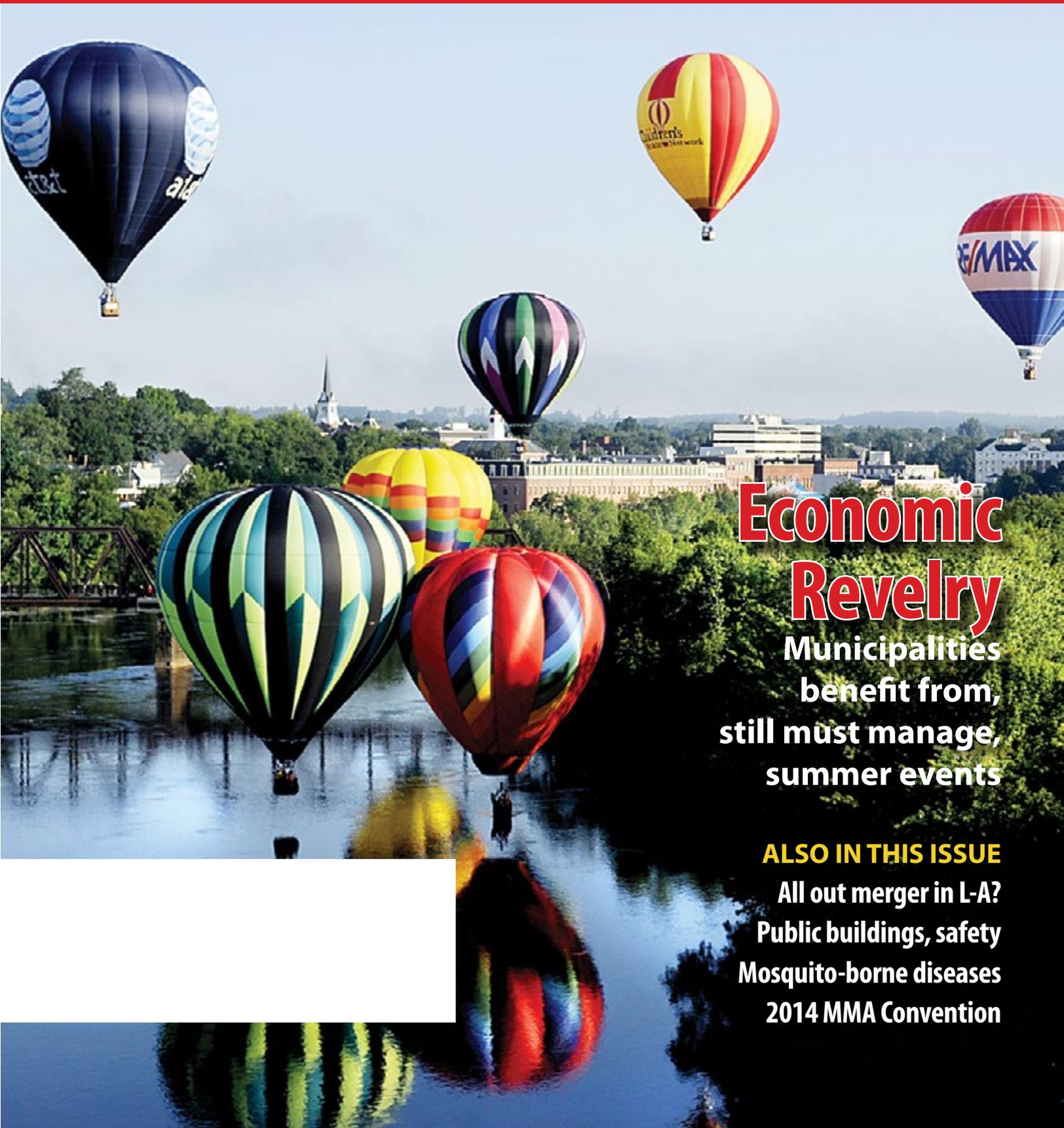


# Maine Townsmen

The Magazine  
of the Maine Municipal Association

JULY 2014



## Economic Revelry

Municipalities  
benefit from,  
still must manage,  
summer events

### ALSO IN THIS ISSUE

All out merger in L-A?  
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2014 MMA Convention

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# Maine Townsman

July 2014 | Volume 76 | Issue 7

The Magazine of the Maine Municipal Association

## COVER STORY | 7 Summertime Is Here



*In Maine, summer is the season when we celebrate everything – lobsters, blueberries, eggs, sailing ships, you name it. The events add to a community's allure, but they come with challenges attached.*

**The 2014 Maine Municipal Association's Executive Committee plans to meet with leading candidates for Governor on Aug. 1. Here's your chance to suggest a few questions. [Page 5](#)**

**Drinking water is a staple of life and our state is lucky to have some of the best public water supplies in the nation. This article from the Maine CDC offers history and perspective. [Page 23](#)**

## Historic Vote Ahead

*Not since Dover and Foxcroft added a hyphen have two Maine communities considered a full-bore merger. That is what Lewiston and Auburn are deliberating right now. [Page 11](#)*

## How Safe is Town Hall?

*School buildings are protected by law in terms of security and gun possession. So are courthouses and the Maine Capitol. Town and city buildings do not have similar statutory protection, though that could change. [Page 15](#)*

## Small But Dangerous

*Mosquitoes pack more diseases than they used to, posing a hazard to municipal employees and citizens alike. Here's what towns can do to reduce their chances of exposure and outbreak. [Page 17](#)*

## MMA's 2014 Convention!

*From "leading with a heart" to a calculated look-ahead at the state economy, there is something for everyone – especially, elected officials – at the Maine Municipal Association Convention on Oct. 1-2. The program starts here. [Page 25](#)*

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**Cover photo:** This eye-catching photo was provided courtesy of Daryn Slover and the Sun Journal newspaper in Lewiston, which hosts a hot-air balloon festival each summer.

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## A MESSAGE FROM MMA

BY PETER NIELSEN / MMA PRESIDENT AND MANAGER, TOWN OF OAKLAND

### What would you ask our next Governor?

I've got my fingers crossed that all three candidates for Governor will interview with the Executive Committee early in August.

Working with our colleagues in state government, local officials deliver services the people of Maine expect in varying measures. We share responsibility for roads, highways and bridges in ways unrealized by many travelers and residents. Local and state police agencies cooperate in law enforcement. Public safety people cooperate during declared disasters and extreme weather events. Local and state officials cooperate in economic development, environmental enforcement and assisting the poor. Local officials do much heavy lifting for state elections, this November being no exception.

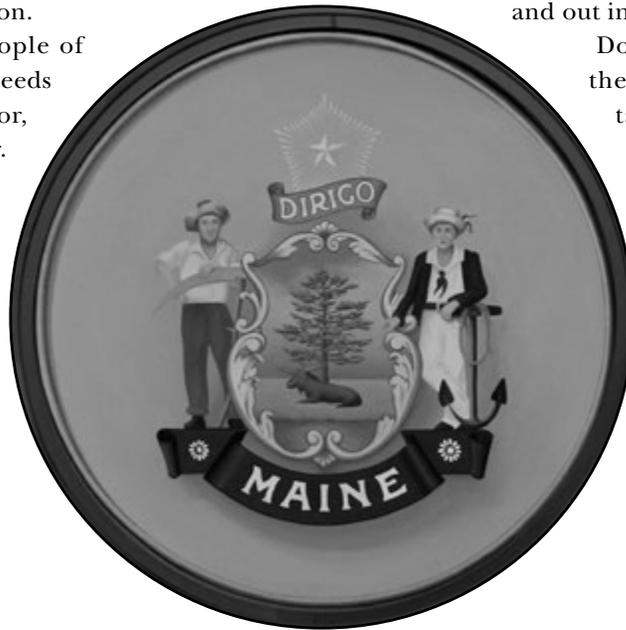
Our mutual duty to the people of Maine convinces me that MMA needs a relationship with the Governor, for efficiency's sake, if no other. I'm further convinced that a desire to serve should prompt

the Governor to want a relationship with MMA. The Governor should at least be willing to talk occasionally, since we are destined to occupy the same space with the eventual winner for the next four years, like it or not.

Well, those are my views. But the point of this column is to invite yours, in the form of questions you would ask the candidates. MMA is planning interviews with the candidates who accept our invitations on Aug. 1. Townsman Editor Eric Conrad informs me that from the time you read this, you won't have much time to respond to me at [pnielsen@oaklandmaine.us](mailto:pnielsen@oaklandmaine.us). We will do our best with what comes in, within the time limits for the event. We will

try to get answers for everyone up on our website and out in various ways.

Don't we have a responsibility to let the candidates know what is important to our communities? Can't we invite their responses on how we all can best serve our constituents in a world of limited funds? Here's your chance...■



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# Welcome to the Maine Resource Recovery Association

MRRA was formed with the intent to foster professional solid waste management practices in the recycling and solid waste arena.

MRRA is committed to the development of environmentally sound solid waste practices and other forms of resource recovery that will benefit Maine communities.

Some of the goals of the organization are as follows:

- Facilitate communication between Association members, recycling markets, equipment suppliers, State and Federal government, and national associations, as well as information exchange among members.
- Assist with the marketing of recyclable and reusable materials.
- Compiling information relevant to the education and technical needs of Maine recycling programs.
- Promoting market development and providing cooperative marketing opportunities.

*A number of the presentations from the 2014 Maine Resource Recovery Association Recycling & Solid Waste conference are now available for download:*

***<http://www.mrra.net/publications/>***

## Our Mission

**The Purpose of Maine Resource Recovery Association is:**

- To foster professional solid waste management practices;
- To further the development of recycling and other forms of resource recovery as cost-effective components of environmentally sound solid waste management in Maine communities; and
- To assist with the marketing of recyclable and reusable materials.

**The Goals of the Association**

- Promoting communication and information exchange between Association members and markets, equipment suppliers, State and Federal Government, and other State and national associations, as well as information exchange among members.
- Compiling and development of other information relevant to the education and technical assistance of Maine solid waste management and recovery programs.
- Promoting market development and providing cooperative marketing opportunities.

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# Summer means festivals, and the work that goes with them

*Municipalities help with the celebrations and see economic benefits, along with traffic, policing and infrastructure demands.*

By Janine Pineo

**P**ick a topic. Chances are good that Maine has a festival in its honor.

While that may be an exaggeration, the reality is that the state's municipalities host scores of annual events that bring tens of thousands of people to their streets, parks and waterways to pay tribute to everything from fruits and vegetables to eggs and crustaceans. Themes run the gamut from Moxie to whoopie pies to wind-jammers to art in all its forms, showcasing Maine's unique allure.

"There's no doubt these events make a community a more interesting place to live," said Phil Nadeau, Lewiston's deputy city administrator. "You need the support of the community to do these things."

Amid the balloon launches, the pumpkin-boat racing and the hands-free, blueberry pie-eating contests, each municipality faces hurdles as events draw needed tourist dollars to local businesses. Although celebrations can place a strain on staffing and infrastructure, municipalities often step up to help put on the show, sometimes even serving as the organizer itself.

One town that has taken on a festival is Fort Fairfield, home of the 67th Maine Potato Blossom Festival, running from July 12 through July 20 this year. The nine-day event was started in 1937 to pay tribute to the potato, the state's most important agricultural crop.

"It started out, years ago, that the Chamber of Commerce coordinated the festival," said Michael Bosse, Fort Fairfield's town manager. But staff and budget changes led to the switch of the



**Central Maine Egg Festival fly-in at Pittsfield Municipal Airport, event added in 2012.** (Photo by Judy Craig)

town becoming the festival organizer, a role Bosse said is straightforward. "We're just acting as facilitators and the promoter."

"There are no tax dollars spent on the festival," he said, adding that highway, police and fire departments help as part of their regular duties.

Such a long-running festival means that it tends to work like a well-oiled machine. With 75 to 80 events to coordinate over nine days, Bosse said each chairperson of an event sits on the festival committee, which numbers about 60 members this year.

The community of 3,500 residents sees an influx of about 20,000 people over the nine days, Bosse said, coming to watch northern Maine's largest parade with its 150 entries and the "best fireworks in the region." Class reunions – nine of them this year – are scheduled to coincide with festival

dates, too.

Bosse said Fort Fairfield has "no place to stay," so attendees to travel to Caribou and Presque Isle for lodging.

## The incredible egg

That spillover into other communities is also true for the Central Maine Egg Festival, in its 42nd year, running from July 14 to July 19 in Pittsfield.

Town Manager Kathryn Ruth, who serves on the festival's Board of Directors, said motels are filled from Waterville to Bangor to accommodate the 35,000 people who visit Pittsfield during the celebration. It ranges from folks returning to town for a family holiday to former Maine Central Institute students who come from around the world.

The Egg Festival began in 1973 as recognition of the brown-egg industry in central Maine. It has become a way

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

to showcase the town's buildings and parks, Ruth said, and also is an avenue for civic groups to raise funds.

"The town works hand in hand with the Central Maine Egg Festival Committee," Ruth said. "We found it was helpful over the years to have the town involved in the planning."

Events are scheduled at the library and the historic depot along with the Pittsfield Community Theatre, the only municipally owned theater in the state. A fly-in was added in 2012 to involve the municipal airport.

All departments are involved in helping with the festival, Ruth said. In the budget, she added, "it is expected each year."

Ruth said she explores outside funding opportunities whenever she can. "We do get some grant funding," she said, citing a drug enforcement demonstration as one grant-backed event.

The festival also played into some upgrades in infrastructure at one of the town's parks, Ruth said, with changes to electrical, water and sewer connections.

### **Machias and blueberries**

Machias saw some infrastructure



**Machias Blueberry Festival.** (Submitted photo)

issues crop up last year in the form of parking during the Machias Wild Blueberry Festival, said Town Manager Chris Loughlin.

The town of 2,300 has upward of 15,000 people visiting during the three-day event, this year running from Aug. 15 to 17.

"Last year, it was crazy with parking," Loughlin said. "People get righ-

teous about it."

With little parking available downtown and several of those downtown parking areas filled with vendors and activities, festival organizers have had to look for ways to make the event more easily accessible.

"Transportation has always been a big issue," said Nicole Ball, chair of the Machias Wild Blueberry Festival. Shut-



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tles run between downtown and the Hannaford parking area, while handicapped parking is available downtown behind Machias Savings Bank.

The festival was created by the Centre Street Congregational Church 39 years ago. "The town is very supportive of the festival," Ball said.

Loughlin estimates that Machias spends about \$2,500 on police, public works and ambulance coverage for the weekend event. "It takes virtually every officer we've got," he said. That translates to four officers and nine reserve officers working festival events, including a road race, parade and vendor booths that now spread onto Main Street, which is Route 1 and the main artery through Down East Maine. County and state police also help, Loughlin said, along with the fire department.

Some businesses do see an uptick in activity that weekend. "All the hotels are filled up all the way through Ellsworth," Ball said.

Loughlin said the festival is a double-edged sword for some businesses. "Tourism-based businesses do wonderfully," he said. "This is not the place people are going to flock to for no particular reason."

Damariscotta also faces access challenges for its relatively new festival, Pumpkinfest, according to Town Manager Matt Lutkus.

The town's Main Street is Route 1B, chief access to the entire Pemaquid peninsula. "We have to shut down Main Street for one morning," Lutkus said. "It's a major undertaking to re-route everything."

### Racing pumpkins

The town works closely with organizers for Pumpkinfest, which is held over Columbus Day weekend, Oct. 10 to 13 this year. Lutkus said he expects this year's festival to draw 15,000 to the town of 2,200, particularly since last year's event was featured on "Good Morning America." The biggest draw is the Pumpkinboat Regatta, which spawned the festival idea in 2007, and has visitors crowding along the waterfront to watch the floating pumpkins and their captains race.

"I got calls from all over the country," he said, once the piece aired nationally.

Jim Jarvis, administrator for Damariscotta Pumpkinfest, said that orga-



**Maine Lobster Festival - International Great Crate Race.** (Submitted photo)

nizers meet regularly on transportation, security and ambulance coverage. "We're just in constant communication with the town and police," he said.

Lutkus said the town budgets the overtime for public safety and public works. He does have concerns about staffing for the coming years if the festival continues to expand. Infrastructure is another worry the town may face, he said, especially as the town hosts other festivals through the year, including a pirate festival, an oyster festival and an arts festival.

In cities, the demand for use of public space can be high. Lewiston has 40 to 50 events scheduled between May and October, including the Great Falls Balloon Festival, a civic fundraising event held between the twin cities of Lewiston and Auburn and set for Aug. 15 to 17 this year.

Managing that many events is "a very time-consuming activity," said Lewiston Deputy City Administrator Nadeau. "Logistically, they can be very simple, but others are very labor-intensive. We always have to make sure that we aren't overlooking something."

Sometimes it is a simple thing, such as an irrigation system in a park. Nadeau pointed out the need to stake out the system so heavy vehicles would not drive over the lines and crush them.

The city used to waive fees for events, Nadeau said, but that changed July 1. In general, nonprofits and fundraisers will pay a percentage of standard fees while private businesses will pay the full amount.

Rockland requires a special events application and associated permits. The Maine Lobster Festival, a five-day event running July 30 to Aug. 3 this year, uses three of the city's parks and pays \$14,250 in fees.

Tom Luttrell, Rockland's acting city manager and finance director, said the city provides police enforcement, garbage collection and street cleaning.

The Parks Department works with the festival organizers, Luttrell said, inspecting the grounds and seeing what might need to be done to an area before the festival opens.

Luttrell says the city keeps normal staffing on during the festival, which attracts 150,000 visitors, adding that if extra police coverage is necessary, the city would bill the festival to cover costs.

Lewiston's Nadeau said that despite the reinstatement of fees to help with revenues, the city still provides a significant amount of in-kind assistance.

"At least for now, we continue to remain as committed as we possibly can be... to make these events a reality," he said. ■

– 2014 –

# Elected Officials Training Opportunities

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This workshop is a “must” for newly elected and veteran officials-councilors & selectpersons-as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state.

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- Must we have an agenda and take minutes?
- What ordinances can we enact?
- What authority do we have over 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 this course will be offered in two formats: In classroom and remotely at the Sunrise County Economic Council in Machias. Attendees can participate via ITV Technology by viewing the presentation remotely. ITV broadcasting allows for live viewing as well as interactive participation with the attendees. A facilitator will be onsite to assist. Should you wish to attend this session at SCEC, simply fill out the registration form and select the Machias live broadcast.

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

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## Managing Freedom of Access Requests

### Who Should Attend:

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**Machias – 8/28/2014**

**(Live Video Conference)**

Sunrise County Economic Council  
53 Prescott Dr., Machias, ME 04654

## Roles of Elected Officials & Municipal Managers

### Date & Location:

**Augusta – 12/2/2014**

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Augusta, ME 04330

## Managing Freedom of Access Requests

### Dates & Locations:

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# Major marriage: Lewiston and Auburn near historic vote

*National expert warns not to expect cost savings. Additional political and economic clout is the more likely result.*

By Lee Burnett

**A**fter decades of talk and some significant half measures, Lewiston and Auburn are seriously exploring becoming a single community.

The elections on June 10 empaneled a six-member commission to begin work at combining all aspects of government into a single municipality. Lewiston voters elected Eugene Geiger, Lucien Gosselin and Chantel Pettengill, while Auburn voters elected Chip Morrison, Holly Lasagna and Michael Beaulieu. They have no budget and no deadline, but must draft a charter that combines services, come up with a new name for the city and decide where city offices are to be located.

Voters in both cities will vote on whatever plan the commission proposes. If the plan is approved the current governments have two years to wrap up business.

The mood is momentous. The last time two Maine communities joined was 1922 when Dover and Foxcroft merged to become Dover-Foxcroft.

"I'm very excited. Just considering this is very progressive," said Margaret Craven, a retiring state senator from Lewiston. "Getting out of the ashes and dust and thinking a new way is a good thing. We all know we have to try something different. I'm hoping this group that got elected is successful. They're very inventive."

The group will have to be inventive because there are few places to turn for guidance. That's a bit

of a concern to Chip Morrison, the top vote-getter in Auburn and a long-time champion of increased municipal collaboration from his perch as president of Androscoggin County Chamber of Commerce.

"How many consolidations have happened in Maine recent years? Zero is the answer. The last one was 1922," he said. "If you look around the country the number is not much bigger than zero... Some very small communities have merged and there have been annexations, but nothing of this scale. One of my concerns is I'd like to have a blueprint and I don't have one."

## Branding, buses and balloons

Lewiston and Auburn are already linked, of course, by the shorthand name for the two communities: "L-A," a name that sticks even though the cities have churned through a few joint rebranding campaigns. The L-A slogan has evolved over the years from "The Right Move" to "The Cities of the Androscoggin" to "LA: It's happening here." And folks are still working on it. Last year, the Sun Journal newspaper solicited readers for names for a new slogan and received 151 suggestions.

The linkage is far more concrete than a slogan. The communities have



Jonathan Labonte

formed two tax-sharing districts – at Lewiston-Auburn Municipal Airport and Auburn Business Development Corporation. They share management of citylink bus service, Lewiston-Auburn 911 Emergency Communications Center, Great Falls TV – the local access cable station, and Lewiston-Auburn Water Pollution Control Authority. And they share ownership

of cultural institutions, such as L/A Arts, Great Falls Balloon Festival and Museum LA.

"L-A has done more to work cooperatively than any in state," said Lewiston City Manager Ed Barrett, ticking off a list of joint enterprises. "The list goes on and on and on."

The blurring of municipal distinctions is also part of people's daily lives, said Lewiston School Superintendent Bill Webster. "A lot of people work in Lewiston and live in Auburn and vice versa. People move across river all the time," he said. Shared "school choice" policies make it relatively easy for families to send students to schools across the river as well, he said.

## Merger talk

The merger idea goes back at least a half century to Lewiston Mayor Roland L. Marcotte. Back then, merging municipalities was seen as a modern-

Lee Burnett is a freelance writer from Sanford and regular contributor to the Maine Townsman, [leeburnett\\_maine@hotmail.com](mailto:leeburnett_maine@hotmail.com).

Collaboration Corner is a regular feature in the Maine Townsman, highlighting ways that municipalities work together to become more efficient and better serve citizens.

ization move, a way to “move forward” as recommended by “experts.” Marcotte won few converts.

“Proposal to merge Lewiston and Auburn gets scant attention,” said a 1965 headline in the Lewiston Daily Sun. Since then, the talk has turned to “collaboration” and “cost savings.” Periodically, a group would form. In 1995, there was something called the Lewiston Auburn Collaboration Committee. In 2006, there was the Citizens Commission on Lewiston-Auburn Cooperation.

In spite of the successes to date, there is a widespread perception that municipal collaboration has yet to be fully realized and may even be stymied by various reasons.

Collaboration becomes a “whole lot more complicated” as more services are shared since each service tends to involve a separate board and accountability mechanism, noted Lewiston Manager Barrett.

“We really need to look at consolidating governance and accountability structures,” he said.

Good intentions to collaborate can get diverted by other imperatives, other squeakier wheels, notes Morrison.

“We’ve had three major studies on how to collaborate better on services, hundreds of recommendations,” said Morrison. “Almost none of recommendations were implemented. The reason for that is not that people didn’t in concept agree with it, but we didn’t have the political impetus.

## L-A SIMILARITIES, DIFFERENCES

	Lewiston	Auburn
<b>Population</b>	36,592	23,055
<b>High School Mascot</b>	Blue Devils	Red Eddies
<b>Motto</b>	“The Sky’s the Limit”	“No Steps Backward”
<b>Tax rate (Full value estimates from Maine Revenue Services)</b>	\$22.21/\$1,000	\$20.01/\$1,000
<b>Native sons and daughters</b>	Patrick Dempsey, Paul LePage	Olympia Snowe
<b>Points of pride</b>	Franco textile mill heritage, Androscoggin River	Mount Apatite Park, Lake Auburn, Androscoggin River

### Shared services

- Lewiston Auburn Economic Growth Council
- Tax sharing districts at Lewiston-Auburn Municipal Airport and Auburn Business Development Corporation
- Great Falls TV local access cable
- 9-1-1 dispatch
- Citylink bus service

### Service differences

- Ambulance service in Lewiston is privately run, while in Auburn it is run by the Fire Department.
- Auburn spends more on road reconstruction while Lewiston spends more on road maintenance.
- Lewiston school district is taking the lead in performance-based teacher evaluation while Auburn is taking the lead in mass customized learning
- Auburn Recreation Operations prioritizes youth programming while Lewiston Recreation Department prioritizes events and partnering with outside agencies.

– Lee Burnett

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The councils had other priorities, more pressing concerns.”

### Against the trend?

What Lewiston and Auburn are considering flies in the face recent history of school consolidation in Maine, which has foundered since former Gov. John Baldacci’s push for it in 2007. Maine never came close to Baldacci’s goal of reducing school districts from 290 to 80 (there are now 190+ school districts). And the recent history is going the other way, with many merged districts disbanding and a handful of new charter schools starting.

But the two situations are different, officials say. School consolidation was a mandate from above with penal-



**Chip Morrison**

ties for foot-draggers. The L-A merger proposal arose from a citizens’ petition and will be implemented only if voters in both communities approve.

In addition, school consolidations are often fractured by dissimilar tax bases in each community, which tend to fuel resentment, according to Bill Webster, Lewiston’s school superintendent. Webster saw this first hand when he was superintendent during the short-lived merger of Ellsworth area school districts. The same school budget can produce wildly different impacts in neighboring towns, he said.

“That’s hard to explain to voters. It requires too much getting in weeds to understand how it happens,” Webster

said. “One of reasons it (school consolidation) failed is it’s a lot harder to work school consolidation if you’re not also consolidating other aspects of government.”

The urge to merge appears driven by more factors than just budget savings. Of course, there is frustration with taxes and perceptions of duplication of services. There is also frustration with government inertia over previous collaboration initiatives. And there is a perception that the region lacks political clout and that a larger municipality will drive more economic development.

“This is not a school issue, not a public works issue, not a police issue. It is a municipal issue,” said Morrison. “There is no single issue driving this.”

### Few cost savings

Contrary to popular belief, municipal mergers tend to produce few actual cost savings – mostly due to phantom duplication of services and the realities of securing political support

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for merger proposals, said a national expert in municipal mergers.

Suzanne Leland, a professor of political science and public administration at the University of North Carolina-Charlotte, has studied the 100-plus referenda on municipal mergers that have been held since 1970. Most of them are city-county mergers.

The duplication of services is not significant when you consider that service territories are different, she said. Furthermore, merged municipalities usually inherit labor contracts that are “leveled up” in order to buy political support for the merger, she said.

“There’s not much evidence out there of cost savings from mergers. You just can’t point to any big numbers,” she said.

Merger proposals that are successful tend to focus on increasing political clout or expanded economic development rather than cost savings, she said.

“Typically, the duplication of service argument is not very successful,” Leland said.

“It’s pretty easy to kill a merg-

er campaign. All you have to do is start talking about jobs as duplication of services. People get really nervous. Who’s going to lose their job?... The police chief? Elected officials? The city manager? The HR director? It creates opposition. That’s why they fail so frequently.”

In fact, she said only 15-20 percent of merger proposals succeed.

Leland said Lewiston and Auburn may start with a stronger basis for merging since they already jointly brand themselves, although Leland said in her hometown there is no movement afoot to merge Minneapolis and St. Paul, even though they brand themselves the “Twin Cities.” Loyalty to a distinct community identity also tends to impede merger campaigns. “Nobody wants their community renamed,” she said.

To date, the merger debate has



**Ed Barrett**

been “fairly one-sided” because the opponents have yet to engage, said Jonathan Labonte, Auburn Mayor, who describes himself as a merger skeptic.

Labonte said better collaboration between communities may produce more efficient policy making and more rational infrastructure investments, but he’s not convinced of cost savings from merging because

the agencies that currently deliver shared services have “not been models of efficiency.”

“Their rate of (spending) growth has exceeded rate of spending as a whole,” Labonte said.

He believes local government needs to “evolve from its 19<sup>th</sup> Century structures,” but a focus on municipal merger closes off other opportunities that might prove more fruitful for efficient service delivery, such as service collaborations with surrounding rural communities. ■

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# Town and city buildings are vulnerable, local officials say

*Safety becomes a major municipal concern after a series of high-profile acts of gun violence occur around the country.*

By Glenn Adams

**A**t the Augusta City Center, officials once posted a sign that said firearms were barred in council chambers. But the sign had to come down, because its display violated the law.

Yet just across the Kennebec River, where the Maine State House rises majestically, an elaborate security screening system designed to keep weapons out is used daily. And a few blocks away, a newly expanded state court building will also employ security screening.

Municipal officials across Maine are well aware of the contradictory policies. In an era of high-profile incidents of gun violence in schools and other public places across the nation, municipal leaders know that their buildings and employees are vulnerable.

"You never know. These things are unpredictable," said Fayette Town Manager Mark Robinson, a central Maine community that has yet to have a gun incident but still sees a need for precautions.

In Augusta, officials became concerned when they were told a member of the audience at council meetings was carrying a gun.

"It was a loaded Glock semiautomatic," said City Manager Bill Bridgeo, recalling it was about the time six people were gunned down at a city council meeting in Kirkwood, Missouri, in 2008. "We had a legitimate concern in this building here."

Borrowing wording from notices used in Maine courthouses, Augusta officials posted a sign saying firearms were not allowed in council chambers. While the gun-carrying individual appeared to have heeded the posting, the National Rifle Association took issue

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Glenn Adams is a freelance writer from Augusta and new contributor to the *Maine Townsman*, [gadams6786@aol.com](mailto:gadams6786@aol.com)

## THEIR OWN WORDS

*"If safety is an issue in the Capitol for the legislators, employees, staff and public to carry out the various legislative functions, I fail to see why it isn't also important for in a select board/council meeting room where elected officials, employees, staff and public perform similar local functions." – Martin Puckett, president of the Maine Town, City and County Management Association.*

*"I would like to see legislation to this effect" of allowing municipalities to enact gun restrictions, but "I don't have any hope, frankly... What's good for the goose is good for the gander." – Bill Bridgeo, Augusta city manager*

*"Do you really need to carry a gun to make a point?" – Portland City Councilor Ed Suslovic*

*"You never know. These things are unpredictable." – Fayette Town Manager Mark Robinson*

with it and threatened to sue, Bridgeo said. The sign was removed, in accordance with state law, which reserves gun regulation to the state and in effect bars municipalities from restricting guns in their buildings.

State Sen. Roger Katz, a former Augusta mayor, tried to change that in 2011. He sponsored a bill to allow municipal governments to pass ordinances barring the carrying of firearms in essential municipal offices and in places where their elected leaders meet – just as the state imposes such restrictions in its Capitol area. But Katz's bill, encountering opposition

from the NRA and Gov. Paul LePage, went nowhere.

The National Rifle Association asserted that Katz's bill undermined statewide firearms preemption. Still, the bill drew support from Maine county commissioners' organization and a member of Portland's City Council, Ed Suslovic.

Despite the defeat of Katz' bill, Suslovic and other Maine municipal officials say the potential for danger has not faded.

## Nobody's immune

"You can't say anybody's immune anymore," said Suslovic, recalling the June 4 shooting deaths of three Royal Canadian Mounted Police officers and injuries to three others in Moncton, New Brunswick, a province that borders Maine. "I feel it's only a matter of time before we have a mass casualty because of firearms."

In Maine's largest city, Suslovic said he's participated in public meetings to discuss firearms issues where gun-rights activists have turned up with their weapons to make a point. This intimidates other people attending the sessions, in effect choking off the free flow of information, said Suslovic.

"Do you really need to carry a gun to make a point?" Suslovic asked.

Portland City Council has had to bring in undercover police officers at public meetings out of concern violence could erupt, and city staff members have articulated concerns for their safety after confrontations with some people who appeared to be under mental stress, said Suslovic.

"There is no shortage of people with untreated mental illness walking the streets of Portland," said Suslovic.

Suslovic and others with ties to

local government predict that a bill giving towns and cities the option to pass gun control measures, similar to Katz's, will be introduced in the next legislative session – and beyond that if necessary.

"It would be irresponsible not to pursue" that, said Suslovic.

Martin Puckett, speaking as president of the Maine Town, City and County Management Association, sees a contradiction in existing law that allows courts to bar guns, but doesn't give the same authority to municipalities. He noted that towns and cities are similar to courts in that they act in a quasi-judicial fashion on issues that can be highly sensitive.

"Councils and select boards do have to fill a role to formally hear facts and render a decision – similar to a judge in court. It is not uncommon to have a resident retain the services of an attorney to represent them for a permit, license or an appeal," said Puckett. "Some permits and licenses include junkyards, special amusement, pawnbrokers, concealed weapon permits and on-premise consumption of alcoholic beverages.

### **Dangerous buildings**

"One of the most sensitive issues councils and select boards undertake is dealing with dangerous buildings. In dangerous-building proceedings the select board or council acts in a quasi-judicial manner to determine if a building is dangerous and quite often there are individuals living in the building – their homes.

"Firearms are not allowed in courts where judicial decisions are rendered and municipalities are playing a similar role with local issues where safety is also a concern," said Puckett.

"If safety is an issue in the Capitol for the legislators, employees, staff and public to carry out the various legislative functions, I fail to see why it isn't also important for in a select board/council meeting room where elected officials, employees, staff and public perform similar local functions," said Puckett.

"We're asking that we're afforded the same ability to protect ourselves," said Puckett, who works as assistant city manager in Presque Isle.

Puckett and others say gun bans aren't the only approach toward increasing security in town and city halls.

Presque Isle has installed security cameras and "panic buttons" in City Hall that alert law enforcement should an incident arise, said Puckett.

Municipalities have taken steps such as annual evacuation training, adding security cameras, filing of restraining orders and requests to sheriffs or police to be present at specific events. Police have had to escort some individuals from meetings, said Puckett.

Requests to the Maine Town, City and County Management Association by town and city managers for training in response to confrontations and potentially dangerous situations have spiked in the last two or three years, given reports of violence elsewhere, said Puckett.

### **Two people on duty**

In rural Fayette, a policy requires at least two people to be in the town office whenever it's open so no one is left alone, or, as Robinson said, so it isn't staffed like "a clerk in a 24-hour convenience store."

Robinson also believes measures like a "panic button" to signal law enforcement if an incident arises, and protective petitions at public counters, should be considered. He doesn't see gun screening equipment as a necessity in small town halls, but said: "We have to be smart about it. There is uneasiness when you're working in a rural, remote area."

Maine is not the only state where city and town officials have raised concerns about security in municipal offices. But those concerns are largely overwhelmed by demands for laws seen as protections for the rights of gun owners.

In Florida, Fort Lauderdale and other communities sought to overturn a 2011 law allowing the state to fine towns and cities that enforce their own

firearms laws. In a development that's drawn widespread attention, Georgia recently passed a law allowing people to carry guns into government buildings that don't use metal detectors. In Delaware, gun owners have brought their firearms to Newark City Council meetings to highlight a law allowing them to do so.

Kansas has a law that allows concealed weapons in state and municipal buildings, but also allows for exemptions, one of which is a lack of security measures. The Kansas attorney general has posted signage showing the silhouette of a handgun with a circled red slash through it and a message saying that the building is exempt from the law. Still, towns feel pressured to face the expense of installing gun screeners.

A 2011 Wisconsin law allowing the legal open or concealed carrying of weapons permits towns to ban the weapons by using signs, which must be posted prominently. In some states, guns can be barred in municipal buildings if screening or some other form of security is in place.

The debate has taken a different dimension in some states, like West Virginia, where the law allowing the carrying of guns in municipally owned recreation centers where children are present has been a concern. The guns must be stored securely and kept out of view.

In the New England region, Vermont allows the concealed carrying of guns and does not issue concealed weapons permits. It also does not allow municipalities to regulate firearms, although it allows exceptions. Firearms are banned in state buildings.

New Hampshire municipalities are also preempted from passing ordinances that regulate firearms.

About a dozen states do allow guns in their capitols. ■

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# Mosquito-borne diseases: Do you have a plan?

*State expert notes only two Maine towns – Kittery and York – have taken steps to protect animals, employees and the public.*

**By David Struble**, State Entomologist, Maine Department of Agriculture, Conservation and Forestry

State officials charged with tracking mosquito-borne diseases in Maine are warning that the threat of mosquito-borne diseases is on the rise. Despite the fact that municipalities bear primary responsibility for protecting Maine citizens from these diseases, most cities and towns are not prepared for a mosquito-borne disease outbreak. Only Kittery and York have set aside funds to monitor for the two major diseases, West Nile virus (WNV) and eastern equine encephalitis (EEE). These two towns have taken action because they have seen the results of mosquito-borne disease on domestic animals and wildlife.

Even though recent events suggest these diseases are primarily a risk in southern Maine, animals have died from EEE in seven counties and blood samples taken from deer and moose show the viruses are present in all Maine counties.

The first human case of West Nile Virus recorded in Maine occurred in Cumberland County in 2012 and numerous wild bird cases have been documented throughout the state. In 2008, a Massachusetts resident died of EEE that was likely acquired in Maine.

There have been no documented human cases of EEE in Maine residents, but horses, emus, llamas, pheasants and other domestic animals have succumbed to the disease as far north as Stetson and have been recorded in Cumberland, Kennebec, Oxford, Penobscot, Somerset, Waldo and York counties.

What should a town city manager do?

Municipalities should begin planning early, since it often takes time to reach agreement and develop a plan. Here are some action steps that municipal leaders can take as well as some



**Kennebunk public works employee in 2012.** (Submitted photo)

helpful resources;

1. Read the State of Maine Arboviral (Mosquito-Borne) Illness Surveillance, Prevention and Response Plan (see <http://www.maine.gov/dhhs/mecdc/infectious-disease/epi/vector-borne/documents/arbo-plan-2014.PDF> ). The plan explains how the Maine Center for Disease Control (CDC) determines a threat level and what actions towns and cities should be prepared to take.

2. Educate citizens about the threat and the actions they can take to reduce their risk. These include reducing mosquito breeding sites on their property, wearing protective clothing, proper use of insect repellents and staying inside during times of high mosquito activity.

3. Prepare a Response Plan. Stay tuned to reports from the CDC on vector borne disease activity (weekly updates are posted July through September at <http://www.maine.gov/dhhs/mecdc/infectious-disease/epi/vector-borne/arboviral-surveillance>.

[shtml](#)) Maine CDC will notify town managers of any positive EEE or WNV test from that town. A Response Plan should include:

- Communication Strategy: A plan to alert town residents of the increased risk which can be implemented quickly. It might include emails, a bulletin on the town website, notice in the local paper, posters at local venues such as the town hall, library, grocery stores, etc.

- Event Rescheduling Strategy: CDC sometimes recommends avoiding events, such as school sports, at dusk, when the risk from mosquitoes is greatest. Your town should have a plan for when and how this advice will be followed.

- Mosquito Control Strategy: Decide whether your municipality will attempt to reduce adult mosquito populations during a critical disease threat through application of insecticides, or whether citizens prefer to rely on personal protection measures. The federal Centers for Disease Control's

position is that the benefits of controlling mosquitoes during a critical threat exceeds the risks.

4. Prepare an Integrated Pest Management (IPM) Plan for reducing the risk from mosquito-borne diseases. This is a long-range plan and should be reviewed and updated at least annually. The elements of an effective mosquito management plan include:

- Mosquito monitoring and mapping
- Disease surveillance
- Mosquito source reduction
- Use of insecticides—to reduce larval or adult mosquitoes—when conditions dictate
- Public education

Many resources exist to help prepare a plan. They include:

• Xerces Society – How to Help Your Community Create an Effective Mosquito Management Plan. [http://www.xerces.org/wp-content/uploads/2014/04/Effective\\_Mosquito\\_Management\\_Guide-web.pdf](http://www.xerces.org/wp-content/uploads/2014/04/Effective_Mosquito_Management_Guide-web.pdf)

• New York State Dept. of Health Mosquito Borne Illness Surveillance & Response Plan.

[http://www.health.ny.gov/diseases/west\\_nile\\_virus/docs/2012\\_mosquito\\_borne\\_illness\\_surveillance\\_and\\_response\\_plan.pdf](http://www.health.ny.gov/diseases/west_nile_virus/docs/2012_mosquito_borne_illness_surveillance_and_response_plan.pdf)

• The Association of State and Territorial Health Officials report, Public Health Confronts the Mosquito: Developing Sustainable State and Local Mosquito Control Programs. <http://www.astho.org/Display/AssetDisplay.aspx?id=2333>

<http://www.astho.org/Display/AssetDisplay.aspx?id=2333>

• The City of Fort Collins Mosquito Management Program. <http://comosquitocontrol.com/FtCollins.html>

• FY 2009 – 2010 Budget and plan for mosquito and tick borne disease prevention in Kittery. <http://www.kitteryme.gov/Pages/S02444870-02BB4AA1.0/FY10%20Proposal-Tick%20%20Mosquitos.pdf> ■

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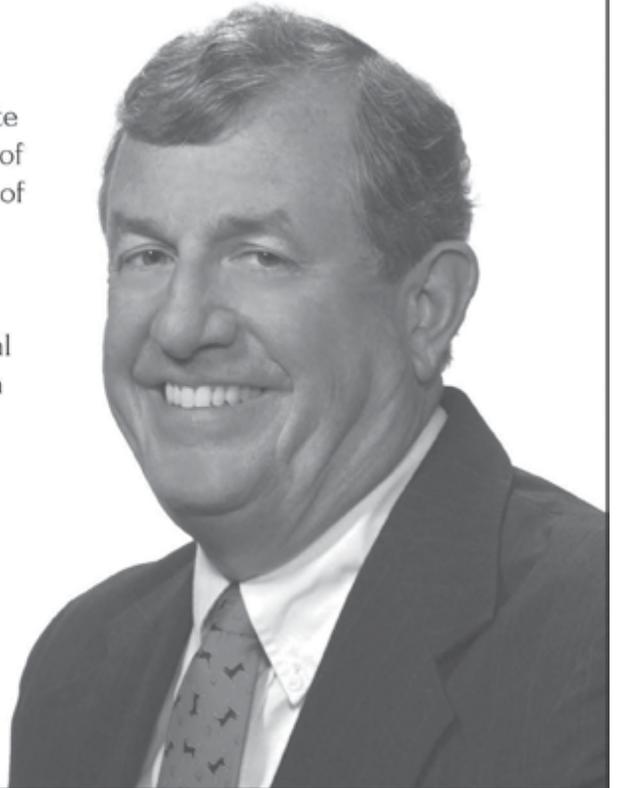
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## Meet our Consultants Don Gerrish

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.

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## Property & Casualty Pool Members – Enhanced Coverage Coming Soon

The MMA Property & Casualty Pool is excited to announce that qualifying Members will soon have the ability to add “Cyber Liability” and “Data Breach Expense” coverage at no additional charge. The Pool takes security of your personal data seriously, and some of you may have noticed that we now send encrypted emails containing sensitive personal data. We do this to protect both of us from a data breach. Even the most security focused organizations can fall victim to a data breach. The most common cause of a cyber event (which is any event that allows for the release of confidential and/or sensitive information) today is not hacking, but human errors that involve confidential information stored outside of your network system and found on laptops, thumb drives, smartphones, etc.

A public entity is a perfect target for a cyber event. Public entities commonly store personally identifiable information, including social security numbers, birth dates, address and driver’s license numbers. They may also store confidential and sensitive personal medical and health information on its citizens and employees.

### Coverage Highlights

#### Cyber Liability - \$1,000,000 aggregate limit

- Protects you from a negligent act resulting from a cyber event.

#### Data Breach Expenses - \$50,000 aggregate limit

- Reimbursement for expenses incurred due to a data breach, including but not limited to forensic services, crisis management, legal aid and credit monitoring.

In order to ensure that you have security measures in place, an application for Cyber Liability will be required prior to this important coverage being added (by endorsement). We have examples of Best Practice security policies available for Members who need assistance. Please watch your mail and/or email for more information. If you have any questions, please contact the Risk Management Department at 1-800-590-5583. ■■

## Dividends Approved

We are pleased to announce that, due to the continued good risk management practices and favorable loss experience of its members, the Board of Trustees of the MMA Workers Compensation Fund and the Board of Directors of the MMA Property and Casualty Pool approved the payment of annual dividends to eligible members of the two programs.

On May 23rd, 2014 the respective Boards of the Property & Casualty Pool and Workers Compensation Fund approved the scheduled distribution of \$1.2 Million in dividends to their members. We look forward to delivering your dividend check later this summer. ■■

## New Maine Driving Dynamics Instructors

Congratulations to Senior Loss Control Consultants Bob Thomas, Lance Lemieux and John Waterbury and to Loss Control Supervisor Ann Schneider who have recently obtained certification from the Bureau of Highway Safety as Maine Driving Dynamics (MDD) Instructors!

The certification process requires observation of a course, completion of an instructor course, co-instruction of a course and instruction under observation. The five-hour interactive MDD course includes discussion of collision avoidance techniques, safety issues, driver habits and attitudes, and the basic elements that constantly challenge drivers on Maine’s highways.

Anyone completing the course will receive a three-point credit on their driving record from the Maine Bureau of Motor Vehicles. Maine Municipal Association’s CEVO III - Fire, Coaching the Emergency Vehicle Operator classroom defensive driver program has also been approved by the Bureau of Highway Safety to receive a three-point driving record credit. This course, in addition to the defensive driving components, includes instruction on Maine law governing rescue and fire apparatus (Title 29-A), apparatus inspection, specific traffic situations, highway vs. rural operation, total stopping distance, driving with lights and sirens, backing, apparatus positioning, responding in personal vehicles and more. This course is five hours, usu-

Story Continued on Page 22

## Managing BYOD

It is common practice these days for employees in every line of business to access work related information such as emails, calendars, contacts and data with their personal devices. As a result, the separation of our work and home lives becomes more complex than ever. Employees increasingly use personal devices, smartphones, tablets, and thumb drives as tools for work to improve productivity and as a matter of convenience, to the point that there's an acronym now for the practice: BYOD, which stands for Bring Your Own Device.



Storing business information on a personal device has many potential benefits but it also creates security risks as well as human resources management implications. Employers should consider the creation of a policy which sets reasonable guidelines for Bring Your Own Device (BYOD). At a minimum, guidelines should recognize and address the following:

### Recognize the Risk

Protect your entity's information. It

is important to assess the exposure and determine what information you need to protect and what information your organization would like to grant employee access and when.

### Ownership

Make sure employees clearly understand that the organization owns the information and if the employee elects to utilize a BYOD then the organization has the right to audit, access and delete the information as necessary. This is especially critical in the event of an employee separation or in a time-critical situation such as a security breach.

### Define Privacy Expectations

When personal information and business data combine, privacy is an issue and a topic to be addressed. Employers may find themselves in a situation which requires them to examine all data on the device, such as in the event of a security breach. As a result, the personal device may need to be retained while it is being examined, thereby limiting or preventing personal access to the device. Therefore, it is important that your employees are aware of the potential practice and they should set their expectations of

privacy accordingly.

### Establish Security Protocols

In order for BYOD to work, organizational security protocols should be incorporated to include BYODs and employees must agree to carry out the security protocols. You may wish to require password protections and encryption to prevent unauthorized access to information. Some organizations have elected to provide data access through a virtual infrastructure solution only. This method allows the employee to use a BYOD to access/view data remotely through pre-established and secured protocols but never permits the downloading and storing the data on employee's device. If data must be stored on the employee's device, employers may want to again consider passwords, encryption and applications to clean the device of data remotely in the event of a potential breach, loss or theft of the device.

### Human Resources Implications

While the security of business information is the primary issue to be addressed within the BYOD policy, one must also recognize the human

Story Continued on Page 21

## ACCIDENT INSURANCE FOR VOLUNTEERS

# July 1, 2014 – June 30, 2015

### REDUCED PREMIUM EFFECTIVE 07/01/2014

Maine Municipal Association Risk Management Services is pleased to announce that the Accident Insurance for Volunteers (AIV) coverage is now available through The Hartford Life Insurance Company at a reduced premium **effective July 1, 2014**. The program provides coverage limits of \$50,000 for accidental medical expenses at a reduced rate of **\$2.25 per volunteer**. Last year 99 members participated in this MMA sponsored program, providing excess medical coverage to 6,149 volunteers.

**If you have any questions with Accident Insurance for Volunteers (AIV) or the Volunteer Firefighter Blanket Accident Program (VFF), please contact Judy Doore**  
jdoore@memun.org or 1-800-590-5583, ext 2255



Maine Municipal Association  
Risk Management Services



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## Welcome New Members

### Property & Casualty Pool

City of Caribou  
City of Eastport  
Town of Fryeburg  
Town of Island Falls  
Town of Lincoln  
Town of Paris  
Windham Economic  
Development Corporation

### Unemployment Compensation Fund

Town of Canton  
Town of Paris  
Presque Isle Utilities District

## What's Going On?



**Online training** – RMS has extended a three year service agreement with FirstNet Learning Inc. to provide online safety and risk management courses to participating members of the Workers Compensation Fund and Property and Casualty Pool. In partnership with FirstNet since the fall of 2004, more than 17,800 users have taken over 105,000 courses. Available on the MMA website, courses are provided at no cost to members of the Fund and Pool. Upgrades to the website are underway, and courses addressing property and liability exposures will be added. The current offering of 50+ courses will be expanded throughout the three year period. Watch the *Risk Manager* for announcements of new courses and if you haven't used it, visit the website to preview courses and the online university <http://www.memun.org/InsuranceServices/RiskManagementServices.aspx>.

**Safety Enhancement Grants** – Maine Municipal Association Risk Management Services continues to reward safety. Since 1999, Risk Management Services has been assisting the safety efforts of participating members of the Workers Compensation Fund through the Safety Enhancement

Grant Program. The Safety Enhancement Grant and Scholarship Grant Programs offer financial incentives to members of the Maine Municipal Association Workers Compensation Fund. Safety Enhancement Grants are used to purchase safety equipment or services that assist in reducing the frequency and severity of workplace injuries. Grants are awarded in May and October each year.

In May, 182 grant applications requesting \$230,276 of grant assistance were received. Following committee review, 124 grants have been funded for a total commitment of \$154,499. Due to the overwhelming success of the program, the number of requests exceeded the ability to fund, so several applicants were asked to resubmit their requests for the September 2014 grant period. As of June 2014, more than \$3.2 million has been committed to participating members of the Workers Compensation Fund for grants and scholarships.

For more information about the Safety Enhancement Grant Program or Scholarship Grant Program call (207) 626-5583 or visit our website at <http://www.memun.org/InsuranceServices/GrantsScholarships.aspx>.

## Managing BYOD (cont'd)

components that will impact your Human Resources Department. Keep in mind that the Fair Labor Standards Act (FLSA) establishes rules that entitle non-exempt (or “hourly”) employees to compensation for all time worked. Some employees may find it difficult to resist the temptation of using their personal device on work-related activities after hours. When employees have personal devices with them outside the workplace, they may read and respond to work emails and phone calls during non-working hours. Make sure your BYOD policy includes a method to properly record and compensate employees for this time, or you may wish to design the policy to restrict the use of personal devices by non-exempt employees. BYOD issues should also be included as part of your “Exit Procedures” to ensure exiting employees do not inadvertently or intentionally keep business information on their devices.

The use of BYODs is probably occurring within your organization regardless of whether or not your organization has officially approved the practice. Developing and implementing a BYOD policy will ensure data security and ensure that employees know their responsibilities and the parameters of reasonable use. BYOD policies also provide managers the means to access information held on employee owned devices when needed. Develop a BYOD policy, utilize the expertise of your attorney to make it relevant and compliant with FLSA, and then clearly communicate it to all employees. ■



### The Municipal Risk Manager

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

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

## Driving Dynamics *(cont'd)*

ally presented in two sessions.

For participating members of the MMA Workers Compensation Fund or the MMA Property and Casualty Pool, the MDD and CEVO III-Fire courses are provided at no cost through RMS Loss Control Services. Courses will be offered periodically on a regionalized basis and CEVO-III may be hosted by an individual fire

department. A minimum class size of twenty-five is desired.

To express interest in these and other defensive driving training courses, or to obtain more information about improving driver awareness to reduce motor vehicle injuries, fatalities and their resultant high cost, contact your assigned Loss Control Consultant or the RMS Loss Control Department at (207) 626-5583. ■



*John Waterbury, Lance Lemieux, Ann Schneider and Bob Thomas*

## Be a HERO

In order for our members to more easily and effectively handle their workers compensation claims, the MMA WC Fund has created the HERO program. The HERO (Helping Employees Recover Occupationally) program is designed to educate the members of the WC Fund on the basics of workers compensation. This presentation allows members to become more familiar with the frequently used workers compensation board forms, such as the first report of injury, wage statement, memorandum of payment, discontinuance and notice of controversy. It also provides guidance on the timeframes implemented by the Workers Compensation Board for filings of incapacity and forms, so to avoid reporting violations and penalties.

Additional topics discussed in the HERO presentation are utilizing your preferred provider and accommodating light duty. We strongly believe that, if an injured employee is brought

back to work under modified duties, it will help speed recovery, maintain productivity and decrease claim costs.

If interested in scheduling a training session, please contact your adjuster. Be a HERO today! ■

MMA Risk Management Services  
**Top 10 Steps to REDUCE Your Workers' Compensation COSTS**

1. Commitment of Management and Leadership.
2. Establish a Safety Committee - involve your employees.
3. Establish written Safety Programs, Policies and Procedures.
4. Support Employee training and encourage safety awareness.
5. Provide the right "tools" for the job.
6. Control hazards and exposures through inspections with corrective actions. Do internal accident investigations.
7. Obtain Certificates of Insurance that list your entity as Additional Insured when using contractors.
8. Support Injury Management:
  - Timely reporting
  - Use Preferred providers
  - Use Transitional Return to Work
9. Understand your Experience Mod and its impact on your entity.
10. Commit, cooperate, and communicate with RMS!

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## Time out for Training at the 23rd Annual Highway Congress

Risk Management Services again supported the Annual Highway Congress held June 5th at the Skowhegan Fairgrounds. The "Time Out for Training" booth has become a fixture at the Highway Congress and provides our loss control staff an opportunity to visit with many of our members and with vendors in a casual setting.

In conjunction with an OSHA Safety Stand-Down, June 2-6, our booth was part of a national effort to prevent fall injuries. The purpose of the Stand-Down is to raise awareness of preventing fall hazards in construction. Falls are a significant cause of workers compensation losses for the MMA Workers Compensation Fund and a leading cause of workplace fatalities nationally. Approximately 25% of these fatalities happened at heights of 10 feet or less. The booth featured displays, provided handouts and asked visitors to conduct an inspection of a stepladder.

More than 191 persons visited the booth, inspected the ladders and registered to win a Werner 6-foot, ANSI type 1A, stepladder. Winner of the raffle was Bruce Smith, Dexter Highway Department. ■



*John Waterbury, Senior Loss Control Consultant, provides safety training on fall protection and ladder safety.*

# Keeping Maine's drinking water safe is priority one

*The Maine CDC responds to a Maine Townsman article, published in May, warning that worms can enter drinking water tanks.*

**By Roger Crouse, Director, Maine Drinking Water Program, Maine Center for Disease Control & Prevention**

December 2014 marks the 40<sup>th</sup> anniversary of the federal Safe Drinking Water Act. This landmark legislation created national standards for drinking water quality for the protection of public health. In 1986 and 1996, Congress passed amendments to strengthen the legislation and further reduce the risk of diseases caused by contaminated drinking water.

In May 2014, the State of Maine Department of Health and Human Services (DHHS), along with public water systems across Maine, observed National Drinking Water Week. Included in this observance was a celebration of the investment of \$200 million in public water system infrastructure improvements since 1997.

Public water system compliance rates demonstrate that water served by public water systems in Maine is safer than ever. More Mainers get their drinking water from public water systems than in the past, and these consumers may drink this water with greater confidence due to significant improvements in protective measures that safeguard the quality and of our water systems.

The quest to strengthen public health protection through safer drinking water is constant. Therefore, many members of the drinking water industry expressed surprise and dismay over the May 2014 Maine Townsman article, "Can Worms Enter Drinking Water Tanks?" which suggested that consumers of public drinking water are at risk of ingesting a variety of dangerous mi-

croorganisms including roundworms, flatworms and tapeworms.

The author did a good job in describing the many organisms in our environment which can make us sick (although some of the worms mentioned do not live in Maine). However, she failed to recognize the complex and multilayered barrier system that is used to protect us from those organisms and maintain a safe supply of drinking water from the tap. It is also worth noting, for clarity, that the multiple cases of *Ascaris* infection reported in Maine between 2010 and 2013 were associated with pig farming practices and not related to a drinking water contamination event.

## History lesson

To give some historical perspective, at the end of the 19<sup>th</sup> Century, the continued industrialization of our cities required a water distribution system to protect communities from the risk of fires. These distribution systems also provided water directly to homes and businesses for cleaning and consumption. Because people failed to understand the health risks associated with drinking contaminated water, many drinking water sources provided water from the same water bodies contaminated with human and industrial waste. Consequently, in the early 1900s, many populations suffered from cholera and typhoid outbreaks from drinking water contaminated by human waste.

As people better understood the linkage between these outbreaks and the contaminated water, they took steps to reduce that risk by finding sources of water with less human activity nearby. Many communities adopted strict limitations on the activities which

could occur near or on the water bodies. The foresight of these early pioneers in public health protection continues to benefit many of the public water systems today.

Communities unable to find alternative water sources began installing water treatment systems to remove disease causing organisms and chemicals. As our knowledge of public health, science, engineering and technology increased over the decades, so, too, has the safety of our drinking water. The multi-layered system which ex-



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**Roger Crouse** is the director of the Maine Drinking Water Program, Maine Center for Disease Control and Prevention, Department of Health and Human Services, in Augusta. He can be reached at: 207-287-5684 or [roger.crouse@maine.gov](mailto:roger.crouse@maine.gov).

ists to protect public health includes licensed water operators, source water protection, ongoing and routine water testing, water treatment systems and regulatory oversight.

All municipal water systems must retain appropriately trained and licensed water operators in responsible charge of their water system to monitor the quality and quantity of drinking water served. These men and women are responsible for assuring appropriate water testing occurs and infrastructure is maintained and replaced as needed. Twenty-four hours per day, 365 days per year, water professionals work to ensure that the drinking water delivered to your tap is as safe as possible.

The old adage, "An ounce of prevention is worth a pound of cure," also applies to the protection of drinking water. The best way to reduce risk of waterborne illnesses is to reduce the risk of contamination entering the water in the first place. Many public water systems have worked with their municipalities to reduce human activity near public water sources through the adoption of local ordinances. Continued vigilance in this area will provide public health protection as well as minimizing water rate increases.

### Importance of testing

Ongoing and routine water testing helps water system operators and other water suppliers know whether contamination entered a water system. Additional frequent water quality testing also indicates whether the water treatment equipment is functioning properly or not. The ability to detect changes in water quality helps water operators identify issues early before the issue becomes a significant health risk. Water systems with sources of supply that have or are susceptible to contamination are required to have one or more treatment processes to ensure the water quality meets acceptable standards. Engineering and technical standards continue to improve so as to make these treatment systems more reliable and effective. Additionally, all water storage tanks are covered. Regular inspection and maintenance includes assuring vents and overflows are properly screened to prevent insects and other animals from entering.

Staff at the Maine CDC Drinking Water Program, an agency of the De-

partment of Health and Human Services, is responsible for the administration of the Safe Drinking Water Act in Maine. Their work includes routine inspection of water systems facilities (including water storage tanks), review of all water quality sample results, education, training and technical assistance to public water systems, and funding for planning design and construction of water system improvements.

The improved safety and reliability of public water systems in Maine and across the nation is the result of the many facets of the water "system" working together; each component supporting the others in the goal of protecting public health.

The failure to appropriately maintain your water storage tank or other pieces of drinking water infrastructure can increase the risk of illness associated with microorganisms in the environment. Hiring a qualified

professional to assist you with this work can in many cases be money well spent. However, the decisions affecting where to spend your valuable resources should be based upon actual risks rather than sensational news articles.

Despite the fantastic progress to protect public health that has occurred, there is still more that needs to be done. The U.S. Environmental Protection Agency estimates the infrastructure replacement need for public water systems in Maine is \$1.2 billion over the next 20 years. Public water systems will need to make important financial investments to ensure the continued safety and reliability of the drinking water delivered to your tap. We encourage all communities to work closely with water system personnel to ensure local policy decisions further the efforts to protect public health through the delivery of safe drinking water. ■

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**DON'T MISS THESE SPECIAL FEATURES & EVENTS!**

# 2014 MMA Convention

## October 1-2, 2014

### Augusta Civic Center, Augusta, ME



### Keynote – Peter Kageyama

#### For the Love of Cities

**Wednesday, October 1 – 9:00-10:15 a.m.**

Our special guest is Peter Kageyama, a renowned economic and community-development expert who co-founded the first Creative Cities Summit in Florida in 2004 – and has been off and running, literally around the world, ever since.

An internationally recognized expert on community development and grassroots engagement and author of the book, *For the Love of Cities*, Peter will help you explore in detail the value of emotional engagement with our smallest towns and largest cities, how that connection is created and nurtured and how it can be turned into a development resource.



### Leading at the Speed of Change

**Thursday, October 2 – 9:00 – 10:20 a.m. – FEATURED SPEAKER**

Our special guest is Roselyn Connor, a Chicago-based consultant, Northwestern University professor, author and – ready for this? – college-educated Astrophysicist and expert in Russian. Yes, she’s a rocket scientist.

Connor, who has worked with more than 70 police and fire departments over the years, as well as many schools, hospitals and businesses, will show municipal officials at all levels how to handle change with finesse and ease. Attendees will learn to confront situations and to modify approaches to keep ahead of the inevitable changes within and affecting any organization.



### Showing Some Heart: Top Management Tips

**Wednesday, October 1 – 1:30-2:30 p.m.**

Continuing the 2014 Convention’s theme (“The Heart of the Matter”) two veteran municipal managers relate their experiences with citizens, employees and elected officials. Municipal officials at all levels need to respect one another’s roles, they say. And the best leaders listen to all sides, and even empathize with them, before major decisions are made.

James Bennett, City Manager, Presque Isle and incoming President, International City/County Management Association; Ruth Cushman, Retired Manager, Town of Jay, MTCMA Ambassador.



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# 2014 MMA Convention General Sessions & Events *(preliminary)*

## Wednesday, October 1, 2014

### 7:30 a.m. Registration Begins

### 7:30 – 10:30 a.m. Continental Breakfast

### 9:00 – 10:15 a.m. WELCOME AND KEYNOTE SPEAKER

#### **Peter Kageyama – For the Love of Cities**

Our special guest is **Peter Kageyama**, a renowned economic and community-development expert who co-founded the first Creative Cities Summit in Florida in 2004 – and has been off and running, literally around the world, ever since.

An internationally recognized expert on community development and grassroots engagement and author of the book, *For the Love of Cities*, Peter will help you explore in detail the value of emotional engagement with our smallest towns and largest cities, how that connection is created and nurtured and how it can be turned into a development resource for places.

*Certification: Valid for 1.25 MTCMA Certification Credits in the following categories: Leadership, Elected Relations, Finance/Budget.*

### 10:15 – 10:30 a.m. Break/Visit with Exhibitors

### 10:30 – 11:45 a.m. Concurrent Sessions

#### **Lessons from the Penn State Scandal**

Sometimes, valuable lessons arise from terrible circumstances. Many of us know about the child-molestation scandal that embroiled a fine university and revered football program at Penn State in 2012. This workshop will examine how the allegations, horrific as they were, could have been handled at the onset and what liability lessons were learned in the aftermath.

*Presenter:* Peter Lowe, Attorney, Brann & Isaacson, Lewiston.

*Certification: Valid for 1.25 MTCMA Certification Credits in the following categories: Leadership, Legal, Human Resources.*

#### **The Future of Solid Waste in Maine**

Over the last two years the Legislature has examined how best to address a significant financial issue facing Maine's waste-to-energy facilities due to expiring federal electricity subsidies, while also assessing Maine's overall solid waste management plan. The enacted legislation, LD 1483, directed Maine's Department of Environmental Protection to promulgate rules in support of Maine's Solid Waste Hierarchy. The new law was widely viewed as a step in the right direction but also a step short of plugging the looming financial gap. The Legislature is expected to revisit this issue in 2015, and input from municipal officials is being sought. To that end this panel will review the results of a 2014 solid waste survey co-designed by MMA and MRRA, allowing ample time to start a dialogue that will continue at the MRRA affiliate session on Day 2.

*Presenters:* George MacDonald, Director, Division of Sustainability, Maine Department of Environmental Protection; Hon. Tom Saviello, Senate Ranking Member, Maine Legislature's Environment and Natural Resources Committee; Hon. Joan Welsh, House Chair, Maine Legislature's Environment and Natural Resources Committee; Victor Horton, Executive Director, Maine Resource and Recover Association; Garrett Corbin, Legislative Advocate, State and Federal Relations, Maine Municipal Association.

*Moderator:* Geoffrey Herman, Director, State and Federal Relations, MMA.

#### **The Maine Military & Community Network**

Municipalities are uniquely positioned to welcome home veterans who serve their country overseas and to tap the vocational and leadership experience

that veterans accumulate while on deployment. Here's what your community can do to help.

*Presenters:* SFC Nathaniel Grace, Community Liaison, Maine Military and Community Services, Maine National Guard; COL Andrew Gibson, Chaplain, Maine Military and Community Services, Maine National Guard.

### 11:45 a.m. – Noon Break/Visit with Exhibitors

### Noon – 1:30 p.m. Awards Luncheon

### 1:30 – 4:00 p.m. Wellness Fair

### 1:30 – 2:30 p.m. Concurrent Sessions

#### **MMA Annual Business Meeting**

Please join us as President Peter Nielsen, Vice President Michelle Beal and Executive Director Christopher Lockwood shed light on MMA's upcoming priorities and issues that arose in 2014, including the high-profile campaign to preserve \$60 million in state revenue-sharing funds.

#### **Showing Some Heart: Top Management Tips**

Continuing the 2014 Convention's theme ("The Heart of the Matter") two veteran municipal managers relate their experiences with citizens, employees and elected officials. Municipal officials at all levels need to respect one another's roles, they say. And the best leaders listen to all sides, and even empathize with them, before major decisions are made.

*Presenters:* James Bennett, City Manager, Presque Isle and President, International City/County Management Association; Ruth Cushman, Retired Manager, Town of Jay, MTCMA Ambassador.

*Certification: Valid for 1.00 MTCMA Certification Credits in the following categories: Leadership, Ethics, Elected Relations, Human Resources.*

#### **Keeping Up With Cemetery Maintenance**

Taking into consideration the thousands of historic cemeteries that dot Maine's landscape, the charge to maintain the grounds and graves and monuments within can be a daunting task. In this session, participants will learn how municipalities, cemetery associations and restoration professionals work collaboratively in the process of preserving these important artifacts.

*Presenters:* Helen Shaw, Legislative Liaison, Maine Old Cemetery Association; Thomas Stevens, Owner, Thomas A. Stevens Cemetery Restorations; Matt Lutkus, Manager, Town of Damariscotta.

*Moderator:* Kate Dufour, Senior Advocate, State & Federal Relations, Maine Municipal Association.

### 2:30 – 2:45 p.m. Break/Visit with Exhibitors

### 2:45 – 4:00 p.m. Concurrent Sessions

#### **Maine's Economy: What Lies Ahead?**

We all know that the national and state economies directly impact the vibrancy of our communities and the availability of public funds, which affects municipal services. The hard part is trying to foretell economic trends and lining up the people and skills needed to prepare for the future. This panel of experts offers its insight.

*Presenters:* Jim Damicis, Senior Vice President, Camoin Associates, Portland; Charles Colgan, Professor of Public Policy and Management, Muskie School of Public Service, University of Southern Maine; John Dorrer, Director, Labor

## Wednesday, October 1, 2014

Market and Workforce Research, Jobs For the Future, Boston.

*Moderator:* Geoff Herman, Director of State & Federal Relations, Maine Municipal Association.

### **GASB 68: Public Retirement Costs, Important Rules**

The federal government changes things and many employers adjust. In this case, the Governmental Accounting Standards Board has required state and local governments to change the ways that they calculate employee retirement costs. This panel will explain the changes and tell town and city officials how to implement the changes – and what they mean.

*Presenters:* Sandy Matheson, Executive Director, Maine PERS; Stephanie Fecteau and Sherry Vandrell, Maine PERS.

*Moderator:* David Barrett, Director of Personnel Services & Labor Relations, Maine Municipal Association.

### **Promise, Challenges of Municipal Collaboration**

Collaboration. Consolidation. Regionalization. Teamwork. Call it what you want, but Maine is full of examples of municipalities working together – and deciding when not to. This session will examine examples of successful collaborative efforts, some that were explored and shelved or modified – and the lessons learned along the way.

*Presenters:* The Hon. Thom Harnett, Mayor, City of Gardiner; Scott Morelli, Manager, City of Gardiner; Matthew Pineo, Manager, Town of Brownville.

*Certification:* Valid for 1.25 MTCMA Certification Credits in the following categories: Leadership, Legal, Finance/Budget.

### **4:00 – 5:30 p.m. Member Appreciation Reception**

UMA Jazz Band

## Thursday, October 2, 2014

### **7:30 a.m. Registration Begins**

### **7:30 – 9:15 a.m. Breakfast Buffet**

### **8:00 a.m. – Noon Wellness Fair**

### **9:00 – 10:20 a.m. FEATURED SPEAKER**

#### **Roselyn Connor – Leading at the Speed of Change**

Our guest is Roselyn Connor, a Chicago-based consultant, Northwestern University professor, author and – ready for this? – college-educated Astrophysicist. That's right, she's a rocket scientist.

Connor, who has worked with more than 70 police and fire departments over the years, as well as many schools, hospitals and businesses, will show us how to handle change with finesse and ease – if we are viewed as being strongly aware. Attendees will learn to confront changing situations and to modify approaches to keep ahead of the inevitable changes within and affecting any organization.

*Certification:* Valid for 1.00 MTCMA Certification Credits in the following categories: Leadership, Human Resources.

#### **Bond Reporting: Follow-Up Requirements**

Whether and when to issue municipal bonds are major decisions that many municipal officials will face. The decisions can affect a community's economic vitality, infrastructure and, of course, the town's or city's bottom line. Mandatory follow-up requirements can be overlooked, however, and they've changed recently.

*Presenters:* E. William Stockmeyer, Attorney, Drummond Woodsum, Portland; Gregory Im, Attorney, Drummond Woodsum.

### **10:20 – 10:30 a.m. Break/Visit with Exhibitors**

### **10:30 – 11:45 a.m. Concurrent Sessions**

#### **Quebec & Maine: Linking Up for Rail Safety**

*(Co-sponsored by the Maine Fire Chiefs Association)*

There may be no more pressing topic in the U.S. and Canada than rail safety, after the 2013 tragedy in Lac-Mégantic, Quebec raised awareness of this critical issue. Our international panel will explore the current state of rail safety and what Maine and its cross-border colleagues can do to increase vigilance and improve safety.

*Presenters:* The Hon. Colette Roy-Laroche, Mayor, Lac-Mégantic, Quebec; the Hon. Vicki May Hamm, Mayor, Magog, Quebec; Peter Nielsen, President, MMA and Manager, Town of Oakland.

#### **Strategic Implications: A Lean-Thinking Municipal Workforce**

This session will review several examples of municipalities that have trained employees to apply Lean Enterprise principles of process improvement, and the result strategic advantages. Learn the internal and external organizational benefits that come from creating lean environment in your municipality.

*Presenter:* Keith Gilpatrick, Co-Founder and Senior Vice President, Back in the Game, Camden, and co-author of the book, "The Elusive Lean Enterprise."

#### **Effective Meeting Facilitation**

Are your meetings forced, stiff, dull or indecisive? Worse yet, did you just answer "all of the above?" This workshop focuses on how to lead and guide effective meetings, a developable skill that can make a major difference to your town, city or municipal department.

*Presenter:* Merlene Sanborn, Assistant Dean of Graduate and Continuing Studies, Thomas College, Waterville.

*Certification:* Valid for 1.25 MTCMA Certification Credits in the following categories: Leadership, Elected Relations, Human Resources.

#### **MMA Legislative Policy Committee**

The newly established LPC will meet at this time at the MMA Conference Center, to the rear and across the lot from the Augusta Civic Center.

### **11:45 – Noon Break/Visit with Exhibitors**

### **Noon – 1:30 p.m. Networking Luncheon**

### **1:30 – 2:00 p.m. Dessert Social/Grand Prize and Exhibitor Prize Giveaways – Exhibit Hall**

### **2:00 – 3:00 p.m. Concurrent Sessions**

#### **Overseeing Natural Gas & Other Private Sector Projects**

This workshop will address critical issues for officials to consider or reconsider about natural gas and other major infrastructure projects within municipal boundaries. Appointed and elected officials will come away with important information about natural gas and other projects, as well as gain an understanding of regulatory and public safety issues.

*Presenters:* Shana Cook Mueller, Attorney, Bernstein Shur, Portland; Philip Saucier, Attorney, Bernstein Shur.

#### **Marijuana: First Responder Challenges**

Things used to be so easy. When police or fire-rescue personnel arrived on a

# Thursday, October 2, 2014

scene and found marijuana present, it was a possible crime scene. Now, with medical marijuana cards and legal possession of small amounts of marijuana in Portland, more discretion is required. Come here to learn more.

*Presenters:* Kenneth Albert, RN, Esq., Director, Division of Licensing and Regulatory Services, Department of Health and Human Services, State of Maine; Marietta D'Agostino, Program Manager, Maine Medical Use of Marijuana Program, State of Maine.

## Evaluating Municipal Managers

One of the most important things that many elected officials do – if it isn't the most important – is evaluate the municipal manager. This session underscores the importance of the position and gives valuable insight regarding what to include, and what not to include, in managers' evaluations.

*Presenter:* Rick Dacri, Dacri & Associates, Kennebunkport.

*Certification:* Valid for 1.00 MTCMA Certification Credits in the following categories: *Elected Relations, Human Resources.*

## 3:00 – 4:00 p.m. Ask the Experts: Interactive Discussions

### Updating the Affordable Care Act

The more things change, the more things – *change?* Since its passage in 2010, the federal Affordable Care Act has raised many questions as well as it has

offered promise. Come and hear the latest about the Act, its details and how it affects municipal employers.

*Presenters:* Stephen Gove, Deputy Director, Maine Municipal Association; Anne Wright, Deputy Director, Maine Municipal Employees Health Trust.

*Certification:* Valid for 1.00 MTCMA Certification Credits in the following categories: *Finance/Budget, Human Resources.*

## Right to Know

Attorneys from MMA's Legal Services Department offer Right to Know training that is required for both elected officials and municipally appointed Public Access Officers.

*Presenters:* Bill Livengood, Director, Legal Services, MMA; Richard Flewelling, Assistant Director, Legal Services, MMA

## Social Media Dos & Don'ts

This workshop will provide valuable information to help towns and cities plan for and implement a social media strategy. The discussion will include a sample policy, potential benefits and concerns, a review of key laws and "lessons learned" from one community.

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

# Affiliate Association Programs

## Maine Association of Assessing Officers (MAAO)

*Wednesday, October 1*

### 10:30 – 11:45 a.m.: Using GIS to Update Wetlands Maps (co-sponsored with MCIAAO)

This session will focus on and discuss the categories of wetlands, how to identify them on GIS maps and will provide information about some of the valuation considerations.

*Presenter:* David Sawyer, CMA, Assessor, Town of Windham.

*Certification:* This session approved for 1.5 CMA/CAT recertification credit through Maine Revenue Services.

## Maine Association of Local Emergency Managers (MALEM)

*Wednesday, October 1*

### 2:45 – 4:00 p.m.: Local Responsibility for Emergency Management

State statute identifies certain authorities and responsibilities for municipal governments regarding emergency management. This session explores and describes these responsibilities.

*Presenter:* Dale Rowley, EMA Director, Waldo County.

## Maine Association of Planners (MAP)

*Thursday, October 2*

### 10:30 – 11:45 a.m.: Writing the Most Complete RFP

Do you get responses to your RFPs from people that are not qualified, have to publish a lot of addendums to your RFPs, have difficulties negotiating contracts with the firm who wins the bid, have cost overruns or add-on services from the project? Are you new to RFP writing or need a refresher? Then this session is for you! Come hear from the people that respond to your RFP to get their perspectives on replying to RFPs. They will discuss what

they need in an RFP to best respond to your service needs. Learn the basic format of an RFP to take back to your office as a template.

*Presenters:* Anne Krieg, AICP, Town of Bridgton Planning & Development (Session Moderator); Beth Della Valle, AICP, Planning Consultant; Stephen Bradstreet, Ransom Engineers; Dick Spencer, Esq., Drummond Woodsum.

## Maine Building Officials & Inspectors Association (MBOIA)

*Thursday, October 2*

### 10:30 – 11:45 a.m.: Maine's Requirements for Erosion and Sediment Control

This presentation will discuss why the use of soil erosion control practices is important, the laws and regulations that require it, and some of the more common practices that are employed to meet regulatory requirements. It will further discuss the State's certification program in erosion control practices.

*Presenter:* Bill LaFlamme, Coordinator, Nonpoint Source Training and Resource Center, Maine Department of Environmental Protection, State of Maine.

## Maine Chapter of American Public Works Association

*Thursday, October 2*

### 8:30 – 8:45 a.m.: Opening Remarks and Election of Officers

*Presenter:* MCAPWA President, Rob Pontau

*(pre-registration required)*

### 8:45 – 9:30 a.m.: "Need to Know" ADA Regulations for Public Right of Way and Sidewalks

This presentation will focus on ADA requirements for state, county and local governments to ensure persons with disabilities have access to the pedestrian routes in the public right of way.

*Presenter:* TBD

# Affiliate Association Programs

9:30 – 11:45 a.m.: TBD

Noon: Luncheon at the Augusta Elks Lodge

## Maine Chapter International Association of Assessing Officers (Maine Chapter IAAO)

Wednesday, October 1

### 10:30 – 11:45 a.m.: Using GIS to Update Wetlands Maps (co-sponsored with MAAO)

This session will focus on and discuss the categories of wetlands, how to identify them on GIS maps and will provide information about some of the valuation considerations.

Presenter: David Sawyer, CMA, Assessor, Town of Windham.

Certification: This session approved for 1.5 CMA/CAT recertification credit through Maine Revenue Services.

## Maine Fire Chiefs' Association (MFCA)

Wednesday, October 1

### 10:30 – 11:45 a.m.: MFCA Annual Membership Meeting & Presentation of the Maine Fire Chief of the Year Award.

### 1:30 – 4:00 p.m.: The Impact of the ACA on Fire-Based EMS Organizations

This session will focus on sharing information from the IAFC EMS Conference on how the Affordable Care Act will change the way EMS service is provided, including how fire service will be compensated for providing it.

Presenter: Mike Thurlow, Fire Chief, Town of Scarborough.

Thursday, October 2

### 2:00 – 4:00 p.m.: Handling Transportation Emergencies Involving Flammable Liquids

This session will include an overview of current statewide mutual aid agreements, resources available and the integration with Maine Emergency Management Agency and trained responders from around the state in handling transportation emergencies. There will be a review of the modes of transportation common throughout the state to include trucks, trains and ships in Maine's harbors. Ethanol response will also be discussed which is a large concern for both fire service and environmental agencies due to environmental contamination.

Presenters: Panel discussion with members of the MFCA and Maine Emergency Management Agency

Certification: MFCA sessions approved for MFCA Chief Fire Officer Certification Program.

## Maine Local Government Human Resources Association (MLGHRA)

Wednesday, October 1

### 10:30 – 11:45 a.m.: Creative Ways to Control Health Care Costs

This session will focus on different and creative ways that Maine municipalities have been controlling healthcare costs including wellness programs, plan designs, HRAs & FSAs and disease management. Participants will be encouraged to share others ways they have been tackling this very important topic – to help both their employees and their budget.

Presenters: Don Brewer, Human Resources Director, City of South Portland; Kristy Gould, Human Resources Director, City of Augusta; Betsy Oulton,

Human Resources Manager, Kittery School Department and Town of Kittery; Stephanie Weaver, Personnel Officer, City of Saco. HRCI Credits pending.

### 12:30 – 1:30 p.m.: MLGHRA Annual Meeting

### 1:30 – 2:30 p.m.: MMEHT Administrative Workshop

This presentation is geared towards those employer groups participating in the Maine Municipal Employees Health Trust. It is a brief overview of how to handle the administrative functions that offering employee benefits from the Health Trust entails. It will cover enrollments, terminations, and life changes; the forms required for each and the timeframes for submission to the Health Trust. Also discussed will be: how to determine benefit effective dates, the retirement process, COBRA Administration and the Health Trust billing process.

Presenter: Linda Mack, Enrollment and Data Services Manager, Maine Municipal Employees Health Trust.

## Maine Municipal Tax Collectors' and Treasurers' Association (MMTCTA)

Wednesday, October 1

### 10:30 – 11:45 a.m.: Violence in the Workplace

The presentation begins with an overview of workplace violence. We will go over behaviors of concern and other possible indicators that may suggest the potential for future violence. Focus will be on awareness and action to be taken in order to prevent violence. The second half of the presentation deals with reacting to an active threat event. We will continue with the theme of being aware of dangers and developing a survival mindset. Different options for responding to an active event will be discussed, including what to expect from police when they arrive.

Presenter: Sgt. Jim Buckley, Bangor Special Response Team, Member of Bangor Bomb Team

Certification: The MMTCTA will allow attendance at MMTCTA co-sponsored events at the Maine Municipal Association Annual Convention to be used towards certification under the heading of "optional courses." Please refer to the MMTCTA Certification application for the number of points that will be allowed.

## Maine Resource Recovery Association (MRRA)

Wednesday, October 1

### 1:30 – 2:30 p.m.: Have Your Say: Improving State Support for Municipal Solid Waste Management

MRRA will facilitate this session to solicit your ideas and formulate municipal input for the 127th Legislature as they consider changes to the State's solid waste policies & laws. These changes will happen with or without municipal input, and it is MRRA's goal to identify changes that would benefit municipal programs by enhancing recycling programs and reducing cost.

Presenters: MRRA Representatives TBA

## Maine Service Center Coalition (MSCC)

Thursday, October 2

### Noon – 1:30 p.m.: Board Luncheon

## Maine Town, City & County Management Association (MTCMA)

MTCMA Certification: See general sessions for programs and sessions that offer MTCMA Certification points.

# Affiliate Association Programs

## **Maine Town & City Clerks' Association (MTCCA)**

**Wednesday, October 1**

### **10:30 – 11:45 a.m.: Elections Update from the SOS Office**

*Presenter:* Julie Flynn, Deputy Secretary of State, Secretary of State's Office, State of Maine

### **1:30 – 2:00 p.m.: Update from Inland Fisheries and Wildlife**

*Presenter:* Chandler Woodcock, Commissioner, Inland Fisheries and Wildlife, State of Maine

### **2:00 – 2:30 p.m.: Update from the Office of Vital Records**

*Presenter:* Roberta Fogg, Deputy State Registrar, Data Research and Vital Statistics, Vital Records Office, State of Maine.

### **2:45 – 4:00 p.m.: I've Had it Up to Here! Staying Positive When Things Get Tough**

Municipal Clerks face many challenges. Some are internal, such as keeping up motivation when the going gets tough. Others are external, such as handling difficult people and situations. In this session, Janet will share how to increase personal optimism as well as the positivity in the work environment. This session will explore the research in positivity as well as hands-on ways to increase optimism, stop the worry, get a new perspective on difficult people and discover personal strengths. Attendees will walk away with practical tools that can be used immediately personally and professionally.

*Presenter:* Janet Edmundson, M.Ed., President & CEO, JME Insights, sPeak Performance, author of *Finding Meaning with Charles*

*Certification:* Attendance at the MMA Convention is valid for 2 optional points for MTCCA Certification.

## **Maine Welfare Directors' Association (MWDA)**

**Thursday, October 2**

### **9:00 – 9:15 a.m.: MWDA Business Meeting**

### **9:15 – 9:45 a.m.: Dave's Corner – What's Happening in General Assistance?**

*Presenters:* Dave MacLean, GA Program Manager, DHHS, State of Maine & Staff

### **9:45 – 10:30 a.m.: DHHS Programs and How They Can Work for You**

*Presenters:* Dave MacLean, GA Program Manager, DHHS, State of Maine & Staff

### **10:30 – 11:00 a.m.: Disability Advocates – Helping You and Your Client Through the Process**

*Presenters:* Dave MacLean, GA Program Manager, DHHS, State of Maine & Staff

### **11:00 – 11:45 a.m.: Property Tax Fairness Credit**

*Presenters:* Staff from Maine Revenue Services

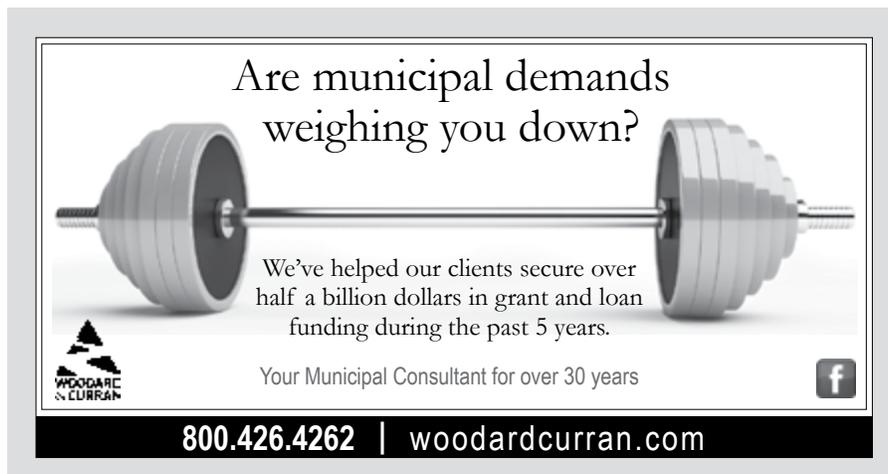
## Overnight Accommodations

There is a Room Block at the BEST WESTERN PLUS Augusta Civic Center Inn, Augusta, ME. 110 Community Drive, Augusta, ME 04330, (207) 622-4751 / FAX (207) 622-3108, info@augustaciviccenterinn.com

Rate: \$72.00/night (All prices are subject to Maine State Occupancy Tax – current rate is 8%) Check-in time is 2 p.m. Check-out time is 12 noon

\*\*All the reservations must be received at least two (2) weeks prior to your arrival date in order to insure availability. Registrations made after Tuesday, September 16, 2014 will be made on a space available basis.\*\*

If requesting tax exemption, you will be asked to provide your tax exemption certificate and municipal payment (municipal credit card or check) at the time of check-in.



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# Attendee Registration Form

**MMA Convention – Augusta Civic Center – October 1 & 2, 2014**

**One registrant per form (please photocopy for additional registrations)**

BILLING INFORMATION:	NAME BADGE INFORMATION: <small>*Name badge will read as indicated here.</small>
Full Name: _____	First Name: _____
Employer: _____	Last Name: _____
Billing Address: _____	Primary Title: _____ <small>(Please list one)</small>
City, State, Zip: _____	Employer: _____
Phone: _____	
Email: _____	

**I plan to attend (choose ONE):**  Wed 10/1  Thur 10/2  Both Days **First Time Attendee?**  Yes  No

CONVENTION REGISTRATION FEES (For one or both days)		Cost
<input type="checkbox"/> MMA Members/Affiliate/Patron	Pre-Registration - <i>must be postmarked/received by 9-12-14</i>	\$ 70.00
<input type="checkbox"/> MMA Members/Affiliate/Patron	Registration - <i>after 9-12-14</i>	\$ 85.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Pre-Registration - <i>must be postmarked/received by 9-12-14</i>	\$ 140.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Registration - <i>after 9-12-14</i>	\$ 170.00
<input type="checkbox"/> Business Representative	Pre-Registration - <i>must be postmarked/received by 9-12-14</i>	\$ 105.00
<input type="checkbox"/> Business Representative	Registration - <i>9-12-14</i>	\$ 120.00
<b>Registration Fee</b>		<b>\$</b>

WEDNESDAY LUNCHEON-OCT 1	Location	Cost
Awards Luncheon (Buffet)	Civic Center (North Wing)	\$ 17.00
<b>Wednesday Meal</b>		<b>\$</b>

THURSDAY LUNCHEONS-OCT 2	Location	<i>Civic Center Luncheons:</i>	Cost
<input type="checkbox"/> Luncheon & Featured Speaker (Buffet)	Civic Center (North Wing)	<i>Due to ticket demand, there are two luncheon rooms - assigned on a first-reserved, first-served basis. There will be a live video feed of the presentations in the 2nd luncheon room.</i>	\$ 17.00
<input type="checkbox"/> Maine Chapter of American Public Works Association (MCAPWA)	Augusta Elks Lodge		\$ 17.00
<b>Thursday Meal</b>			<b>\$</b>

<b>TOTAL (Registration Fee &amp; Meals)</b>	<b>\$</b>
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## SPECIAL EVENTS - for Wednesday, October 1 and Thursday, October 2

- For planning purposes, please select which complimentary activity you plan to attend:
- I plan to attend the complimentary Continental Breakfast on Wednesday 10/1.
  - I plan to attend the complimentary Member Appreciation Reception on Wednesday 10/1.
  - I plan to attend the complimentary Buffet Breakfast on Thursday 10/2.
  - I plan to attend the complimentary dessert social on Thursday 10/2.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Payment Options:**  Send invoice\*  Check will be mailed\*\*  Payment Enclosed\*\* PO #: \_\_\_\_\_  
(\*You will be invoiced after Convention – \*\*Please send a copy of this registration form with payment)

**Fax registration form to:** (207) 626-5947 **Mail form to:** Convention Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

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

**Questions/Cancellations:** Please call Louise Ridley at MMA, 1-800-452-8786. Notification must be given three business days in advance of the start of Convention to obtain a refund. All cancellations are subject to a \$10 processing fee. Registrations may be transferred to another official or employee. Please inform us of any special dietary needs or special requirements you may have due to a disability.

**Please keep a copy of this form for your records.**

# Maine Municipal Association Ethel Kelley Memorial Award

...MMA's Most Prestigious Award

## NOMINATIONS BEING ACCEPTED

**Deadline for Receipt of Nominees – Friday, August 29, 2014.**



Ethel Kelley devoted 45 years of service to the Maine Municipal Association – from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the “cement” that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association.

In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel Kelley's memory by recognizing other volunteer or employed municipal officials of the same character and dedication. This year MMA will recognize its 29th Recipient!

### **CRITERIA: Do you know someone in your municipality who...**

- ★ *Is dedicated to the cause of good local government;*
- ★ *Has conscientiously served local government and made this a lifetime achievement for 20 years or more;*
- ★ *Has demonstrated the capability and willingness to “Hold the Community Together”;*
- ★ *Has a selfless concern for others in their community;*
- ★ *Has not received full recognition for their service in local government; and*
- ★ *Is currently serving or has retired in the past two years (may be given posthumously if within the past two years).*

**MMA wants to know about them! Send your nomination and give MMA the opportunity to recognize their achievement and dedication to local government.**

**NOMINATION PROCESS:** Please forward your Nomination and up to five letters of support from local or state officials, business leaders and/or members of the community. The Nomination Form is available on the reverse side or can be completed interactively on the MMA website at [www.memun.org](http://www.memun.org). ***The supporting letters are a critical part of the process.*** Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts.

**SELECTION PANEL:** The Award Selection Panel will consist of three MMA Past Presidents who will meet in mid to late September to make their selection.

**PRESENTATION:** The Award will be presented at the MMA Annual Convention during the Awards Luncheon with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Luncheon is scheduled for **Wednesday, October 1, 2014 at 12:00 p.m. at the Augusta Civic Center.**

For more information, please contact Theresa Chavarie, MMA Manager of Members Relations at 1-800-452-8786 ext. 2211 or by e-mail at [tchavarie@memun.org](mailto:tchavarie@memun.org)



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LOCAL GOVERNMENT  
*begins with* **you**

# Maine Municipal Association Ethel Kelley Memorial Award

## NOMINATION FORM

\*\*\*\* Due Date – Friday, August 29, 2014 \*\*\*\*  
(Please complete all applicable sections)

Nominee's Name: \_\_\_\_\_

Municipality Served: \_\_\_\_\_

**LIST MUNICIPAL POSITIONS** (Please include information relating to services provided to your municipality as well to other municipalities):

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Total Length of Local Government Service: \_\_\_\_\_

**Membership in Professional Associations:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Community Service and Recognitions Received:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the Nominee Retired?  YES (When did Nominee retire? \_\_\_/\_\_\_/\_\_\_)

NO (Anticipated retirement date? \_\_\_/\_\_\_/\_\_\_)

**Signed by:**

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

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

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

Please complete and return with up to (5) supporting letters. *The supporting letters are critical to your success.* Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by **Friday, August 29, 2014** to:

Ethel Kelley Memorial Award – Selection Panel  
Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

# PEOPLE

Long-time, former municipal manager **Duncan "Dunc" Beaton Jr.** died June 21 at the age of 87 in Iowa City, Iowa. A service was scheduled to be held for Beaton on July 9 at Giberson-Dorsey Funeral Home in Fort Fairfield. Beaton served in many public capacities and managed in Easton, but he was best known for his long-time management of the tri-towns of Castle Hill, Chapman and Mapleton, and serving three boards of selectmen. Beaton, also known for his love for hockey and playing skills, even late in life, was predeceased by two sons. He is survived by his wife, three children and 13 grandchildren.



**Georgiann M. Fleck**

Selectmen in the Town of Bridgton approved creating a new position of deputy town manager. In April **Georgiann M. Fleck**, a 20-year employee of the town, was appointed to the position. She also served as interim

Town Manager in 2006 and was Executive Assistant for the Town of Bridgton, actively involved in Planning, Zoning and Code Enforcement services while assisting the town manager and department heads.



**Michael Kucsma**

Portland officials and firefighters were stunned by the loss of popular Capt. **Michael Kucsma**, 43, who drowned on June 16 while scuba diving in Casco Bay with friends. Hundreds of firefighters from throughout

New England attended his funeral. Kucsma had served for 21 years in the department. Based on the preliminary autopsy report in June, both fire and union officials considered that his death was in the line of duty under federal law because he had responded to a stressful, three-car accident earlier that day in Gorham. Kucsma had served as Gorham fire chief. He became a Portland fire

captain in 2006. He is survived by family in Buxton.



**Ruth Lyons**

After 24 years with the Town of Topsham, the last 22 as town clerk, **Ruth Lyons** retired on June 30. **Linda Dumont**, assistant clerk, has been appointed clerk and will retain her position as General Assistance coordinator. Assistant Town Clerk **Eddie Bobalek** will assume Lyons' work as deputy tax collector. At its June 19 meeting, selectmen thanked Lyons for her years of dedicated service to the town and its residents.

**Richard Michaud** announced in June he will retire at the end of the year after managing the City of Saco since 1999. Michaud said he's been lucky to work with such dedicated and hard-working councilors and city employees.

**Bill Najpauer**, Rockport planner and community development director, resigned in June for personal reasons after one year. He formerly worked for the Town of Waldoboro and succeeded Tom Ford, who served in the position for 13 years. Rockport officials said they were disappointed Najpauer was moving on.

Portland Public Library Executive Director **Stephen Podgajny** announced in June that he will retire next year, ending a 36-year career in library work. During Podgajny's eight years as director, the Portland library was transformed to a modern sunny building that is typically full every day. Podgajny helped raise \$3.3 million for the \$7.3 million project and the city, which funds 80 percent of the library, raised the remaining \$4 million through bonds. Podgajny plans to spend more time with his family in Montana.

Longtime Bar Harbor manager **Dana Reed** has been hired as interim manager of nearby Tremont, also located on Mount Desert Island. Reed and Bar Harbor selectmen reached an agreement recently to part ways after Reed served

the town for 27 years. Reed, whose time in Tremont is "open-ended," replaces **Carl Young**, who resigned in June after less than a year in the job. Reed said he hopes to help selectmen get the town's finances in order and help them find a permanent manager at some point.

**Rosemary Roy** has been hired as the Town of North Yarmouth's first town manager, replacing Marnie Diffin, who has served as acting manager since voters amended the town charter a year ago. Roy was seen as having learned all aspects of municipal government over 22 years, including complicated tax increment financing work. Roy most recently managed the Town of Poland, where she lives with her family, and plans to commute to her new job.



**Lorraine Yeaton**

Acton officials and residents attended a June 16 tribute to **Lorraine Yeaton**, who is retiring after more than 30 years of service to the town. Yeaton has served several terms as selectman, but will retire as assistant to the selectman and General Assistance director. She also has been busy in the community, serving on the Acton Public Library board and the Acton-Shapleigh Historical Society, among many other organizations and efforts. More than 100 residents and public officials attended her June tribute at the Town Hall to thank her for her long service and dedication to the town.



**Mitchell A. Berkowitz**

Bridgton Town Manager **Mitchell A. Berkowitz** will retire in October after more than eight years of service to Bridgton and over 40 years of work for various municipalities. He hopes to remain active in providing assistance to others in municipal government. The Board of Selectmen has begun a search for a replacement. ■

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

Maine Municipal Association said it will ask a state Superior Court judge to sort out the diametrically opposing opinions from the Governor's Office and state Attorney General over a recent directive that towns and cities stop providing local General Assistance benefits to so-called illegal aliens. The Governor has threatened to withhold the state's portion of any GA funds for municipalities that do not comply with his administration's directive. The Maine Attorney General openly questions the legality of the Administration's action, saying required rule-making processes were not followed.

MMA also retained outside counsel to examine whether a 1996 federal law dealing with the same issue – a law that has not been enforced at national level – is binding. The Governor has said his recent directive simply complies with the 1996 law. MMA Executive Director Christopher Lockwood, in a memorandum to members explaining both legal actions, wrote that MMA intervened because "municipal GA administrators have been placed in an untenable position."

## AUGUSTA

City and town officials in Greater Augusta were upset to hear in June that Summit Natural Gas is seeking a tax value based on the number of customers rather than the \$350 million value of the natural gas pipeline being laid through central Maine. Many municipalities welcomed the pipeline and the revenue it would bring to local tax coffers. A number of communities are working together to maximize the tax benefits of the pipeline. In Augusta, the city had projected a high of about \$670,000 in annual tax revenue from the pipeline. Under the Summit proposal, the company would pay Augusta less than \$10,000. The dispute over the tax value could be decided by the state Board of Tax Appeals.

## BANGOR

An economic impact study released last month shows that the city and its business base collected \$17.5 million in revenue last year, thanks to the popular Waterfront Concerts during the summer and fall. The Bangor venue is attracting some of the most popular musicians and bands in the country. The study showed the concerts brought in \$30 million to the

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

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

**Court Action on GA, Immigration.** Maine Municipal Association is taking legal steps to clarify the highly confusing and contradictory directives from the Statehouse about whether municipal officials can, or cannot, provide General Assistance benefits to illegal aliens who live in the state.

**2014 Municipal Priorities Paper.** This 30-page document from MMA updates newly elected officials and candidates for state office on the challenges facing towns and cities and the history behind them. Among the topics: the Legislature's retreat from the 1972 Municipal Revenue Sharing law; K-12 education funding; municipal collaboration efforts; and more.

**Ethel Kelley Memorial Award.** MMA has issued a call for nominations for our most prestigious annual award, the Ethel Kelley Award, which goes to a municipal official who demonstrates a distinguished level of commitment to service at the local level. Nominations will be accepted until Aug. 29.

**Municipal Workplace Safety.** Police in Brewer and the Brewer School Department will hold a two-day training event, on Aug. 18-19, examining all aspects of providing as much safety as possible in public building and settings.

city from 2010 through 2013; last year's take indicates the popularity of the city's concert series.

## HARPSWELL

Selectmen in June approved closing nearly 15 acres of clam flats to allow for a six-month study to find ways to protect clams and bloodworms from invasive predators, such as the green crab. The project has been endorsed by state regulators. The town is allowed the close clam flats under a law passed during this year's session to allow municipalities to close down specific areas for conservation.

## MEDWAY

Municipal officials said they will call a special town meeting so voters can decide how to handle a \$197,000 cut in school funding they made on June 11 that could force the school district to break contracts with neighboring schools and state education laws. No date has been set. Citizens in June voted 22-17 to reduce the \$198,000 administrative account to \$1,000. Voters apparently slashed the spending item because the school system maintains what they consider to be a high fund reserve. In Medway, property taxpayers support a \$3 million school budget, compared to the municipal budget of \$1.25 million.

## NAPLES

The town's \$9.7 million Bay Bridge and Causeway renovation project was recognized as the best small project in the Northeast in competition for quality of life and community development. The award was issued to the Maine Department of Transportation by the Washington, D.C.-based American Association of State Highways and Transportation Officials. Among the reasons judges selected the Naples project was the government's willingness to listen to and address residents' concerns. The project also was recognized for reducing traffic and adding pedestrian-friendly spaces.

## SOUTH PORTLAND

City councilors agreed in June they will be more transparent regarding executive sessions, agreeing to be more descriptive about why they are entering a closed session and to ensure they let the public know if they expect to vote after an executive session. Moreover, the city's attorney cited concerns over "consensus" agreements in closed session, which sometimes includes giving the manager directives on legal and other matters that could cost money without official council action. ■

# MUNICIPAL BULLETIN BOARD

**JULY 22**

## **Special Session! Natural Gas Infrastructure**

Staff attorneys from the law firm Bernstein Shur's Energy and Municipal Law practice groups will lead attendees through a low-cost, detailed, half-day workshop explaining the burgeoning area of natural gas expansion and the legalities surrounding it.

The workshop will be held at the MMA Conference Center in Augusta. It begins with registration at 8 a.m. and will conclude at noon. Cost for the session is \$25 for MMA members and \$50 for non-members.

**JULY 23**

## **Managing FOAA Requests: Pittsfield**

This timely workshop is aimed at helping municipal staffs, newly designated "Public Access Officers," elected and appointed officials understand Maine's FOA law, why requests are filed and how to deal with them appropriately. The workshop will be held on July 23 at the Pittsfield Town office. Registration begins at 1:30 p.m. and the workshop will conclude at 4:30 p.m.

Presenters include: Amanda Meader, attorney with MMA's Legal Services Department; Jay Feyler, Manager in the Town of Union; and, Eric Conrad, MMA's Director of Communication & Educational Services. Cost for the workshop is \$35 to MMA members.

**AUG. 13-15**

## **New England Management Institute: Newry**

The Maine Town, City & County Management Association's biggest training event of the year will be held on Aug. 13-15 at the Sunday River Resort in Newry. The program begins with registration at 7:45 a.m. on Wednesday, Aug. 13 and will run through noon on Friday, Aug. 15. Costs vary depending on number of days attending and accommodation requests.

The program will offer a wide range of informative presentations that will challenge attendees, focusing on the areas of ethics, employment law and best practices from those in attendance. Networking with fellow managers is also

an important and valuable part of the Institute.

**AUG. 19**

## **I've Got the Job – What Now?**

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a one-day workshop designed to take clerks through a significant portion of their roles and responsibilities in public office. The workshop may include topics such as: nature of the job; settlement and discharge; delinquent property taxes; excise taxes; role of the treasurer; disbursements and warrants; investments; and, much more.

Presenters will be Stu Marckoon, Treasurer in the Town of Lamoine; and, Gayle Doyon, Tax Collector for the City of Biddeford. The workshop will begin with registration at 8:30 a.m. and will conclude at 3:30 p.m. Cost is \$50 for MMTCTA members and \$60 for non-members.

**AUG. 20**

## **Vital Records: Bangor**

The Maine Town & City Clerks' Association will hold a Vital Records Workshop on Aug. 20 at the Spectacular Event Center in Bangor. The day-long session will provide municipal clerks with an overview of the law, rules and regulations concerning vital records in Maine.

The instructors include: Patty Brochu, City Clerk in Old Town; and, Roberta Fogg from the Maine State Office of Vital Records. The history and integrity of vital records, certified copies, amendment of vital records and death and marriage records are among the topics on the agenda. Registration begins at 8:30 a.m. The workshop concludes with a Q&A session at 4 p.m. Cost is \$55 for MTCCA members and \$75 for non-members.

**AUG. 26**

## **New Clerks: Augusta and Caribou (via video)**

The Maine Town & City Clerks' Association will hold a New Clerks Workshop on Aug. 26 at the MMA Conference Center in Augusta and via video conference at the Northern Maine Development Commission office in Caribou. Presenters are Kim McLaughlin, Town Clerk in Old Orchard Beach, and April Dufoe, Town Clerk in

Kennebunkport. The workshop begins with registration at 8:30 a.m. and concludes at 4 p.m.

The course is designed to familiarize newly elected and appointed municipal clerks with their duties and responsibilities. The workshop is applicable for clerks from both large and small municipalities. Among the items to be discussed: dog licenses; hunting and fishing licenses; birth, marriage and death certificates; elections procedures; preparing meeting agendas and minutes; and, more. Cost is \$55 for MTCCA members and \$75 for non-members.

**AUG. 28**

## **Elected Officials Workshop: Augusta and Machias (via video)**

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Aug. 28 at the MMA Conference Center in Augusta. The workshop will be offered via video conference at the Sunrise County Economic Council in Machias. 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; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members in Augusta and \$110 for non-members.

**SEPT. 3-5**

## **MAAO Fall Conference: Sebasco Estates**

The Maine Association of Assessing Officers will hold its Fall Conference at the Sebasco Harbor Resort over three days, Sept. 3-5. The event emphasizes education, leadership and networking.

Among the many topics to be explored: Dealing with the Media; Legal Standards and Administrative and Court Procedures; CEO Training and Relations; Sales Ratio Analysis; and, much more. ■

All of the upcoming workshops can be found on the MMA website. Use the following link:  
<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

# LEGAL NOTES

## Local Food Ordinance Preempted – Law Court

According to the Maine Supreme Court, a local “food sovereignty” ordinance purporting to exempt local food producers and processors from State licensing and inspection requirements is preempted by State law.

In *State of Maine v. Brown*, 2014 ME 79, the State sued a Blue Hill farmer for selling “raw” or unpasteurized milk at his farm stand and at local farmers’ markets without a milk distributor’s license and a food establishment license and without the required labeling. The farmer countered that Blue Hill’s Local Food Ordinance exempted him from these requirements as long as his sales were directly to consumers for home consumption. The Law Court, however, wasn’t buying any of it.

The Court acknowledged that Maine’s “home rule” statute (30-A M.R.S.A. § 3001) gives municipalities broad authority to enact ordinances. But this power is proscribed where the State Legislature has preempted it either expressly or by clear implication. Implied preemption occurs where the Legislature intends to occupy the field and a local ordinance would frustrate State law.

Here, the Court readily concluded that the State’s food safety laws “occupied the field” and that an ordinance exempting local producers and processors from these laws would frustrate them and would therefore be preempted. In a strained reading, though, the Court held that the exemption in Blue Hill’s ordinance applied only to *local* licensing and inspection requirements, though there were none, and notwithstanding the ordinance’s preamble, which was practically a declaration of independence from State and federal regulation. By this logic, the Court avoided preemption and upheld Blue Hill’s ordinance, but only as applied to local requirements (which rendered it toothless).

Similar food sovereignty ordinances have been adopted in several other municipalities and would almost certainly suffer the same fate.

There may also be similar preemption problems (as well as other significant legal issues) with so-called “rights-based” ordinances, which share some of the same radical roots as food sovereignty

ordinances (see “Large-Scale Water Extraction,” *Maine Townsman*, July 2009).

For a detailed legal retrospective on preemption and municipal home rule in Maine, see “Preemption Doctrine,” *Maine Townsman*, “Legal Notes,” June 1991. (By R.P.F.)

## Personal Property Taxes: Can We Legally Opt Out?

**Question:** We’ve heard of some towns simply deciding not to assess personal property taxes. Is this a legal option?

**Answer:** Absolutely not! Neither a municipal legislative body (town meeting or town or city council) nor municipal assessors may opt out of assessing any personal property otherwise taxable under State law. Such a decision would be *ultra vires* (beyond their legal authority). If it were made by the legislative body, it would have no binding effect on assessors, who are public officers bound by State law. If made by assessors themselves, it would be a breach of their oath to enforce the law.

The reason is that the Maine Constitution expressly reserves to the Legislature alone the power of taxation (see Art. IX, § 9). Thus, there is no municipal “home rule” to exempt any kind or amount of personal property that is taxable under State law (see, e.g., *Thorndike v. Inhabitants of Camden*, 82 Me. 39 (1889)). The same goes for real estate and excise taxes too.

The absence of any authority to deviate from State tax law does not mean there are no local options under the law, however. In fact there are several, but these are the only ones:

Municipalities may exempt active duty military personnel from vehicle excise taxes (see 36 M.R.S.A. § 1483-A).

Municipalities may, under limited circumstances, refund excess vehicle excise tax credits (see 36 M.R.S.A. § 1482(5)(D)).

Municipalities may allow seniors to work-off up to \$750 in taxes on their homes by doing municipal volunteer work (see 36 M.R.S.A. § 6232(1-A)).

Municipalities may allow seniors to defer taxes on their homes until death or the property is transferred or no longer occupied by them (see 36 M.R.S.A. § 6271).

And municipalities may fund local property tax assistance programs (see 36

## MUNICIPAL CALENDAR

**BY AUGUST 1** — Urban Rural Initiative Program (URIP) certification forms must be returned to MaineDOT Community Services Division prior to August 1st. This is an annual certification that must be completed by a municipality to receive URIP funds. Effective July 1, 2008, there is a requirement for municipalities to provide information on how the previous fiscal year’s funds were expended.

**ON OR BEFORE AUGUST 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 MRSA §4311).

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

**BY SEPTEMBER 1** — Clerks of organized plantations shall make return to the Secretary of State, on blanks furnished by him for that purpose, of the names of the assessors and clerks of their plantation and that the same have been sworn. There is a penalty for failure to make such a return (30-A MRSA §7005). ■

M.R.S.A. § 6232(1)).

Each of these options requires an ordinance enacted by the municipal legislative body, and there are other requirements too. We’ve written in detail about them all in prior issues of the *Maine Townsman*.

Incidentally, personal property taxes make up about 10% of all property taxes collected by municipalities. (By R.P.F.)

## Volunteer Firefighter Pay

We’ve had a number of inquiries lately about how often volunteer firefighters have to be paid if stipends are paid, so let’s try to clear up the confusion once and for all.

# LEGAL NOTES

According to 26 M.R.S.A. § 621-A(6), if volunteer firefighters earn a nominal stipend, a municipal fire department must pay it at least every six months. A nominal stipend is any token payment other than direct reimbursement for documented out-of-pocket expenses. Stipends are also considered income for tax purposes.

This special rule for volunteer firefighter stipends is an exception to the general rule that employers must pay compensation at least every 16 days, including all compensation earned to within eight days of payment (see 26 M.R.S.A. § 621-A(1)). (By R.P.F.)

## City Versus Town

**Question:** What's the difference under Maine law between a city and a town?

**Answer:** There isn't any really, aside from a handful of minor variations in election law (compare 30-A M.R.S.A. §§ 2521-2533 and 2551-2556).

Neither "city" nor "town" is defined in Maine law, but each is a "municipality," which is defined and includes both (see 30-A M.R.S.A. § 2001(8)). As municipalities, cities and towns are governed by the very same laws – Title 30-A (the municipal laws), Title 20-A (the school laws), Title 23 (the highway laws), Title 36 (the tax laws), and so on.

"City" and "town" are not interchangeable terms, however (contrary to what some local newscasters seem to think). A municipality is either one or the other, depending on what it was incorporated as by the Maine Legislature or in one case (the City of Sanford) how it decided

to rebrand itself recently by charter.

One thing is certain: The difference between cities and towns has nothing to do with size or population. The City of Eastport has 1,331 inhabitants; the Town of Brunswick has 20,278.

In truth, the distinction with a difference is between municipalities with a town meeting form of government and those with a council – the latter requires a charter (see "Are Charters Required?," *Maine Townsman*, "Legal Notes," May 2014). All cities have councils and thus have charters, but not all municipalities with councils and charters are cities (indeed, most are towns).

Another important distinction is between cities and towns... and plantations. Cities and towns have municipal "home rule" ordinance power – the authority to adopt ordinances without the need for State enabling laws – but plantations do not; they may regulate only what State law expressly authorizes them to (compare 30-A M.R.S.A. §§ 3001 and 7051-7062).

So in sum, the legal differences between municipalities in Maine are based not so much on what they're called but on whether they have a town meeting or a town or city council, and whether they have home rule. Still, the title of city, town or plantation is a source of pride for most municipalities, so it's best not to confuse them.

For an informative look at the evolution, forms and functions of municipal government in Maine, see MMA's *Local Government in Maine*, available free at [www.memun.org](http://www.memun.org). (By R.P.F.) ■

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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.**

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## 2014 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	30

### Friday, August 1st

Application Deadline.

### Wednesday, August 27th

Application approval (Board Meeting).

### Thursday, September 11th

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

SEPTEMBER						
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 12th

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

### Monday, September 29th & Tuesday, September 30th

Maine Municipal Bond Bank Pricing.

### Wednesday, October 1st

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 15th

Final documents due from bond counsel.

### Wednesday, October 22nd

Pre-Closing.

### Thursday, October 23rd

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

If you would like to participate in or have any questions regarding the 2014 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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- Counseling municipalities on how to structure a TIF development program to maximize the development opportunity
- Helping identify particular economic development-related projects and initiatives that a TIF can support in a municipality
- Drafting and negotiating credit enhancement agreements
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