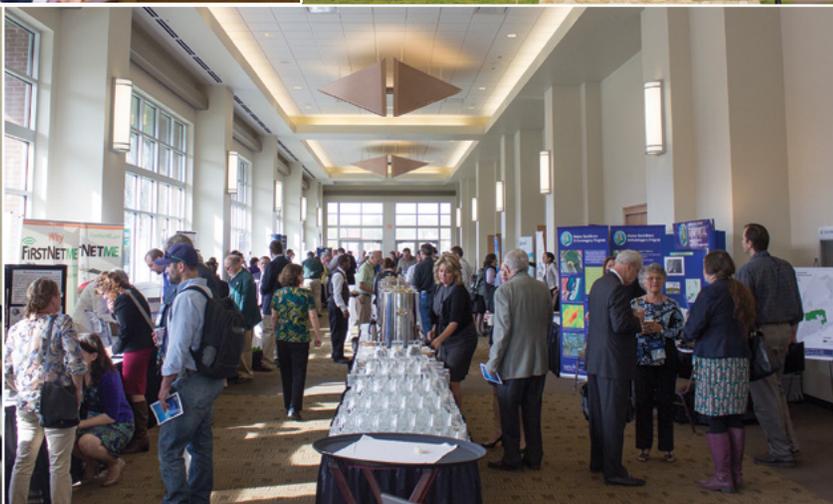
More than **159 locations** and **402 vehicles**

Explore the possibilities with FairPoint.

Contact Elizabeth McCarthy, Senior Account Manager, Government and Education, at 207.797.1269 or send an email to Fiber4towns@Fairpoint.com to discuss your plans, or to set up a broadband technology evaluation for your town.



Scenes from the 2015 Municipal Technology Conference May 7, 2015 • Cross Insurance Center, Bangor



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

Photos by Ben Thomas



Scenes from the 2015 Municipal Technology Conference May 7, 2015 • Cross Insurance Center, Bangor



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

Photos by Ben Thomas

Maine leave laws: An overview for managers, with summer upon us

Two attorneys from Bernstein Shur summarize employee-leave laws in Maine. They write that prevention, by way of knowing what laws exist, is the 'best defense.'

By Matt Tarasevich and Kelsey Wilcox Libby,
Attorneys with Bernstein Shur

With summer in full swing, many of us in Maine look forward to taking some time off to enjoy all that our beautiful state has to offer. But, as municipal managers know, managing leave requests can often be a headache. In addition to paid vacation and sick days, which most employers provide as a benefit to their employees, there are numerous types of unpaid, job protected leaves available to municipal employees under Maine law. Denying a requested leave can result in, at best, an unhappy employee, and, at worst, a lawsuit or grievance. Prevention, by way of understanding the applicable laws, is the best defense.

The purpose of this article is to give an overview of Maine's leave laws and highlight common issues that public employers face related to these obligations. Take note that this article is a summary only: The laws catalogued below have specific provisions that cannot be addressed in the space of this article, which may affect a law's applicability to an individual public employer or employee or contain certain requirements beyond the leave itself.

It is also important to understand that many of Maine's leave laws have federal counterparts that may apply to a public employer, and which may provide different leave benefits than those provided under Maine law. Accordingly, when an employer considers a leave request it is critical that one checks to see if any similar federal leave laws apply.

Matt Tarasevich is co-chair of Bernstein Shur's Labor and Employment Law Practice Group, mtarasevich@bernsteinshur.com. **Kelsey Wilcox Libby** is a member of Bernstein Shur's Labor and Employment Practice Group, klibby@bernsteinshur.com.

MANAGING REQUESTS

Here are some things to consider when presented with employee requests for extended time off:

Incentives. There are ways to encourage other employees to work certain days.

Skeleton crew. Define your "skeleton crew." What staffing is absolutely necessary to stay open?

Crunch time help. Volunteers, students and temp workers can help during busy periods.

Bottom line. Above all, operate within legal bounds and the parameters of your policies and contracts with employees.

(Source: HR Hero)

One final point: These statutes generally set forth the minimum standards for the applicable leave, but employers may always provide greater benefits if they so choose, either by policy or collective bargaining agreement. As all public employers know, granting leave of any kind entails a quantifiable cost, such as in overtime and training for replacement employees, or perhaps in payouts at separation for accrued but unused leave. Accordingly, it is important that any municipal decision to grant leave over and above the "floor" established by Maine law be done so knowingly.

Most Maine statutory leave laws can be found in Title 26 of the Maine laws, under "Labor and Industry," and are presented here in order:

Family Sick Leave: 26 M.R.S.A. § 636

Presently in Maine, the decision to provide paid sick leave is at the employer's discretion. However, under section 636, if a public employer with 25 or more employees *does* provide sick time, vacation time, or compensatory leave time, it must allow employees to use at least 40 hours of that time "for the care of an immediate family member who is ill." "Immediate family member" is defined as an employee's child, spouse, or parent.

Absence for Emergency Response: 26 M.R.S.A. § 809

The need for emergency response services is unpredictable and sometimes requires firefighters to be absent from other jobs they hold. As such, section 809 provides that an employer may not discharge or discipline employees who miss work because they are responding to an emergency in their capacity as a firefighter. Certain employees, including law enforcement officers, are not eligible for firefighter leave, when their employment is essential to the public's health and safety.

Leave Relating to Military Service: 26 M.R.S.A. §§ 811-813

Both state and federal law provides that employees who are also military service members have the right to take a job protected leave of absence related to active duty and other military activity. Under federal law ("USERA"), an employee on leave may retain reemployment rights for up to five years. The Maine statute additionally provides that an employer may not require an employee to return to work after the completion of a military

leave except after certain minimum timeframes. USERRA, in particular, is very complex, and employers faced with military leave issues should carefully ensure that both state and federal statutes are being complied with to the letter.

Family Military Leave: 26 M.R.S.A. § 814

The companion Family Military Leave provision applies to employers with 15 or more employees. If applicable, eligible employees are entitled to take 15 days of unpaid leave per deployment of their spouse, domestic partner or child. Such leave must be taken immediately before or after deployment, or during deployment if the military member is on leave.

Leave of Absence for Legislators: 26 M.R.S.A. §§ 821 – 824

This section provides that employers with more than 5 employees must provide employees elected to the Maine legislature a leave of absence in order to fulfill their duties. The leave is limited to one, two-year term.

Family Medical Leave: 26 M.R.S.A. §§ 843-848

The Family Medical Leave Act (FMLA) issues pose some of the most difficult compliance issues for employers. Maine’s FMLA applies to public employers with 25 or more employees and provides eligible employees with up to 10 weeks of unpaid leave over a two-year period. Under the Maine FMLA, employees are eligible to take family medical leave for five reasons: (1) the serious health condition of an employee; (2) the serious health condition of the employee’s child, parent, sibling, spouse, domestic partner or domestic partner’s child; (3) the birth or placement by adoption or foster

care of a child; (4) organ donation; and (5) the death or serious health condition of certain family members who are in the military. The statute also includes a variety of protections for eligible employees, including job restoration and benefit protection provisions, benefits maintenance during a leave, non-interference and discrimination provisions and a private cause of action to enforce these rights.

The federal FMLA has similar protections, but contains a number of additional complexities that must be considered to ensure compliance. The federal FMLA entitles eligible employees to 12 weeks of unpaid leave over a 12-month period if they have worked

Simple ✓
Convenient ✓
High Quality ✓
Low-Cost ✓

MAINE START

MaineSTART is the Defined Contribution program from Maine Public Employees Retirement System (MainePERS).

www.mainestart.org

Contact: Stephanie Fecteau
tel: 207-512-3305 e-mail: Stephanie.Fecteau@mainepers.org

Maine lawyers working with Maine municipalities.



With over 60 years experience, it’s no wonder that municipalities, counties and school districts across Maine depend on the knowledge of Jensen Baird.

We are your trusted source in providing solutions to a broad range of issues.

With prompt, practical and cost-effective guidance, our lawyers are regularly recognized as among

The Best Lawyers in America.

At Jensen Baird,
our commitment is to you.



Attorneys at Law

Portland / Kennebunk • 207-775-7271 • 1-800-756-1166 • jbgh.com

at least 1,250 hours in the prior year. Individual eligibility only applies if the public employer has 50 or more employees.

Leave for Victims of Violence: 26 M.R.S.A. § 850

Section 850 provides that employees who are victims of violence, assault, sexual assault, or stalking (or whose eligible relatives are victims) are entitled to "reasonable and necessary" leave for several reasons: to prepare for and attend court proceedings (including obtaining a restraining order), to receive or attend to necessary medical treatment, or to obtain other necessary services. The law requires that benefits be maintained during such leave.

Leave for Jury Duty: 14 M.R.S.A. §1218

One of the most important obligations of a Maine citizen is to be available for jury duty. This section provides that an employer may not discharge, discipline or discontinue health care coverage because of an employee's absence related to jury service. Impor-



It's what's underneath that counts

wastewater, water, stormwater
roads, solid waste, planning
design, construction services
funding, municipal services

civil &
environmental
engineering



Concord, NH 603.230.9898
Portsmouth, NH 603.436.6192
www.underwoodengineers.com

MARK YOUR CALENDARS!

**79th Annual
MMA Convention**

**October 7 & 8, 2015
Augusta Civic Center**

The 2015 Annual Convention is shaping up to be one of our best with:

Keynote Speaker:

ERIC KLINENBERG

"Going Solo: Ground-breaking Demographic Change"

Featured Speakers:

DR. SUZANNE LELAND

"Municipal Collaboration Case Studies"

JOHN BARYLICK

**"Learning From Accidents:
The R.I. Station Nightclub Fire"**

Look for more details in the July and August-September editions of the Maine Townsman magazine and at the MMA website:

www.memun.org

EDUCATION • NETWORKING • EXHIBITS

tantly, violation of this section could be adjudicated as a Class E crime.

Leaves Related to Disability

While not specifically provided by statute, employees may also be entitled to leave as a “reasonable accommodation” under the Americans with Disabilities Act and the Maine Human Rights Act. As many employers know, if an employee with a qualified disability requests an accommodation in the workplace, employers are required to engage in the “interactive process” with such employees to come up with a solution.

One possible accommodation is a period of time off from work, paid or unpaid. Leave as a “reasonable accommodation” may intersect with other available leave benefits, such as vacation and sick time, and family medical leave. Furthermore, if the disability is related to a work injury, then the time off may be associated with Workers’ Compensation leave. The intersection between the ADA, the FMLA and Workers’ Compensation is one of the most complex issues that public employers face, and a call to your town attorney is recommended before taking any definitive action.

Leave Not Required By Statute

Additionally, there are some types of leave that are not themselves required by statute, but deserve mention due to certain legal obligations that may arise depending on the employer’s policies.

Compensatory Time (26 M.R.S.A. § 621-A(3)): Under the federal Fair Labor Standards Act (FLSA), public employers are permitted to offer compensatory time (often referred to as “comp time”) in lieu of paying overtime. Note that the decision to offer comp time is a choice by the public employer, but once it is offered, it becomes “wages” that must eventually be paid. In addition, many of the Maine leave statutes allow comp time to be used during other eligible unpaid leave periods.

Drug Rehabilitation Leave (26 M.R.S.A. § 685(2)(B)): Maine public employers that have a drug testing program are required to allow employees to enter into rehab programs if they test positive for prohibited substances. Under this section, employees may be permitted to take up to six (6) months of leave to complete rehab. ■

Responsive, quality engineering services.
Working with communities like yours since 1974.



HEB
Engineers
CIVIL • STRUCTURAL • SURVEY

An employee-owned company in North Conway, NH • www.hebengineers.com



Specializing in fixed rate leasing programs for Maine municipalities.



Gorham
LEASING GROUP
Gorham Savings Leasing Group, LLC

Frederick G. Proctor, Vice President
207-222-1498 • rproctor@gorhamsavingsbank.com
63 Marginal Way • Portland, ME 04103

Gorham Savings Leasing Group LLC is an affiliate of Gorham Savings Bank. Member FDIC  Equal Housing Lender

ELECTIONS, ELECTIONS, ELECTIONS

HAS YOUR TOWN HAD ITS ELECTION?
DID YOU LET MMA KNOW, SO WE CAN UPDATE OUR DATABASE?
NO ELECTION, BUT YOU HAVE CHANGES: LET US KNOW!

DATABASE IS UPDATED DAILY

Call Val or Kimberly: 1-800-452-8786 or 207-623-8428
Email: PersonifyRequests@memun.org
60 Community Drive, Augusta, ME
1-800-452-8786



MMA Maine Municipal Association



Maine Resource Recovery Association



Offering these services:

Maine's Recycling & Annual Solid Waste Conference
Recycling & Solid Waste Technical Assistance,
Consulting & Guidance
The Materials Marketing Cooperative
The Scrap Paper Newsletter
Workshops & Tours

MRRA is a membership-based, 501(c)3, non-profit, organization committed to working with Maine towns and cities to improve recycling and solid waste management.

MRRA works with towns and cities statewide.

The MRRA mission is:

1. promoting sound solid waste management practices;
2. communication and information exchange between members and markets, equipment vendors, state and federal governments, other state and national associations and among members themselves;
3. Compiling and developing information relevant to the education and technical assistance needs of Maine's solid waste and recovery programs;
4. promoting market development and cooperative marketing opportunities.

MRRA also offers home composting bins and rain barrels (at greatly reduced prices) and kitchen pails with over 6000 distributed to date. Watch for our campaign starting in 2011 for spring delivery.



Become a part of MRRA today. Volunteer for the education committee, developing workshops, tours and Maine's Annual Recycling & Solid Waste Conference.

Enroll at www.mrra.net to become a member. Basic municipal membership is \$40 per year.

Need a quote on Recycling carts or bins? We have what you need.

Several sizes and colors to choose from, wheeled carts also available in 35, 64, 96 gallon size

Call us with your Single Stream questions,
We will guide you from start to finish
providing the information you need to make an informed decision

PO Box 1838, Bangor, ME 04402
Email: victor.horton@mrra.net

Tel 207-942-6772

Fax 207-942-4017
Website: www.mrra.net

- 2015 -

Elected Officials Training Opportunities

Elected Officials Workshops

Who Should Attend:

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

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

As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that the Jan. 28th course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou. Attendees can participate via ITV Technology by viewing the presentation remotely. ITV broadcasting allows for live viewing as well as interactive participation with the attendees.

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

Course meet state FOAA training requirements (Right to Know).

Roles of Elected Officials & Municipal Managers

Who Should Attend:

This four-hour course is presented by the MMA and is designed for Elected Officials and Municipal Managers and Administrators that focuses on the differing roles and responsibilities of these positions. Topics include Key Responsibilities, Legal Requirements, Personnel Issues, Communication and Goal Setting. This is an excellent opportunity to come as a board along with your municipal manager.

Managing Freedom of Access Requests

Who Should Attend:

This timely workshop is aimed at helping municipal staffs, newly designated "Public Access Officers" and elected and appointed officials understand Maine's Freedom of Access Act, why FOAA requests are filed and how to handle them properly.

Course meet state FOAA training requirements (Right to Know).

Elected Officials:

Dates & Locations:

Bethel - 06/30/2015

Bethel Inn - 21 Broad St., Bethel, ME 04217

Waldoboro - 7/29/2015

Soule-Shuman VFW Post #4525 - 50 Mill St.
Waldoboro, ME 04572-6128

Roles of Elected Officials & Municipal Managers

Date & Location:

Gray - 12/8/2015

Spring Meadows - 59 Lewiston Rd., Gray, ME 04039

Managing Freedom of Access Requests

Dates & Locations:

Saco - 10/20/2015

Saco City Hall Auditorium - 300 Main St., Saco, ME 04072



Maine Municipal Association

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

www.memun.org

Online registration is easy!

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



On Behalf of the Maine Municipal Association Executive Committee
you are cordially invited to attend an Open House to honor the retirement of
MMA Executive Director

Christopher G. Lockwood



Open House Program

Date: **Thursday, July 30, 2015**

Time: **3:00 p.m. to 5:00 p.m.**

Place: **Maine Municipal Association**
60 Community Drive, Augusta, ME 04330

Events: **3:00 p.m. – 3:30 p.m. Social Time**
3:30 p.m. – 4:00 p.m. Welcome & Recognition
4:00 p.m. – 4:15 p.m. Remarks by Chris Lockwood
4:15 p.m. – 5:00 p.m. Social Time

***** Light Hors D'oeuvres and Assorted Beverages *****

Please R.S.V.P. by Friday, July 24, 2015

Karen Butler, Administrative Assistant to Executive Office
(207) 623-8428 ext. 2307 or 1-800-452-8786 or E-mail: kbutler@memun.org

Directions to MMA:

From the North: Take I-95 south to Exit 112, turn left off exit ramp.

From the South: Take I-95 north to Exit 112A, stay to the right off exit ramp.

Follow road signs to the Augusta Civic Center taking a right onto Community Drive. MMA is located to the left and back of the Augusta Civic Center building and to the right of the University of Maine athletic fields. The Maine Municipal Association sets back at the end of the roadway.

If you need assistance while traveling, please call MMA at 207-623-8428.

(Please make sure not to use a GPS device)

PEOPLE

Whitefield honored its volunteer firefighters and emergency medical technicians in a May 11 ceremony for their "commitment, perseverance and service" in fighting four structure fires in a single week during last winter's bitter cold. The fires all took place from Jan. 27-Feb. 3 amid subzero temperatures. The event, organized by the Women of Whitefield, a community group, was rescheduled from March because of the untimely death of **Lt. David James Mason**, one of the volunteers. Selectman **Frank Ober** presented a framed letter, signed by all the selectmen, to Chief **Scott Higgins**, recognizing the department. The letter reads, in part, "It is difficult to put into words our appreciation for your dedication to the Whitefield Fire and Rescue Department and to our community. Your actions have proven that."



Howe (left) Stevens (right)

Maine's 2014 Clerk of the Year is departing the state for warmer climes. **Tracy Stevens**, who was honored by the Maine Town and City Clerks Association, left her post in Freeport on May 27 to take up new duties as town clerk in Melbourne Beach, Fla. Her deputy, **Mary Howe**, has been named interim clerk. Stevens said she decided to make the move after three years in Freeport to be closer to her oldest daughter. "I loved Freeport and that's why this was such a tough decision for me," she said. "But family won out." Howe praised her former boss, saying, "She's been a joy to work. She's one of the most thoughtful and considerate people I've ever known."

Ryan Pelletier is the new town manager for Frenchville, taking up his duties on March 16. Pelletier, 42, had worked for more than two decades in road construction, most recently as project manager for Soderberg Construction, and said, "I was looking for a different career. I am ready for a more administrative path." A native of Madawaska, Pelletier said his numerous contacts with municipal and

state officials should come in handy, and that he expects to continue drawing on his experience. "We have a lot of road issues in Frenchville," he said. "We have 28 miles of roads, and 20 miles of them are in depleted condition, in need of serious attention."



Wayne Newbegin

Wayne Newbegin, 75, a town councilor in Standish, died May 14 from lung cancer. After retiring in 2003, he served on the planning board and assessment review board. His wife, Linda, recalled that, "He just went down to town hall and said 'What can I do?'" Newbegin was elected to a three-year term on the town council in 2007, but was unsuccessful in his re-election campaign in 2010, and two subsequent tries, but then won a new term last year. He served on the ordinance, roadway and beach committees. Town Manager **Gordon Billington** said of Newbegin, "I was very impressed when he took over the ordinance committee in his first term and did a complete wall-to-wall review. It showed his tenacity to tackle a big project and see it through to the finish."

Machias Town Manager **Chris Loughlin** offered his resignation at a May Selectmen's meeting, which the board accepted, effective May 5. Loughlin held the post for five years, and said he particularly enjoyed working with Selectman **Aubrey "Skip" Carter**, saying, "He has been wonderful to work with. He's one of the big reasons why town government works in Machias." Loughlin said he'd been considering the move for more than a year, citing changes in the board. Carter said that the board acknowledged the good work Loughlin did for the town.

Kathleen Irene MacKenzie, former Jackman town manager, died on May 5 at the age of 60. Born in Bangor, she attended school in Brewer and Massachusetts, graduated from Chandler Business

College in Boston and later moved briefly to Fairbanks, Alaska with her husband, Ron. She then worked in Massachusetts for a variety of shoe companies. They moved to Parlin, at Caribou Pass, in 1997, and she became Jackman town manager in 1999. A successful grant writer, she secured funding to help the town with tree planting, park improvement and airport facilities expansion. She also helped expand the town's famed fireworks displays.



Susan Varney

Wiscasset recognized the service of **Susan Varney**, who worked 37 years for the town before retiring in December, by dedicating the 2014 town report to her. Varney served in a variety of posts, including deputy town clerk, deputy registrar of voters, and acting town manager. At her retirement, she was the assessor's agent, E-911 addressing officer and human resource director. A 1972 graduate of Wiscasset High School, she went to work for the town full-time in 1978. Varney was known for her compassionate outreach to the community, leading the provision of Thanksgiving food baskets and the adopt-a-family program at Christtmas. She also worked closely with the Lincoln County Family Holiday Wishes program.

The longtime director of the Standish Parks and Recreation Department, **Linda Brooks**, was hired to take up a similar position in Windham, starting in mid-June. She replaces, **Brian Ross**, who retired after serving since 2005. Town Manager **Tony Plante** said the town council had made an excellent choice. "Linda is familiar with the area," he said. "She's got a wealth of experience in a similar setting." A resident of Standish since 1990, Brooks was rec director for more than 20 years, developing an after-school program, expanding the summer camp program, establishing a senior citizen program, and overseeing construction of a skate park and two outdoor skating rinks. ■

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)

STATEWIDE

Census numbers for 2014 show declines in population in Lewiston and Bangor, Maine's largest cities behind Portland, but continued gains in communities in more densely populated southern Maine. Falmouth, Wells and Waterville posted the largest gains in Cumberland, York and Kennebec counties respectively, while city residency fell in Augusta, Brewer and Presque Isle, as well as Bangor and Lewiston. The numbers confirm that people continue to move to southern Maine, generally at the expense of Maine's smaller, rural towns.

AUBURN

One of Maine's largest providers of medical marijuana won approval in May to build a \$2.5 million dispensary expansion in Auburn. The larger facility will add 25 jobs to the company, Wellness Connection of Maine, and is part of planned growth over five years. Maine's medicinal marijuana program now includes 8,000 patients served by eight licensed dispensaries statewide and a network of small legal growers.

BANGOR

Greater Bangor municipalities and nonprofits were awarded a \$10,000 grant in May from Bangor Savings Foundation. The money will fund a study into whether a public-private consortium can create a sustainable "food hub" to supply locally grown food to large buyers. The buyers would include colleges, hospitals, restaurants and supermarkets, among others. The program would boost farmers and the local food economy, as well as provide the freshest possible food for scores of Maine institutions. Studies of similar efforts in the U.S. show strong success and a powerful new way to feed local economies.

BELFAST

A Massachusetts-based tech firm could bring hundreds of jobs to the bayside city this year when it invests \$2 million at the former MBNA call center. The company, OnProcess Technology, helps businesses manage their supply chains. The firm hopes to hire 50 full- and part-time employees this spring, and as many as 350 when fully operational.

NEW ON THE WEB | www.memun.org

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

Human Resources Conference. MMA will hold its 1st Annual Human Resources Conference – a valuable, one-stop training opportunity – on June 16 at Thomas College in Waterville. The complete program is now available.

Health Care Collaborative. The Maine Community Health Needs Assessment, a collaborative effort involving the state's four largest health-care systems, has released a survey, along with the Maine Center for Disease Control, designed to help set priorities for community health planning. Municipal involvement is eagerly sought.

Workplace and School Violence. The National Tactical Officers Association will hold an important training session Aug. 19-20 in Brewer about preparing for, and potentially responding to, incidents of workplace and school violence. The course is designed for law enforcement, school and business personnel. The Brewer Police Department is a co-sponsor.

DEXTER

The town council in May passed a fourth 180-day moratorium on construction of an east-west highway through the community, effectively delaying again any substantive forward action on the controversial proposal. The proposed highway basically would run about 100 miles from east to west as a new commerce and tourism route from Canada through the gut of Maine to New Hampshire and Canada. Opponents have held off the project since 1990, arguing the road would tear up the center and rich historical value of hundreds of Maine communities.

EASTON

Town leaders have started a state-mandated property revaluation project – its first in nearly 25 years – which will likely change the values of all property classifications. Overall, property is currently valued at less than 70 percent of fair market value, which affects state aid for education, among other crucial funding. The town has been fined by the state and that will continue until the values are increased. Town officials expect values will swing in favor of industry, with all other categories likely to see an increase. The revaluation must be finished by Aug. 15.

HARPSWELL

Selectmen are calling for state help and money to study the reasons for, and find solutions, to the dramatically declining clam industry in the peninsula town 30 minutes south of Bath. Harpswell's his-

torically rich intertidal mud flats, spread over 4,000 acres and two islands (Orr's and Bailey), used to support 50 full-time harvesters. The flats only support 10 to 15 part-time harvesters today. According to the state, Maine's total clam harvest has plummeted from 40 million pounds in 1977 to 10 million pounds last year. The town is seeking a \$44,000 grant to study a disease called neoplasia, which is infecting Maine clams, as well as the impact of ocean acidification.

LEWISTON

City police officials are recruiting Somali residents to train as officers as the state's second-largest city faces as much as a 20 percent staff turnover in the next few years because of retirements. Chief Michael Bussiere said he wants the police force to reflect the diversity of the community, which includes a large Somali refugee population that began settling in Lewiston in the late 1990s.

LINCOLN

The town wants to change its image as the times change, moving from an industrial paper town to a modern tourism-focused rural Maine community. The town council in May approved a \$44,000 two-year effort by a local marketing firm to promote the town's beauty, recreation and wildlife to lure tourists, businesses and families to the region. The effort will include revamping the town's website, developing a logo, promotional videos, brochures and more. ■

MUNICIPAL BULLETIN BOARD

JUNE 23

New Managers: Augusta

A workshop for new municipal managers will be held on June 23 at the Maine Municipal Association Conference Center in Augusta. The workshop will feature numerous speakers from MMA staff and from the Maine Town, City and County Management Association, including MMA Executive Director Christopher Lockwood and MTCMA President Betsy Fitzgerald, Administrator for Washington County.

The workshop will provide information about the roles of municipal managers, the rights and protections offered to public employees in Maine, the International City/County Management Association Code of Ethics and the variety of services offered at MMA. Attendees also will benefit from discussions involving fellow managers. While aimed at new managers, veteran managers may benefit from hearing new information. Municipal administrative assistants are also encouraged to attend.

Managers "new" to Maine since May 2014 are invited on a complimentary basis. For other MMA member attendees the cost is \$45 and for non-members it is \$90. The event begins with registration at 8:15 a.m. Lunch is provided.

JUNE 23

Cash Management: Orono

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a workshop on Cash Management on June 23 at the Black Bear Inn and Conference Center in Orono, starting at 8:30 a.m. and concluding at 3:30 p.m. The workshop will be led by James Bennett, City Manager in Presque Isle.

The workshop will explore: receipts and receivables; disbursements and payables; budgeting; cash flow forecasts; deposits and investments; and, banking relations. Cost for the workshop is \$50 for members and \$60 for non-members, which includes coffee and lunch. Please bring a calculator if you plan to attend.

JUNE 30

Elected Officials Workshop: Bethel

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on June 30 at the Bethel Inn. The evening workshop

begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

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.

JULY 7

Verbal Judo! in Augusta

A special MMA session – Verbal Judo: Tactical Communications for the Contact Professional – will be offered on July 7 at the MMA Conference Center in Augusta. If you work with the public and you ever find yourself in conflict situations, this workshop is for you. The featured speaker is Janine M. Paul of the Verbal Judo Institute.

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

JULY 9

Basic Excise Tax: Orono

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a workshop on July 9 at the Black Bear Inn in Orono that will focus on the procedures of excise tax. Emphasis will be placed on how to calculate excise tax and the mill rate for various types of motor vehicles.

The workshop will be led by Gilberte Mayo, treasurer of MMTCTA, and Tracie York, tax collector for the Town of Lincoln. It starts with registration at 8:30 a.m. and concludes at 3:30 p.m. Cost is \$50 for MMTCTA members and \$60 for non-members.

SPECIAL SESSION!

July 16

A Conversation about Municipal Broadband

Municipal officials in communities that have ventured into the field of municipal broadband technology, are discussing this or even may potentially discuss it – are strongly encouraged to attend a half-

day workshop on the topic on July 16 at the MMA Conference Center in Augusta.

The featured speaker will be David Talbot, a fellow at the Berkman Center for Internet and Society at Harvard University. Mr. Talbot is an expert on the subject and is a municipal official himself. He will present "lessons learned" from various case studies involving municipal broadband technology and expansion in New England.

The session starts with registration at 8:30 a.m. The workshop concludes at noon. Cost is \$35 for MMA members and \$70 for non-members. The MMA Conference Center holds 85 attendees. This conference could fill up. Reservations will be accepted on a first-come, first-served basis.

July 24

Customer Service Excellence: Augusta

Margaret Noel, Manager of Educational Services at MMA, will lead a workshop on Customer Service at the MMA Conference Center in Augusta on July 24. The interactive workshop walks participants through the customer-service cycle and targets key strategies for implementing and maintaining an excellent customer-service plan.

Registration will begin at 8:30 a.m. and the workshop will end at 4 p.m. Cost is \$75 for MMA members and \$150 for non-members, including workshop materials and a light lunch.

JULY 29

Elected Officials Workshop: Waldoboro

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on July 29 at the Soule-Shuman VFW Post 4525 in Waldoboro. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

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. ■

LEGAL NOTES

Law Court to Local Planners: Be Consistent & Thorough!

In a sternly worded decision, the Maine Supreme Court has warned local planners that it has zero tolerance for the inconsistent application of ordinance provisions or the failure to make all necessary findings.

In *Hartwell v. Town of Ogunquit*, 2015 ME 51, a proposal to convert a garage to a lobster pound was what prompted the litigation, but the underlying facts hardly seemed to matter. What perturbed the Court was that the planning board twice failed to require the applicant to submit all mandatory information and then failed to make a critical finding of fact. As a consequence, both parties, at different times, had to appeal, and the Law Court was compelled to remand the case to the board yet again – for a *third* hearing.

Writing for a unanimous Court, the Chief Justice said, “What should have been a simple process with a single substantive question became tangled in the requirements of the ordinance,” creating unnecessary delay and expense for all. She noted that a planning board has no authority to waive or ignore ordinance requirements unless expressly so authorized; if smaller projects do not warrant sophisticated review, the ordinance should be amended. She also scolded the board for failing to make a factual finding that would have resolved the central question, at least at the local level.

The Court was clearly exasperated by the board’s conduct. For details, read the opinion here: http://www.courts.maine.gov/opinions_orders/supreme/lawcourt/2015/15me51ha.pdf (By R.P.F.)

Tax-Acquired Property: Refunds Now Permissible

Until last month municipalities had neither the duty nor the authority to refund any excess proceeds of sale of tax-acquired property to the former owner (see “Tax-Acquired Property: No Refunds of ‘Surplus,’” *Maine Townsman*, “Legal Notes,” December 2008). But now the Maine Legislature has made refunds permissible (though not required) provided they are authorized by local ordinance (see 36 M.R.S.A. § 949, enacted by PL 2015, c. 53, eff. May 8, 2015).

The new law defines “excess” proceeds of sale as any amount exceeding (1) all

property taxes and interest owed on the property, including taxes that would have been assessed had the property not been tax-acquired; (2) the municipality’s cost of the lien and foreclosure; (3) the municipality’s cost of maintaining and disposing of the property; and (4) unpaid sewer, water or other charges and fees imposed by the municipality.

If a municipality wishes to permit refunds, an ordinance must be enacted by the local legislative body (town meeting or town or city council). If a municipality does not wish to permit them, no action is required.

The ordinance must contain standards governing disbursement of the excess and procedures “that protect the interests of the taxpayers.” It is not clear what this last part means beyond making sure that everything owed to the municipality and all of its associated costs are deducted from the sale proceeds before the excess (if any) is refunded.

MMA Legal Services has no sample ordinance for this. Municipalities wishing to permit such refunds should work closely with local legal counsel to ensure full compliance with the new law. (By R.P.F.)

The Oath of Office

For some municipal officials, taking the oath of office may seem a small and ceremonial detail. But in truth, taking the oath is an all-important legal prerequisite: Maine law requires every municipal official to “be sworn” (take an oath) before assuming the duties of office (see 30-A M.R.S.A. § 2526(9)). Failure to do so can seriously or even fatally jeopardize an official’s actions.

Every elected or appointed municipal official must take an oath. An official is one who performs duties or exercises authority under law, whether the constitution, statutes or ordinances. (For a list of municipal officials required under Maine law, see Chapter 9 of MMA’s *Municipal Officers Manual*.)

The generic oath for all public officials is prescribed by the Maine Constitution (see Me. Const. art. IX, § 9). For municipal officials, this oath is usually supplemented with a reference to the duties of municipal office as well. The words “So help me God” appear in the constitutional oath and in the more limited “affirmation” provided for those who object to an oath, but a per-

MUNICIPAL CALENDAR

JULY 4 — Independence Day — A legal holiday (4 M.R.S.A. §1051).

ON OR BEFORE JULY 15 — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333 (22 M.R.S.A. §4311).

ON OR BEFORE JULY 31 — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit payment as prescribed by the State Tax Assessor (36 M.R.S.A. §5253).

BETWEEN MAY 1 AND OCTOBER 1 — Municipal officers may initiate process to close certain ways during winter months (23 M.R.S.A. §2953). For further information, see the MMA Municipal Roads Manual.

BY JULY 31 — Supply certification to the Maine Department of Transportation that Local Road Assistance Program (LRAP) funds will be used consistent with the requirements of the law (23 M.R.S.A. §1804). ■

son cannot be compelled to recite them.

The municipal clerk or any *dedimus* justice, notary public or attorney may administer an oath to a municipal official (see 30-A M.R.S.A. § 2526(9)). The clerk must make a record that the person was sworn to a stated office, but it need not include the entire oath. If anyone other than the clerk administers the oath, they must give the clerk a certificate with the particulars.

A person must take a separate oath for each office to which they have been elected or appointed (for example, selectman/assessor/overseer of the poor or tax collector/treasurer).

Also, for anyone reelected or reappointed to the same office, a new oath is required for each new term.

Which reminds us: Certain municipal officials, namely, selectmen, councilors, school board members, and *elected* clerks, treasurers, assessors and budget committee members, must complete training in Maine’s “Right to Know” law within 120

LEGAL NOTES

days of taking the oath of office. Again, this applies to each new term. For details, see "Reminder for New Officials re Right to Know Training," *Maine Townsman*, "Legal Notes," March 2011.

For more on the oath of office, including samples, see Chapter 4 of MMA's *Municipal Clerks Manual*. All of MMA's manuals are available free to members at www.memun.org. (By R.P.F.)

Violation Notice Not Appealable

Until very recently the Maine Supreme Court held that notices of violation were not appealable because they were merely interpretations of ordinances; as such, appeals from them called only for advisory opinions, which courts are loath to issue (see "Advisory Appeals Board Decision not Reviewable," *Maine Townsman*, "Legal Notes," January 2011).

But then, in 2013, the statute governing boards of appeals (30-A M.R.S.A. § 2691) was amended to provide that notices of violation or enforcement orders by a code enforcement officer under a land use ordinance are appealable to a board of appeals and then to court unless a charter or ordinance expressly states that they are only advisory or not appealable (see PL 2013, c. 144, § 1, eff. Oct. 9, 2013).

Now, in the first such case to reach the Law Court since the statute was amended, the Court has once again avoided a

decision on the merits by holding that the underlying notice of violation was not appealable.

In *Paradis v. Town of Peru*, 2015 ME 54, a landowner appealed a notice of violation to the appeals board and then to superior court, both of which upheld the notice. The Law Court, however, on its own initiative, observed that the ordinance in question expressly precluded an appeal from a notice of violation. Thus, the recently amended law was not applicable, and both the lower court's and the board's decisions were vacated for lack of jurisdiction.

This decision is noteworthy if for no other reason than that many ordinances, including most shoreland zoning ordinances, do explicitly prohibit appeals from notices of violation or enforcement orders. (By R.P.F.)

County Officials As Municipal Officials

Last month we wrote that a state legislator can also be a municipal officer (selectmen or councilor) but not a municipal assessor (see "Can a State Legislator Be a Municipal Officer?," *Maine Townsman*, "Le-

gal Notes," May 2015). Since then we've been asked whether a county commissioner or a county sheriff or deputy can also hold municipal office.

County commissioners are expressly prohibited from simultaneously holding the office of mayor or assessor of a city or selectmen or assessor of a town (see 30-A M.R.S.A. § 52(1)).

County sheriffs and their deputies are not subject to any similar prohibition, however, so they are free to hold any municipal office at the same time, provided of course they are otherwise legally qualified (a Maine resident, at least 18 years of age and a U.S. citizen, and if a selectman, a registered voter, see 30-A M.R.S.A. § 2526(3)).

At one time Maine law barred full-time deputy sheriffs from also serving as municipal officers or budget committee members, but this ban was lifted almost 20 years ago (see PL 1995, c. 18, § 1, amending 30-A M.R.S.A. § 355(2)).

As we noted last month, there's more about incompatible offices in Chapter 2 of MMA's *Municipal Officers Manual*, available free to members at www.memun.org. (By R.P.F.) ■

PROFESSIONAL DIRECTORY



**A. E. HODSDON
ENGINEERS**
10 Common Street
Waterville, ME 04901

www.aehodsdon.com
207-873-5164

REAL ESTATE APPRAISALS CONSULTING / TAX APPEALS

Dwyer Associates

Maine General Certified, CMA
207-623-2258

128 State Street, Augusta, ME 04330
dwyerassociates@midmaine.com

OLVER ASSOCIATES INC.

ENVIRONMENTAL ENGINEERS

- Wastewater Process Engineering
- Treatment Facility Upgrades
- Sewer Infrastructure Design
- Stormwater Management
- Operations Assistance & Training
- Municipal & Civil Engineering

P.O. Box 679
290 Main Street
Winterport, Maine 04496

Telephone: (207) 223-2232
Fax: (207) 223-5448

MMA Personnel Services and On-site Consulting Services

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

Labor Relations — Representation of the municipality in labor negotiations, mediation, arbitration and grievance processes. **Executive Search** — Assistance with the recruitment of a new city or town manager or department head. **Training** — On-site training in a variety of topics. **Testing** — Entry level police and fire testing.

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

For more information visit the MMA website: www.memun.org

2015 FALL BOND ISSUE SCHEDULE

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. Traditionally twice a year, in the Spring and Fall, the Bond Bank will consolidate eligible applicants and engage in a bond sale. From application to receipt of funds the bond issuance process usually lasts three to four months. Below is the schedule for the Bond Bank's Fall Issue.

AUGUST						
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

Tuesday, August 4th

Application Deadline.

Wednesday, August 26th

Application approval (Board Meeting).

Thursday, September 10th

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

SEPTEMBER						
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Friday, September 11th

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

Monday, September 28th & Tuesday, September 29th

Maine Municipal Bond Bank Pricing.

Wednesday, September 30th

Maine Municipal Bond Bank Sale Meeting (Board Meeting).

OCTOBER						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Wednesday, October 14th

Final documents due from bond counsel.

Wednesday, October 21st

Pre-Closing.

Thursday, October 22nd

Closing - Bond Proceeds Available (1:00 PM).

If you would like to participate in or have any questions regarding the 2015 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



Land Use and Zoning Law

For Municipalities



Mary Costigan
207 228-7147

Few areas of life in today's world are more highly regulated than the development and use of land. Our land use and zoning team has represented municipalities and private clients for decades, providing advice, strategic planning and litigation support on a full range of permitting and environmental compliance matters.

Our land use and zoning law team are members of the firm's Municipal and Regulatory Practice Group, Maine's longest serving, largest and most experienced municipal law practice group. Clients rely on our breadth of municipal and land use knowledge in many settings, including planning and zoning boards, economic development, real property conveyances, easements, leases and financial and construction transactions.



Philip R. Saucier
207 228-7160

We routinely provide assistance to clients in:

- Local and state land use and environmental matters
- Historic preservation
- Land use opinions
- Pending legislation
- Drafting ordinances
- Appeals and litigation

We serve as land use counsel to many governmental entities, including:

- Towns, cities and counties
- School districts
- Water districts
- Sanitary and sewer districts
- Regional planning commissions

For more information on how we can help, talk with us today.

Portland, ME | Augusta, ME | Manchester, NH
207 774-1200 | bernsteinshur.com

BERNSTEIN SHUR

COUNSELORS AT LAW

