

February 2014

maine townsman

The Magazine of the Maine Municipal Association

SPECIAL EDITION: REVENUE SHARING



ALSO IN THIS ISSUE: _____

Collaboration Summit | Communities That Ski | New Election Machines | 2014 Technology Conference

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The Magazine of the Maine Municipal Association

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Maine Municipal Association Executive Director Christopher Lockwood describes our recently launched TV, website and social media effort to educate citizens about revenue sharing and how a lack of leadership over state spending hurts local property taxpayers.

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It's not always easy for a number of reasons, municipal officials say, but collaboration at the local level can and does happen. The City of Gardiner hosted a Municipal Collaboration Summit recently. The Maine Townsman was there.

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LOCAL GOVERNMENT
begins with **you.**

COVER PHOTO: Ben Thomas, MMA's website and social media editor who's also handy with a camera, took this photo at the Statehouse during a big day of testimony about Municipal Revenue Sharing last month.



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A Message From MMA



by Christopher Lockwood, Executive Director

The Campaign to Save Revenue Sharing

Thank you to all of the municipal officials who travelled from across the state on Jan. 22 for the Appropriations Committee hearing on LR 2721, the bill designed to protect the municipal revenue sharing program from elimination. The turnout was remarkable and made a statement to legislators in and of itself. As this month's Maine Townsman cover photo suggests, there was an electric atmosphere as the line of municipal officials signing up to testify stretched from one end of the State House to the other.

The turnout and testimony at the hearing were cogent. This was certainly an important early step, but much, much more needs to be done to ensure that legislators understand the dire consequences of continuing raids of revenue sharing funds. Legislators need to hear from citizens and businesses in your communities.

ENGAGING CITIZENS

From the smallest communities to the biggest cities in the state, municipal officials have become increasingly frustrated with the actions of the current and just-previous administrations and the current and previous legislatures. Longstanding agreements have been broken, unprecedented reductions in financial support for local governments are occurring annually at ever-increasing rates and state mandates keep coming down from Augusta. Property taxes are increasing as local services are being cut.

During the past several months, Maine Municipal Association heard a clarion call from our members: Help to give voice to our frustration, give us tools to help citizens "connect the dots" between state-level actions and increased property taxes. The MMA Executive Committee heard these calls and authorized MMA to move forward with a public information campaign aimed at informing citizens about Municipal Revenue Sharing and how it affects them.

MMA launched this campaign the first weekend of February. The campaign includes short video spots designed to "bring alive" the connection between the raiding of municipal revenue sharing and local services and property

taxes. To ensure these messages convey an authentic Maine voice, MMA contacted a small group of local officials who were incredibly helpful in making themselves available on short notice for a media shoot on a very cold, late January day. While being "on location" might have been a different experience for them, the media shoot provided a wonderful opportunity for these municipal officials to give voice to the frustration shared by their colleagues in communities throughout the state.

YOU ARE THE KEY

The campaign is intended as a "discussion starter" for the purpose of engaging your constituents and your local legislators in the conversation that connects the dots between

state-level actions and increased property taxes. An important component of our education and outreach campaign will use Facebook and other social media platforms to reach a broad audience. We encourage your municipality – and you as individuals – to consider posting the campaign's link and video on your websites and Facebook pages if you have them.

Here's the link to the website for the Revenue

Sharing campaign, which includes the video of our first spot in this campaign. It will be shown on television, through numerous websites and via social media:

<http://www.mainerevenuesharing.com>

We cannot stress enough the importance of engaging your citizens and local businesses in this discussion. Legislators respond most directly when they hear from their own constituents.

We thank you for the work you are doing in your communities and urge you to use the tools available to you through social media and conversations with your citizens and local businesses to send the Revenue Sharing message to your legislators. Imagine the power of thousands of local officials across the state working together to send this unified message! 



- 2014 -

Elected Officials Training Opportunities

Elected Officials Workshops

Who Should Attend:

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

- What are our rights and duties as officials?
- Can we hold multiple offices?
- Which of our meetings are open to the public?
- Must we have an agenda and take minutes?
- What ordinances can we enact?
- What authority do we have over 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.

Course meet state FOAA training requirements (Right to Know)

Roles of Elected Officials & Municipal Managers

Who Should Attend:

Councilors, selectmen, managers and administrators: this workshop will focus on the differing roles and responsibilities of elected officials (selectpersons/councilors) and appointed officials (managers and administrators), including key responsibilities, legal requirements, personnel issues, communication and goal setting. It will help elected and appointed officials run an effective hiring process and understand their respective roles, their differing needs and how to work smoothly together. It will provide insight and understanding as well as specific ideas and tools to bring back to your municipality.

Managing Freedom of Access Requests

Who Should Attend:

This timely workshop is aimed at helping municipal staffs, newly designated “Public Access Officers” and elected and appointed officials understand Maine’s Freedom of Access Act, why FOAA requests are filed and how to handle them properly. (Qualifies as Maine-required FOAA Training.)

Online registration is easy!

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

Elected Officials:

Dates & Locations:

Orono – 5/6/2014

Black Bear Inn - 4 Godfrey Dr., Orono, ME 04473

Presque Isle – 5/29/2014

Northeastland Hotel - 436 Main St.
Presque Isle, ME 04769

West Kennebunk – 6/12/2014

West Kennebunk Fire Station - 80 Thompson Rd.
West Kennebunk, ME 04094

Northport – 6/18/2014

Point Lookout - 67 Atlantic Hwy
Northport, ME 04849

Augusta – 8/28/2014

MMA - 60 Community Dr., Augusta, ME 04330

**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

MMA - 60 Community Dr., Augusta, ME 04330

Managing Freedom of Access Requests

Dates & Locations:

Augusta – 2/25/2014

MMA - 60 Community Dr., Augusta, ME 04330

Pittsfield – 7/23/2014

Town Office - 112 Somerset Ave., Pittsfield, ME 04967



Maine Municipal Association

60 Community Drive – Augusta, ME

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Revenue-Sharing Damage: Four Stories

By Glenn Adams

Revenue sharing cuts started squeezing Maine towns and cities in 2008, forcing them to take measures from cutting back on snow clearing to turning off street lights, municipal managers say. In one case, a manager is doing double duty by also running things in a neighboring town to save both money. In another, the town manager is picking up the slack by mowing a local cemetery lawn.

Managers say the hurt started to be felt around 2008, or 36 years after the law creating revenue sharing was enacted. In all but one of those years, it was left untouched, with the state honoring its commitment to share 5 percent of state sales and income tax revenues with municipalities.

Fiscal pressures since then have led to a string of cuts, or raids as town officials see them, that are presenting ever-steeper challenges on where to look next. Gov. Paul LePage last year proposed suspending the program outright for two years, but a state budget restored some of the money while imposing temporary statewide tax increases.

"We take these lumps every year," said Stockton Springs Town Manager Richard Couch, the manager who cuts the cemetery lawn with a push-mower. "There's no extras. There's no fat on the bone here."

Figures from the Maine Treasury show that the state distributed \$121 million in revenue sharing in fiscal 2009. The two-year state budget enacted last year meant that \$65 million will be provided in fiscal 2014. A recent survey by MMA found that 60 percent of all respondents increased property

Glenn Adams is a freelance writer from Augusta and new contributor to the Maine Townsman, gadams6786@aol.com.

LEGISLATIVE UPDATE

At press time for the Maine Townsman, legislation to "hold the line" on municipal revenue sharing for FY 2015 had received exceptionally strong municipal support during a hearing in Augusta.

It was reported out of the Legislative Appropriations Committee by a 7-5 vote. Without this legislation being enacted, revenue sharing will plummet in 2015, to \$20 million statewide when state law calls for \$140 million to be distributed annually.

MMA encourages elected municipal officials and city and town employees to contact their legislators to explain the impact of these reductions in the communities that the senators and representatives were elected to serve.

taxes last year as well.

CITY OF CARIBOU

In Caribou, known for its abundant snowfall, parking lots have been going unplowed and residents have to wait longer to walk on cleared sidewalks. Those and other cutbacks are due in large part to the scaling back of revenue sharing, said City Manager Austin Bless.

Residents are paying higher taxes and steeper fees for city recreational programs, library hours are reduced and one city position has been eliminated, leaving the city of 8,137 residents as of mid-December with five full-time positions.

"It takes longer to get potholes fixed. It takes longer to get things done at city hall," said Bless. Purchases of equipment such as public works trucks have been put off, testing employees to make what they have last longer.

"We have a great Public Works Department," which keeps older equipment running and finds good deals to save the city money on replacement vehicles, said Bless. "They work miracles."

He and other city managers also note that revenue-sharing cuts are taking place without regard for mandates the state has placed on municipalities, which add to their expenses. For example, the state requires towns and cities to provide general assistance, conduction elections, maintain cemeteries and to provide animal-control services or contract those services out, Bless said. The city expected \$558,000 in property tax relief via revenue sharing in 2014, based on the previous year's figure. Suspension of the program would mean a reduction of about \$300,000 to benefit local property taxpayers.

Using data from the state Treasurer's office, the Maine Municipal Association says Caribou received more than \$1.3 million in revenue sharing funds for fiscal 2009, the last year in which the largely state honored its commitment to share 5 percent of state income and sales tax revenues with towns and cities. Since municipalities across the state will receive a total of \$65 million for fiscal 2014, as MMA projects, Caribou would receive \$587,371, a loss of nearly \$730,000 since 2009.

The loss of funding that's already taken place has translated into \$1.2 million in municipal property-tax increases between 2008 and 2013, Bless said.

CITY OF LEWISTON

Revenue sharing raids have come at a cost of jobs and capital improvements in the City of Lewiston, while socking property owners with higher taxes.

"We're consistently losing \$2 million with each raid," said the city's Finance Director and Treasurer, Heather Hunter.

City Manager Ed Barrett puts it another way: "Every once in a while we feel like we're hanging on by our fingernails."

Property taxes are rising from \$25.79 per \$1,000 valuation in 2013 to \$26.44 under the 2014 city budget. The new rate represents a rise from \$24.60 in 2008.

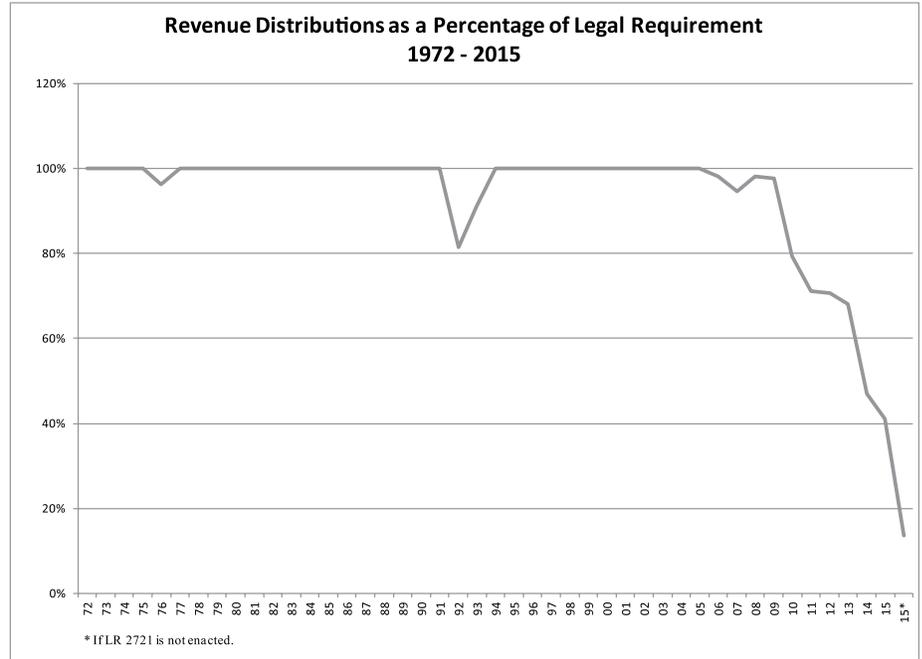
Using data from the state Treasurer's office, Maine Municipal Association says Lewiston received \$4.7 million in revenue sharing funds for fiscal 2009. Municipalities across the state will receive a total of \$65 million

for fiscal 2014, meaning Lewiston will receive \$2.86 million, a loss of \$1.8 million since 2009.

The 2013 budget included just over \$4 million in revenue sharing, while under the previous calculation the city should have gotten about \$6 million,

city officials said. The \$4 million also represents about half of what Lewiston would have gotten under the original revenue sharing calculation, the officials said.

The city's been forced to leave a number of positions open. For ex-



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Read more about Jon's story >>



ample, it doesn't have a third snowplowing team now. The city staff has shrunk from 375 employees in 2008 to 342 for 2014, the library has scaled back hours, road reconstruction projects are being cut back and travel is curtailed. The 342 employees is down from the high-water mark of 411 in 2001, Barrett said.

Looking for places to save money, the city has removed street lights in several places, has put off improvements to make public walkways more accessible for disabled people and delayed wastewater control upgrades.

Sooner or later, the delayed work will be noticed.

"Over time, people are going to see deterioration on local roads," Barrett said.

"The pain is kind of spread out in each department," said Hunter.

TOWN OF MEXICO

The western Maine Town of Mexico has managed to keep its millage rate stable despite deep cuts in revenue sharing through "so many little things" that reduce costs, says Town Manager John Madigan.

Among those efforts is consolidation of services provided by Madigan himself. As of late December, he was providing town manager services in neighboring Rumford as well.

Since fiscal 2007-08, when Mex-

ico's revenue sharing hit a peak of \$579,312, the figure has decreased steadily to \$396,773 for 2012-13 in Mexico, Madigan said.

Maine Municipal Association says Mexico received \$510,905 in revenue



Peter Nielsen, MMA President, speaks during the Revenue Sharing Hearing. (Photo by Ben Thomas)

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sharing funds for fiscal 2009. The figure was provided to MMA by the state Treasurer's office. Municipalities across the state will receive a total of \$65 million for fiscal 2014, thus Mexico will receive \$290,806, a loss of \$220,099 since 2009.

Yet the millage rate has remained stable, dropping slightly from 25.65 to 25 mills between 2008 to last fiscal year. The rate's at 25 mills for 2014 as well. Madigan says that if the town of 2,650 people was receiving full revenue sharing, taxes would be three mills lower.

"It's really a challenge to keep the mill rate as low as it is," said Madigan. "There's so many little things we try to keep costs down."

Besides sharing Madigan's services with its neighbor, Mexico found savings by not replacing a road commissioner who retired, and moving his duties to another town employee. The town had to reduce its police force from five to four full-time officers, but was able to restore the lost position through a federal grant, Madigan said.

Mexico even cut costs by avoiding paying health insurance to a town employee, who is already covered by the state because she serves in the Legisla-

ture, he said.

Cutting back snow plowing, as other Maine towns have done as a result of revenue sharing cuts, is not practical in Mexico, which is hilly and needs to have the streets clear when the snow comes.

In the meantime, Madigan spends

a lot of time in Augusta testifying before committees that deal with revenue sharing and other municipal funding issues to make his case for the state's towns and cities.

"I just do everything I can do to get the word out (that) we can't keep absorbing these cuts in revenue shar-



The line for Revenue Sharing testimony spanned several Statehouse floors. (Photo by Ben Thomas)

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ing,” Madigan said. He noted that the cuts hit Mexico harder than they do in many other towns where residents have higher incomes and there is more industry.

Taking on Rumford’s work on a trial basis will not be a hard transition for Madigan, who served as manager there previously for several years. In the meantime, a consultant is studying whether consolidation of other municipal services offered by the two communities would save more money.

TOWN OF STOCKTON SPRINGS

While a mid-December snowstorm raged, the public works foreman for Stockton Springs took time from plowing the town’s roads, so he could fix the transmission on the 21-year-old plow truck.

That’s just one of the impacts cuts in the state’s revenue-sharing program have had on the Waldo County town of just under 1,600 residents, says Town Manager Richard Couch.

“We take these lumps every year,” says Couch who, along with the town’s two other remaining full-time employees, have seen their pay frozen or cut due to the threat of a complete cut-back in a program that’s so important to municipalities. Couch himself has had to pick up the slack left by the layoff of the town groundskeeper: In warmer months pushes the lawnmower at the local veterans’ memorial cemetery.

Figures from the state Treasurer’s office show Stockton Springs received \$140,774 in revenue sharing funds for fiscal 2009, the last year in which the state honored its commitment to share a full 5 percent of state income and sales tax revenues with towns and cities, according to the Maine Municipal Association. Municipalities across the state will receive a total of \$65 million for fiscal 2014, meaning Stockton Springs will receive \$78,130, a loss of \$62,644 since 2009.

Town funding sources minus revenue sharing, fees for services such as ambulance, trash stickers, harbor, and recreation activities are real property taxpayers. The mil went from under \$12 in fiscal 2013 to \$18 in 2014, mainly due to school spending, which is 72 of the budget, Couch said.

Town clerk hours have been slashed from a total of 50 to 40 hours, and town hall hours – already eliminat-

ed Fridays because of earlier revenue-sharing cuts – are forcing the elimination of Thursday-evening hours, said Couch. The town also reduced donations it makes to social-service agencies such as Midcoast Maine Community Action program.

And, during the first significant snowstorm of this winter season, the public works foreman had to put off road plowing to repair the transmission in a truck that should have been replaced long ago, said Couch.

He said that illustrates the fact that the cuts aren’t the only result of rev-

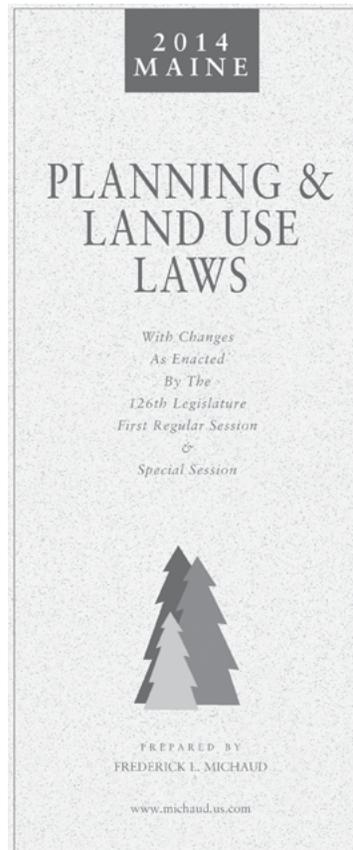
enue sharing reductions.

“It’s, what haven’t we done?” said Couch. “Those trucks go for about \$100,000.”

Program cuts or deferred spending, they all come at a time of increased costs, such as the 4 percent increase in health care the town faces, Couch said. And the toll is especially real in a small town like Stockton Springs, where a pay freeze can have a real impact on employees.

“When you talk about town employees, these aren’t faceless public servants,” he said. [mt](http://www.mtmaine.com)

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City of Presque Isle, Maine

The Office of
City Manager
James A. Bennett
Email: jbennett@presqueisleme.us

December 10, 2013

Representative Tyler Clark
PO Box 243
Easton, ME 04740

Dear Representative Clark,

Last evening, the Presque Isle City Council wrapped up the 2014 budget process. The process was miserable because of the continued raids on the Municipal Revenue Sharing program. The state budget that was passed last year guaranteed the City would receive \$255,017 less for the calendar year than in 2013 (33.94% reduction). The 2013 budgeted amount was \$193,533 less than 2012. In reality, if the legislature had followed the law, the City would have received approximately \$673,550 more.

Local property tax rates are determined by the total amount that is authorized to be spent locally (less non-property tax revenues) which is divided by the total local valuation of the community. With a local valuation of \$510,000,000, the tax rate changes by \$0.10 for every \$50,000 change in spending (or reductions in revenues). The 2014 tax rate in Presque Isle will be \$0.50 higher than it should be with the latest reduction in revenue sharing. I would argue that the raid will actually make the 2014 tax rate \$1.35 higher than it should be.

The adopted budget is \$303,563 less than the 2013 budget. Amazingly, it is also \$663,777 less than was spent in 2008. The 2014 revenue sharing amount is \$1,245,375 less than the amount budgeted in 2008. In a straight up comparison, property taxes in Presque Isle are \$2.49 higher in 2014 than they would have been if we continued to receive revenue sharing at the 2008 level.

Reductions Since 2010

Since 2010, the City Council has eliminated 19% of our full time employees; saving \$1,009,448.48 annually in payroll and benefits. They have closed the outdoor swimming pool and last evening they voted to close the indoor swimming pool. They have reduced City Hall hours by 2.5 hours per week. They have gone to a pay-as-you-throw trash system. They have eliminated hours at the public library on Sundays. They have eliminated 3 full time firefighters. They have reduced the number of sworn police officers by 3. Over the last four years, the employees have no increase in wages for two years and 1.0% and 1.5% the other two.

In debating the 2014 budget, the Council explored eliminating police during the overnight hours (as is the current practice by Aroostook Sheriff and State Police), elimination of 6 more firefighters, going to 4 days a week at City Hall, reduction in public works employees thereby increasing the average plow routes to upwards of 6 hours and many other alternatives. Simply stated, there are no easy solutions left.

12 Second Street Presque Isle, ME 04769-2459 Phone: 207.760.2700 Fax: 207.764.2501

*The City of Presque Isle is an equal opportunity provider. To file a complaint, write to
Martin Puckett, Deputy City Manager, 12 Second Street Presque Isle, ME 04769, or call (207) 760-2700.*

Tax Expenditure Task Force Failure

The City is extremely disappointed and concerned about the failure of the Tax Expenditure Review Task Force to make a specific recommendation on how to eliminate the \$40,000,000 in order to keep the already *reduced* revenue sharing amount in the state budget for 2014-2015. Unless there is some change to the law, it is our understanding that the amount will be further reduced from revenue sharing. It is expected that Presque Isle property taxpayers will have to contribute \$550,000 to pay for that failure. Unless you take action to prevent it, the City Council will have to return to the budget table in the spring to deal with that \$550,000 reduction.

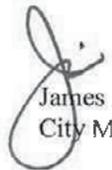
Many of you were told that revenue sharing only represented 2% of the total spending by municipalities. I have no idea where that number came from. It clearly is not even close to the truth for our community. A recent study by MMA indicated that our number is 22%.

As I understand it, the next sixty days will determine how leadership would like you to handle the failure of the Task Force to prevent the next raid on revenue sharing. On behalf of the property tax payers in Presque Isle, will you please send a loud and strong message to your leadership that you will not support any further reductions in revenue sharing? It is my understanding that there appears to be, once again, a very large expected state surplus that would prevent this from happening. Are you prepared to insist that the first priority for those funds is that they are used to keep revenue sharing instead of any other use? If you do nothing or anything less than insisting on this, *the Presque Isle tax rate in 2014 could be \$3.59 higher than it should be if you voted to follow the law.*

Finally, I have included the financial numbers for Presque Isle since 2008, including the adopted 2014 budget, so that you may have them to assist in your decision making.

I will be following up this letter with a phone call to discuss your plan to assist us in preventing this disaster from occurring. I look forward to working with you.

Sincerely,


James A. Bennett,
City Manager

*The property taxpayers
are really going to need
your help with this -*



Packed room, great testimony regarding Revenue Sharing on Jan. 22. (Photo by Ben Thomas)

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Impact of Reductions On Maine Municipalities

By Emily Shaw

(Editor's Note: Emily Shaw's following discussion of municipal responses to reduced state revenue is based on analyzing responses to the 2007–2011 Maine Municipal Association fiscal surveys of municipal revenues and expenditures. This article is reprinted from the Margaret Chase Smith Policy Center's Maine Policy Review publication with permission. Emily is a former associate professor at Thomas College in Waterville who now works at the Sunlight Foundation in Washington, D.C.)

Maine's recent state budgets have dramatically cut transfers to town programs. As a result, municipalities have received substantially less revenue from the state over the past several years. This change at the state level has been due to a combination of financial exigency and administrative policy preferences and has led to real change in municipal budgets and services. While local service needs have not necessarily declined in the years following the 2007–2009 recession, municipalities have been forced to restructure the provision and funding of those services. In doing so they have chosen among a variety of possible responses: reducing spending on services, raising additional money from residents and other users of town services, or taking on additional municipal debt to continue providing services at the necessary level. By analyzing responses to the 2007–2011 Maine Municipal Association (MMA) fiscal surveys of municipal revenues and expenditures, we can see how municipalities have chosen to follow all three of these strategies as methods of responding to state revenue reductions.

REDUCED STATE ROLE

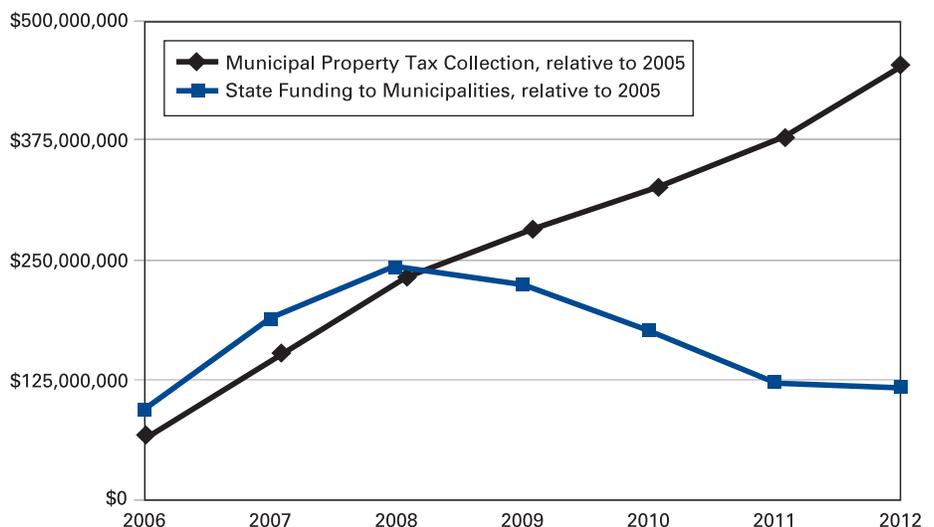
The state's own data sources provide a useful starting point for an analysis of the relative roles of state and municipal sources in funding municipal budgets. Using Maine Revenue Services' Municipal Valuation Return Survey and the state Office of Fiscal and Program Review data on Major State Funding Disbursed to Municipalities and Counties, we can observe a significant shift in state funding patterns (Figure 1).

State and municipal revenues both increased until 2008. Following that year, municipalities continued to collect more property tax each year while the state began contributing less. The national economic recession clearly served as an important inflection point in Maine municipal finance, and we know that part of the reason for reduced state disbursements in 2009 was lower-than-projected state collections of income and sales tax. However, state

government policy shifts — including a reduction of top state income tax levels, reductions in state expenditures on education, and a decision to reduce municipal revenue sharing — have led to a perpetuation of the reduced levels of state relative to municipal funding.

We can get a better understanding of how these changes affect municipalities by exploring municipal budget data collected by the MMA. Municipalities responding to the MMA fiscal survey report on the amount of municipal, state, and federal money they have collected during the fiscal year. These revenues are intended to fund that year's municipal expenditures, including town services, the town's contribution to its K–12 school district, and payments on short-term and long-term municipal debt. While the specific towns responding to the MMA survey vary from year to year, the MMA is able to draw on their annual sample to estimate state-level aggregates of

FIGURE 1: Property Tax and State Funding Since 2005



Source: Maine Revenue Services 2013a; Office of Fiscal and Program Review 2013.

municipal revenues and expenditures each year. By examining the structure of these revenue sources over time, we can evaluate both how much total municipal revenue has changed over the 2008–2012 period and how the balance of responsibility for this total pool of revenue has changed. By examining year-over-year changes in estimated municipal-level spending across the state, we can see that, collectively, municipalities have increased both the proportion and the absolute amount of their revenue that comes from local residents.

Maine’s largest program for providing revenue to municipalities is state funding for public education’s K–12 Essential Programs and Services (EPS), education funding that is provided to the state’s public school districts through municipalities. Maine’s second-largest program for providing revenue to municipalities is municipal revenue sharing, a program that aims to “aid in financing all municipal

services...[by providing] funds from the broad-based taxes of State Government” since “the principal problem of financing municipal services is the burden on the property tax” (Maine Revised Statutes Title 30-A, §5681). Cuts to both of Maine’s largest municipal funding programs have led to the state falling farther short of those programs’ pre-recession statutory funding requirements.

The largest program area through which the state funds local services is state aid to education. A dramatic decrease in state spending on education in 2010 has left state education funding substantially below where it was in 2009 although state funding levels have not decreased again since that initial drop. As the state has consistently failed to meet statutory guidelines in this area since before the recession, it is somewhat difficult to characterize the adequacy of funding levels. There is general agreement that the state has not met its statutory target, but there is

disagreement regarding the question of by how much the state is missing this target. Assessing the level of state compliance has been further complicated by disagreements about what should be included within the calculation of total K–12 EPS. Nonetheless, according to a study commissioned by the state legislature, the state contribution ranged between 50 percent and 53 percent of state EPS during the period between the implementation of the statutory 55 percent funding obligation in 2006 and the 2008–2009 school year. Beginning with the 2009 budget, however, the state provided a lower percentage of EPS each year. According to the state’s new preferred method of determining EPS, which excludes teacher pension contributions, the state provided only 45

percent of EPS in 2012–2013. However, using the state’s previous method of determining EPS — the one comparable with the measure used by the state until the 2010–2011 school year — the state provided only 42 percent of EPS in the 2012–2013 school year.

Using the data provided in the MMA fiscal surveys, it is also possible to see the decrease in the proportion of total education spending funded by the state. Though the absolute amount of funding has gone up over previous years in all years but one, in the one year in which education funding decreased (2010), the decrease was substantial (**Table 1**). Moreover, statewide education expenditures continue to rise at a rate that is faster than the growth in state education funding since the state reformulated its method of determining EPS.

MUNICIPAL REVENUE SHARING

The second-largest program area through which the state funds local services has been, until recently, municipal revenue sharing. This program represents a smaller share of state-funded municipal revenue than education transfers and has experienced far greater reductions than education funding. Before 2009, the state’s municipal revenue sharing program was almost always fully funded at 5 percent of the state’s revenue from general income taxes. This began to change in 2009, with municipal revenue sharing initially seeing some reductions. Eventually, Gov. Paul LePage’s policy effort to eliminate municipal revenue sharing altogether led to the distribution amount being reduced substantially from its 2008 level in 2010–2012. (**Table 2**), with even more dramatic reductions put into place for the 2014–2015 budget.

Although education and municipal revenue sharing are the largest state municipal revenue programs, they are not the only ones. State programs providing funding to municipalities — including the state homestead exemption, road assistance, general assistance, and the tree growth program — were also the subject of budget cuts and contributed to the overall reduction of state funding to municipal governments. The cumulative impact of the 2008–2011 budget cuts meant that Maine municipalities received about

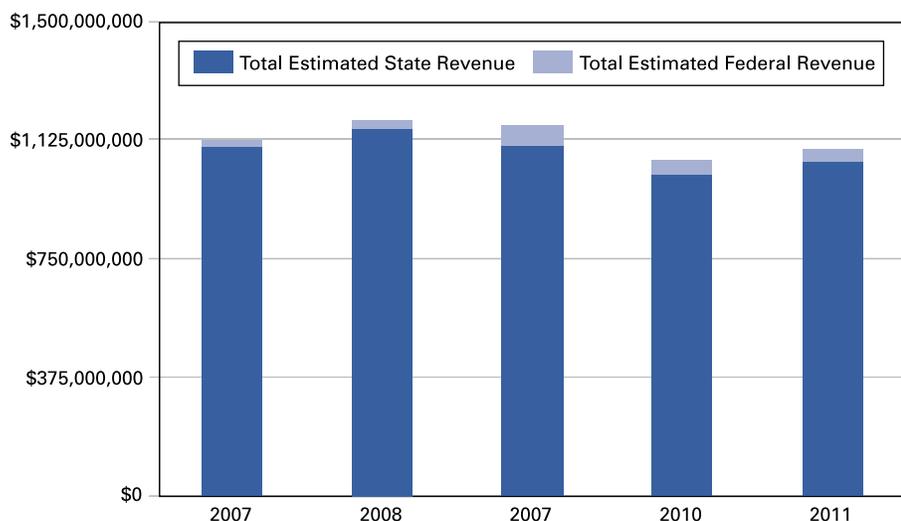
TABLE 1: Estimated Municipal Education Expenditures vs. Estimated State K–12 Education Funding: 2007–2011

Year	Municipal Expenditures	State Funding	Percentage Funded by State
2007	\$1,955,637,580	\$856,226,346	44
2008	\$1,937,713,234	\$877,405,328	45
2009	\$2,082,772,296	\$887,484,050	43
2010	\$2,026,104,106	\$831,340,332	41
2011	\$2,116,942,031	\$859,706,760	41

TABLE 2: Municipal Property Tax Collection vs. Funding from Municipal Revenue Sharing: 2007–2011

Year	Municipal Property Tax Collection	Municipal Revenue Sharing Disbursements	Percentage of Property Tax Offset by Revenue Sharing
2007	\$1,876,244,644	\$121,378,821	6
2008	\$1,955,410,009	\$133,124,059	7
2009	\$2,004,979,063	\$120,959,079	6
2010	\$2,047,787,605	\$97,473,014	5
2011	\$2,100,857,920	\$93,155,452	4
2012	\$2,175,579,309	\$96,875,178	4

FIGURE 2: **Estimated Municipal State and Federal Revenues, 2007–2011**



\$80 million less than they would have had 2007 levels of funding remained the same, for all programs except education (Table 3). Cuts to municipal revenue sharing represented more than \$50 million of that reduction in cumulative spending since 2007. Maine municipalities received a cumulative \$48.7 million more in K–12 education funding between 2008 and 2011 than they would have under 2007 levels of funding, but again, this represents a smaller increase than the total municipal increase in education expenditures during this period.

The role played by federal revenue during the period under study did have some effect on the impact of state revenue reduction for municipalities (Figure 2). Federal funding, unlike state funding, does not come in regular, standardized amounts; municipalities must apply for federal grants for specific purposes. Nonetheless, while funding from the state has diminished since 2008, overall amounts of money granted through federal sources increased, initially quite dramatically, through the American Recovery and Reinvest-

ment Act of 2009 and other programs. Although this aggregate increase in the amount of revenue provided by the federal government has unquestionably been helpful for municipalities, it has never substituted for a percentage of municipal budgets that would entirely offset the degree of state revenue decrease.

MUNICIPAL RESPONSE

With less state revenue, municipalities were put in a position where they needed to decide whether to reduce expenditures, increase revenue from other sources, or do both. In many cases, they appear to have tried to do both. Municipalities faced strong challenges in achieving these changes in budget structure during a period where, on average, they faced substantial additional costs in education — the largest category of municipal expenditure — to continue to meet state and federal education requirements.

The combination of state and federal revenue accounted for an average of 35 percent of total estimated statewide municipal expenditures in 2008.

In 2010, at their lowest point during the studied period, state and federal revenue accounted for 29 percent of total estimated statewide municipal expenditures. While MMA estimates suggest that municipalities may have collected an exceptionally high amount of municipal revenue in 2009, these collections reduced quickly following the onset of the recession. Municipal revenue collection figures in 2010 and 2011 suggest that municipalities were functionally replacing state money with municipal sources: increases in locally generated revenues above 2008 levels closely match decreases in state and federal revenues (Table 4).

Despite a national trend in declining property tax collection following the 2009 recession, Maine’s municipalities collectively increased their residential property tax collection by an average of 5 percent each year. In addition, recent municipal budget trends demonstrate that municipalities now rely more heavily on user fees as a source of revenue than they did in the past.

The achievement of rough parity between new municipal revenue and loss of old state revenue hid a number of shifts within municipal expenditures that occurred during this time. Statewide, municipal spending on general administration decreased each year after 2007; the largest estimated decrease in this expenditure category, \$15 million, occurred in 2010. Cumulatively, reduced spending on general municipal administration has resulted in more than \$203 million less in municipal expenditures than if municipalities had maintained 2007 levels of spending in this category. Looking at reductions in general administration in closer detail, we can see that 2010 was also the year of largest reductions in one major dimension of general administration expenditures: employee benefits (Figure 3).

TABLE 3: **Changes in State Funding Levels Since 2007: Differential Effects by Program**

Year	Revenue Sharing	Homestead Exemption	Road Assistance	General Assistance	Tree Growth	Veterans’ Reimbursement	State Aid to Education
2008	\$6,024,886	-\$1,603,220	-\$943,707	-\$1,638,639	-\$413,011	\$148,355	\$21,178,983
2009	-\$1,810,443	-\$1,478,058	-\$2,298,644	-\$125,895	\$531,927	\$403,453	\$31,257,704
2010	-\$25,533,355	-\$2,363,945	-\$3,819,080	\$659,436	-\$1,256,449	\$93,397	-\$24,886,014
2011	-\$29,984,580	-\$8,656,652	-\$2,510,038	-\$2,484,408	-\$521,797	\$171,215	\$21,120,525

TABLE 4: Estimated Statewide Municipal Funding Structure: Shifts in Revenue Collection Relative to 2008

	2009	2010	2011
Change in Municipal Revenue Collection Relative to 2008	\$260,421,262	\$150,367,977	\$119,943,738
Change in State and Federal Revenue Relative to Municipal Expenditures Covered in 2008	-\$46,668,723	-\$144,941,250	-\$122,747,954

Figure 4 shows municipal expenditures across various categories. This figure demonstrates that public works also demonstrated substantially reduced spending relative to 2007 in most years during this period, as did public safety and codes and human services. Meanwhile, most years during this period witnessed slightly increased statewide estimated spending on parks, recreation and library relative to 2007 (although this is chiefly due to increases in 2008 and 2009, with 2010 and 2011 demonstrating reduced spending relative to those two years). Spending on county assessments rose sharply in 2009 and increased in 2010 also. Increased statewide municipal expenditures on debt service increased most in 2010 and 2011. Finally, although statewide municipal spending on K-12 education dipped in 2010 relative to 2009, the increased spending on K-12 education relative to 2007 drives the largest piece of the overall increase in municipal spending, despite the numerous cuts that have taken place

during the same period.

Because there is such strong variation across municipal expenditure categories in terms of total dollar amounts, it is also valuable to look at percentages of expenditures reduced in particular categories to get a sense of how existing services might be affected by reductions. Although the absolute value of changes in general administration and education are the largest, on a percentage basis the expenditure categories of codes and human services and debt service have experienced the greatest degree of change since 2007, and in the case of debt service, since 2008.

TAKING ON DEBT

The increase in debt service reveals that one of the strategies used by municipalities facing a decline in state support appears to be an increased willingness to take on debt. The U.S. Census Bureau surveys of state and local government spending demonstrate that municipal borrowing is on the

rise in Maine. In comparing the change in the amount of state debt with the change in the amount of municipal debt statewide, we see that though state debt reduced in 2010–2011, municipal debt continued to climb 6 percent over the previous year’s amount (www.census.gov/govs/local/index.html).

Under these trying conditions, it is im-

portant to note that education spending is generally continuing to increase. That many towns have raised local revenue rather than cut K-12 education expenditures reveals the relatively inelastic nature of education spending. Though investigating the increase in education spending in budgetary hard times is not within the scope of this paper, we could assume that the increase reflects both structural elements (substantial ongoing capital investments, salaries and benefits levels guaranteed under union contract) and widely shared municipal preferences (maintaining high-quality schools). Though the belt-tightening of 2010 caused most towns to cut back, at least temporarily, Maine’s largest towns continued to increase spending on education, so that by 2011 they were on average spending more than 33 percent more than they were in 2007.

This difference in spending on education demonstrates another potential consequence of the reduction in state support for municipal services. Many smaller towns cut education spending in 2010, presumably in response to that year’s dramatic reduction in state funding for education. Since larger towns appear to be continuing to increase their education expenditures despite those cuts, there is a possibility of a larger than usual gulf between the educational services provided in smaller and larger towns across the state. Variation within the state in municipal education funding has continued to increase over the entire 2007–2011 period, increasing the distance between the level of education expenditures made in smaller as opposed to larger towns.

CONCLUSION

The variety of shifts in municipal revenue collection and expenditure reveal that municipalities are seriously affected by reductions in state revenue. The outcome is a mixture of heightened municipal revenue collection, decreased spending on general town services, increased spending on education — and where necessary, increased indebtedness. Because of the availability of data, this study considers primarily budgetary changes that occurred between 2007 or 2008 and 2011. We know that the trends exemplified in the post-recession period have largely continued — and in some situations,

FIGURE 3: Percentage Municipal-Level Reduction in Employee Benefits since 2008, by Town Size

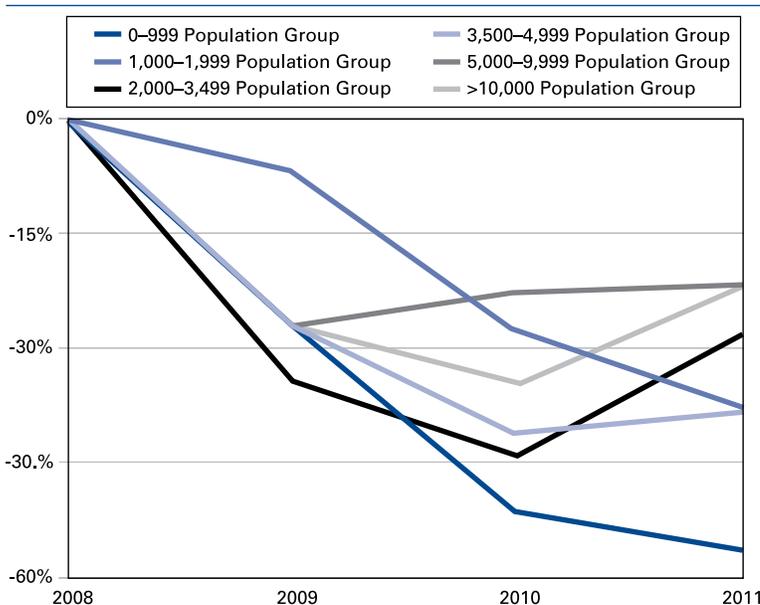
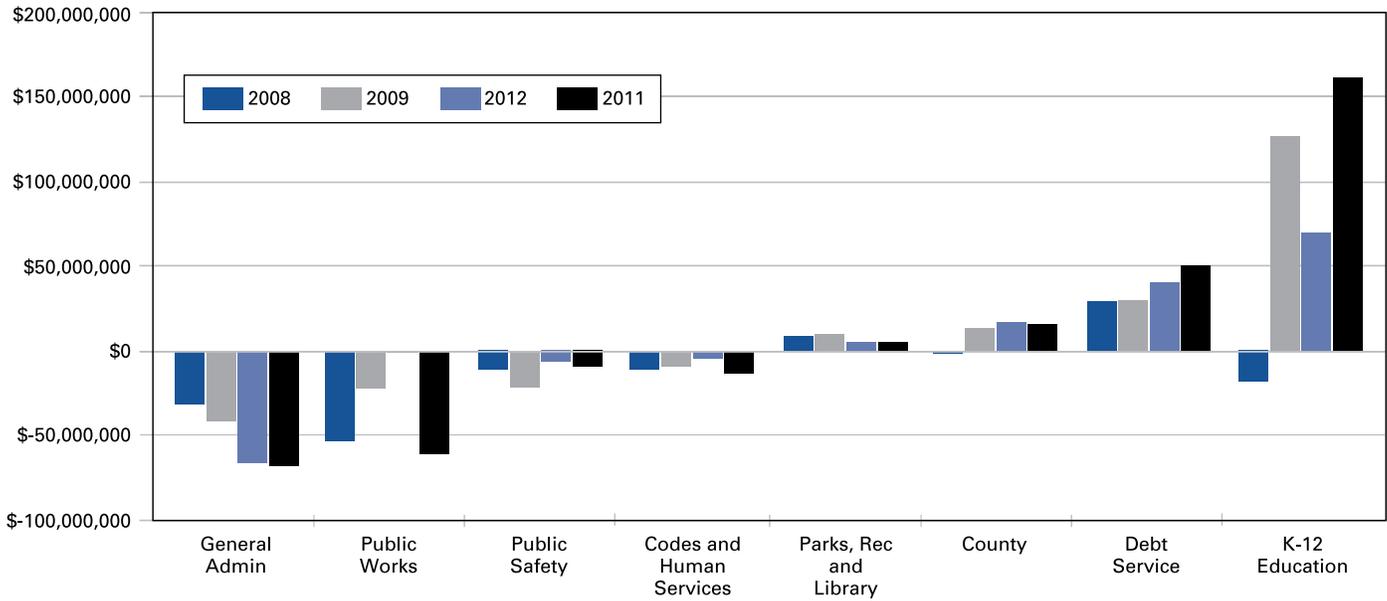


FIGURE 4: Changes in Categories of Municipal Expenditure Since 2007

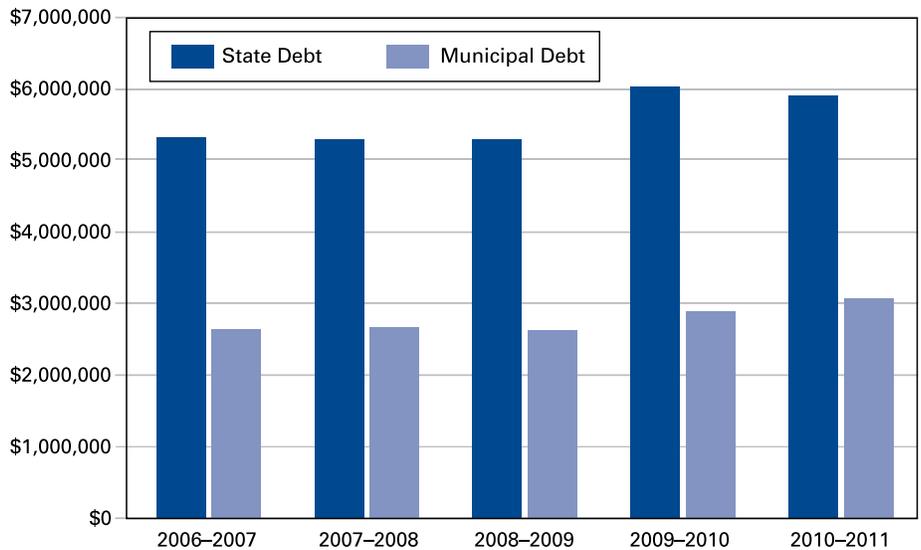


like the reduction in municipal revenue sharing and education spending relative to municipal K-12 assessments, have greatly accelerated. However, it is impossible to discern the magnitude of the most recent changes without additional data. Nonetheless, the impact of the existing trends is highly likely to continue given the state's continued failure to meet its previous statutory requirements for municipal funding.

On the expenditure side, municipalities spend substantially less than they had earlier on town administration, including code enforcement and human services. Municipal-level fiscal surveys also reveal that spending on county services has increased in recent years, suggesting that municipalities in the aggregate may be seeking to provide services in less expensive ways through service consolidation. Unfortunately, since these elements of the town budget account for relatively little of the overall spending — especially in comparison to education — dramatic cuts in these areas may substantially alter the nature of the services available in towns. Despite the cuts to many municipal services, education spending continues to rise in many towns to a degree that collectively outstrips the other cuts that municipalities may make.

Looking at spending patterns in the aggregate, we can see that municipal spending statewide is fairly inelastic. On average, Maine's municipalities have so far been unable to reduce

FIGURE 5: State and Municipal Debt, 2006–2007 to 2010–2011



their total spending in response to substantial reductions in state funding. Instead, despite obvious efforts to cut where they can, municipalities are

largely making up for the lack of state spending through increasing the tax and fee burden on their local populations. [ME]

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Gardiner Hosts Collaboration Summit

By Douglas Rooks

On a frigid January night, 60 municipal leaders turned out for a Collaboration Summit sponsored by the City of Gardiner. Mayor Thom Harnett welcomed several legislators to the event, held at the Gardiner Boys and Girls Club – a former elementary school that Harnett pointed out is owned by SAD 11, a regional district serving three additional towns for more than 50 years.

Harnett said Gardiner also hosts a regional ambulance service, a regional library and water and sewer districts that cross municipal boundaries. But “more may be needed,” he said, given the fiscal crisis at the Statehouse, and the uncertain future for municipal revenue sharing.

The hour-and-a-half session featured presentations by several municipal and state officials, and a frank discussion of both the promise and pitfalls of inter-municipal cooperation.

Rick Michaud, who has been Saco’s city administrator since 1999 and served as manager for Rockland and Madison before that, described a lengthy series of initiatives between Saco and Biddeford, Old Orchard Beach and other neighboring communities. Some of the results have been lasting, others short-term, while still other ideas have yet to bear fruit.

Michaud emphasized that “operational efficiencies” and administrative changes that can be arranged by professional agreement are often the easiest to achieve, while trying to change political and legal structures is usually more difficult.

Managers need to be aware that

they will sometimes end up in more than one camp. “You stand with a foot on both sides of the fence, and then you realize it’s an electric fence,” he said.

The fire departments of Biddeford and Saco, he said, “are the closest together, operationally, as any two departments in the state,” sharing training, equipment and emergency response.

He finds that for citizens getting services “it doesn’t matter which side of the river they’re on,” and that if a Biddeford engine arrives first at a Saco fire, the most senior officer on the scene takes command.

But initiatives to create a joint fire chief or a deputy chief haven’t found favor with both councils at the same time, Michaud said. The same was true for an initiative to create a single economic development director position.

LOCAL PRIORITIES

“There are always local priorities,” Michaud said, “and it’s sometimes hard to explain how they can all be served. People wonder, when there’s disagreement, where the loyalties lie.”

Michaud said he believes municipal officials should always be on the lookout for possible collaborations, particularly when it can save money or improve services. For a period, Saco “rented” a GIS specialist from Scarborough for 16 hours a week, though

eventually Scarborough made the position full time and the collaboration ended.

Sometimes, “even when it makes sense,” collaboration doesn’t work. In response to the 2007 school consolidation law, Saco formed RSU 23 with Old Orchard Beach and Dayton. The RSU has now broken apart, following a 3-1 vote from Saco citizens in favor of withdrawal. Saco is now in the process of re-establishing a municipal school system. “Life is a lot simpler,” Michaud said, “without a school department.”

Roger Katz, a former Augusta mayor and now a state senator, gave an overview of the legislative outlook and urged local officials to work harder to collaborate. “It’s not the sexiest issue in the world, but it is one of the major challenges we face,” he said.

He said barriers to collaboration are often the flip side of the virtues of local government. “We take pride in our cities,” Katz said. “We’re in love with the idea of local control and find it difficult to imagine anything else.”

During discussions of sharing services on a regional basis, Katz said, he’s often found that an obstacle is “the fear of the little guys about being swallowed up.”

During the school consolidation debate, Augusta tried to initiate conversations with several neighboring towns, “but they didn’t even want to talk.” He added, “I don’t think there’s

COLLABORATION CORNER

This article continues a regular feature in the *Maine Townsman*, highlighting ways that municipalities work together to become more efficient and better serve citizens.

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Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the Maine Townsman, drooms@tds.net

any reason for Chelsea to have its own school system, but I also don't think that's going to change anytime soon."

Katz said the state has to offer both "carrots and sticks" if it wants to change arrangements at the municipal level. The 2007 school law was perceived as having only sticks, "and consolidation failed miserably," he said.

KATZ ON REVENUE SHARING

Perhaps more promising, if municipal officials get behind it, is re-establishing the "efficiency fund" that was briefly fueled with 1 percent of revenue sharing and provided grants for the startup costs of municipal collaboration. "Of course that depends on having revenue sharing fully funded," Katz said – a highly uncertain prospect.

There were also presentations by Gay Grant, state representative from Gardiner, Rosie Vanadestine, executive director of the Kennebec Valley Council of Governments, and Kennebec County Commissioner Nancy Rines, subbing for Robert Devlin, the county administrator.

Grant said she believes restoring revenue sharing is a top legislative priority, a program she said "is enshrined in law and a trusting partnership." But she also said there's wide recognition at the Statehouse "that we can no longer do business as usual."

Grant, who has served on both regional school and library boards, said that, over time, municipal boundaries fall away. "We were a team," she said. "I didn't listen to someone any less because they came from Pittston or Randolph."

When she was growing up in Gardiner, she found older citizens still regretting the loss of the city hospital. "Thank goodness we had the foresight to invest in a strong regional hospital, with the results we see today," she said, referring to the new MaineGeneral hospital that recently opened in Augusta.

Nancy Rines said the county budget committee, composed largely of municipal officials, opened her eyes to the needs of different communities and strengthened the budget process. Of collaboration, she said, "We've been doing this for a long time, but you need people to buy in."

During the question-and-answer period, some bold schemes and some

strong reservations came up.

Rob Johnston, a Gardiner city councilor, said he could envision a single fire department extending from Gardiner to Augusta.

"We could do a lot together, and it doesn't all have to be in the cities," he said. "I could see a chief in Randolph, a central station in Farmingdale." He added, "I probably just lost my next election bid."

Mike Starn, Hallowell's city manager and a long-time communication

manager at Maine Municipal Association, said he had "a unique view" of collaboration initiatives, and related the results of a consultant's report that outlined five options for Hallowell's all-volunteer fire department.

While it would be cheaper to contract for the service, he said that the first public meeting on the report "made it clear that people wanted to keep their fire department. It's part of their history as a community." And that, he said, "more than anything



Attendees confer at Gardiner summit. (Photo by Ben Thomas)

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else, is the biggest obstacle we're going to face."

Bill Bridgeo, Augusta city manager, talked about a study he did of the Australian state of Victoria, which had 215 municipal governments and a population of 3 million. By contrast, Maine has more than 490 municipalities and

1.3 million people.

The Victoria parliament, after a lengthy study, decreed that, except for Melbourne, all the municipalities would be reorganized into 78 new units. All employees were dismissed – some were rehired – and 50,000 jobs were eliminated "with a correspond-

ing boom in the private economy," Bridgeo said.

STATE LEADERSHIP

After 16 years as Augusta manager, he's come to believe that "the lead has to come from the state" for significant change to occur. "We're not going to give up local control," he said. "It has to be directed."

In his view, the 2007 school consolidation law "wasn't tough enough or strong enough. We try to have it both ways, and we can't."

Ken Young, a former KVCOG director now in private practice, said that he's seen both successes and failures. A state-funded efficiency study found that fire departments in the Waterville area could be merged effectively, but though Winslow and Waterville share a fire chief, the rest of the project went nowhere.

He recalls hearing a town official, at one of the meetings, say, "It isn't going to work. I know it." Young then asked him what reasons he had for this belief. There wasn't any reason beyond "I just know it."

Young summed up his observations



A good crowd listens about municipal collaboration. (Photo by Ben Thomas)

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by saying, "There's a lot of enthusiasm (for collaboration) from the people who carry it out, but no enthusiasm from the people who have to vote for it."

Other speakers said they believed there are more opportunities for sharing services, in part because it's hard to find qualified people. "Have you ever tried to find an animal control officer?" asked Greg Couture, a West Gardiner selectman. A call to a neighboring town brought this response: "When you find one, let us know."

Sarah Fuller, vice chair of the Winthrop Town Council, said she tries to focus on coordinating systems, such as those for assessing and building code enforcement. "If we're using the same rules, we can collaborate," she said. "If we aren't, there's no chance."

At the conclusion of the meeting, Gardiner City Manager Scott Morelli asked those attending to indicate if they wanted to "continue the conversation" with future meetings. Fourteen people signed up, he said, and he also plans to check with others who indicated an interest but were not able to attend the Jan. 22 summit. **ME**



It's what's underneath that counts

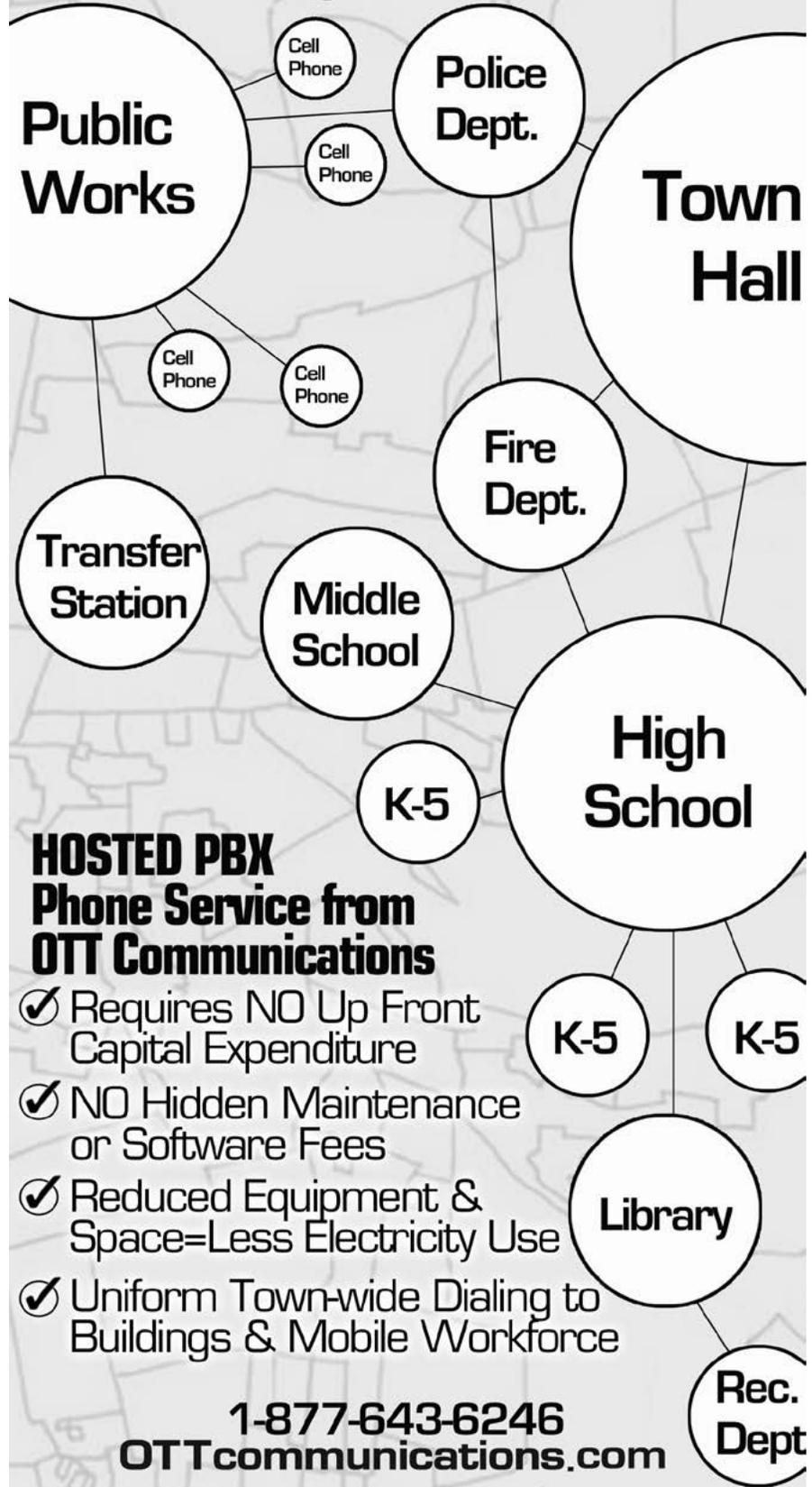
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Ties That Bind: Maine Communities, Ski Hills

By Douglas Rooks

At one time, community ski areas were spread across the length and breadth of Maine. The 1960s and '70s saw an explosion of downhill skiing and, for a time, it seemed that almost every town with a steep slope was getting into the business.

The website "New England Lost Ski Area Project" lists 75 slopes that were once hauling skiers up rope tows and chairlifts but have now disappeared. Many were operated by schools and colleges – Colby, Gould Academy, even the now vanished Oak Grove-Coburn – but others were launched by community ski clubs and a few were owned by municipalities, including one in Lincoln.

Now, there are just 18 operating downhill ski areas in Maine, according to the Ski Maine Association, and the number could shrink further with climate change and the daunting economics of operating facilities just two or three months a year.

But in some instances community ski areas are making comebacks, thanks to solid local support and – in two cases – major grants from the Libra Foundation's Maine Winter Sports Center. Organizers say there's still a market for traditional ski areas and the market should be expanded, citing reports that this generation of young people, for the first time, is less physically fit than their parents.

Without a doubt, the crown jewel among community areas is the Camden Snow Bowl on Ragged Mountain, which looms over the ocean and is the only municipally owned ski area in Maine.

The Snow Bowl soon will get a major retrofit after Camden voters approved a \$2 million bond issue in the

Nov. 5 election, matching \$4.5 million raised privately during an arduous five-year campaign begun in 2008, at the beginning of the recession.

Over that five-year period, voter support has grown measurably, according to Rick Knowlton, who co-chaired the redevelopment effort. Before beginning the campaign, organizers decided to test the waters in the form of a straw vote at town meeting.

"We received 2-1 support, and we thought that was pretty encouraging," Knowlton said. On Election Day in 2013, "We had 5-1 support on the bond, with a big turnout," he added. "That's about as close to unanimous as you get on municipal issues."

SIGNIFICANT VOTE

Town Manager Patricia Finnigan said the vote was significant in that it doubled the town's current indebtedness. "That's not something a town ever takes lightly," she said.

The new director of Parks and Recreation, Landon Fake, was hired on Oct. 15 and doubles as the ski area's general manager. He has ski area experience and will soon relocate from Bethel, Finnigan said.

The \$6.5 million raised for renovations will be deployed over the next two construction seasons, in 2014 and 2015. The first year, the "improvements on the mountain" will begin, Knowlton said. That will include retirement of old lifts and a new, faster triple chair lift to move many more skiers to the top of the mountain, which features a nearly 1,000-foot drop. It will also allow widening and grading of trails, a new link to improve the now-limited cross-country trail network, as well as key infrastructure improvements, including roads, water and sewer systems.

The second year will see construction of a new, 8,000 square foot lodge that's more than twice as large as the existing one, which will be retained. Knowlton said the entire package will allow the ski area to comfortably host 600 skiers at a time; by contrast, the current lodge seats around 125.

Knowlton sees the project as "investment for the next 30 to 40 years," similar to the last round of improvements in the late 1970s, that – ironically – led to the town taking over operations when the ski club that had operated the Snow Bowl for nearly 50 years ran into financial difficulties.

Today, the Camden Snow Bowl operates as part of the town's Parks and Recreation Department. It is easily the largest single component in the budget.

Impetus for the improvement also got a boost from an economic impact study by Camoin Associates that showed year-round activities at the recreation area produced \$5 million in additional spending and wages in the area.

"We always knew it had a significant effect, but it was great to be able to put a number on it," Knowlton said.

An earlier study in 2007, before the campaign was launched, showed that "this can be a viable model for continued operations," Knowlton said. The combination of municipal ownership with strong private sector partnerships has other advantages, he believes.

MUNICIPAL ADVANTAGES

When the expansion was being debated, some neighbors on Hosmer Pond, at the base of the mountain, "were asking whether we'd have loud rock concerts." Such concerns are easier to address with public than private ownership, Knowlton said. "There's transparency and responsiveness in the

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process,” he said. “Things get resolved before there’s a lot of friction.”

While “on a beautiful blue sky day after a big storm” the Snow Bowl can attract up to 2,000 skiers, the expanded area is aimed at attracting people at non-peak times, he said. The Snow Bowl averages just 80 days of skiing; it’s open, on average, 20 weeks a year, and operates five days a week. That means improved snowmaking may be crucial to success, Knowlton said. Coverage will increase from 40 percent of the slopes to 80 percent.

In addition to such traditional winter events as the Toboggan Nationals, one of the biggest draws, the Snow Bowl is expanding mountain bicycling and hiking trails, and the lodge is booked solid during the summer weekend for weddings and parties. The new lodge will allow a broader range of rentals; discussions have begun, for instance, with the popular Bay Chamber Concerts series.

Inland, two community ski areas also have received major improvements in the quest for stability in a competitive market – Black Mountain in Rumford and Big Rock in Mars Hill, both with slopes comparable to Camden’s.

The Libra Foundation’s Maine Winter Sports Center bought both ski areas and invested nearly \$9 million in improvements for Black Mountain and about \$6 million at Big Rock. A decade later, the sports center decided it was time for both areas to fly on their own. It created an exit plan last year.

For a time, it was a bumpy ride.

Rumford, which had once provided \$100,000 a year to subsidize Black Mountain, cut that back to less than \$50,000. The newly independent Black Mountain board asked for \$51,000. Instead, voters cut the line entirely.

Roger Arsenault, who has been active with the Chisholm Ski Club for three decades, said uncertainty about operations at the New Page mill, by far the town’s largest property taxpayer, and diminished state revenue sharing led to cuts just about everywhere in the town budget.

In June, Black Mountain said it would have to close without other fi-

ancial support. By September, nearly \$200,000 had been raised, enough to guarantee that the ski area would open once again. Arsenault said it was “a scary experience” and the directors know that they will have to continue to work to make the future sustainable, even after the modernization.

BLACK MOUNTAIN EXPERIMENT

Black Mountain is continuing a radical experiment with pricing that Libra encouraged it to try last year. Rather than daily lift tickets priced at \$30-\$35, typical for most of the smaller ski areas,



The chair lift at Black Mountain in Rumford (Photo by Ben Thomas)

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daily tickets were cut to \$15, with season passes offered for as little as \$150.

For Black Mountain, it worked well. "Skier visits were up 198 percent last year," Arsenault said. For this season, "We're anticipating, conservatively, another 30 percent increase."

The low-price tickets put Black Mountain on the map in a way it hadn't been before, with regulars coming from as far away as Augusta and even Portland.

Black Mountain benefits from informal cooperation with Sunday River

in Newry, near Bethel – along with Sugarloaf, one of Maine's two mega-resorts – and this year has a regular liaison to help with marketing and other issues, Arsenault said. "They see us as a feeder slope for their programs, and they've been very generous."

The big discount experiment did not work out as well at Big Rock in Mars Hill, which also cut prices in half last year, said General Manager Bill Getman. "We did see increases in skier visits and season passes," he said.

But it was not enough to replace

lower revenues per ticket. This winter, the \$35 lift ticket is back, but Getman believes it will work.

Big Rock, too, announced it might shut down after the Libra Foundation's exit. In the space of a few weeks, the campaign raised the \$200,000 it needed to open, and the effort is structured to fund at least the next three years of operations.

Unlike Camden and Rumford, the Town of Mars Hill has never had significant financial involvement in the ski area, although it did float a loan at one juncture before the Libra purchase, Getman said.

The best evidence of community support came during the fundraising campaign. "It was great," he said. "We had everything from \$4.75 in a kid's piggy bank to corporate contributions." McCain Foods, for instance, pledged \$45,000 over three years.

TURBINE TOURISM

The mountain itself is a bit of a tourist attraction, featuring huge wind turbines installed by First Wind in 2007, the first utility-scale wind farm in Maine.

"People stop in our parking lot every summer to take a look," Getman said. The turbines don't have much effect on skiers 80 percent of the time. But 20 percent, "when the wind is blowing the other way, you can hear the roar."

Big Rock now draws from a 60-mile radius as one of the few high points in eastern Aroostook County, Getman said, though there are some regulars from Bangor, about 120 miles away. "With the higher speed limit (on I-95), it's about 15 minutes closer," he said.

Despite the ups and downs, Getman remains bullish on Big Rock's future, though he says that there will always be seasonal variations.

Last year, "I thought we had a great Christmas week. It was almost magical." With a foot of natural snow and 28-degree temperatures, "It turned out everybody had a wonderful week"

Like the Snow Bowl and Black Mountain, Big Rock is diversifying to find new sources of support. An Octoberfest celebration this year raised \$10,000, and Getman is looking at a possible 5k road race, similar to annual events at Sunday River. "They have 5,000 runners paying \$50 apiece. Ours would be smaller, but still significant." 



Main lodge in background at Black Mountain. (Photo by Ben Thomas)



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2014 KEYNOTE SPEAKER

MIKE FRANK

"The Only Thing Constant is Change." Mike Frank, a sought-after speaker based in Ohio and former president of the National Speakers Association, will address managing change during fast-paced times. Mike, who brings nearly 30 years of experience in international sales, promises that his upbeat style will have the audience laughing, learning – and looking forward to whatever the future holds.

Clerks: Overall, New Machines Successful

By Liz Chapman Mockler

Sometimes even good things can cause bad things to happen, such as on Nov. 5, when more than 200 Maine municipalities used new digital voting machines meant to improve elections and speed up getting the results to the public.

Most of the problems encountered during the November election were created when absentee ballots, which are folded, sometimes jammed in the new tabulators. The second problem, according to many municipal clerks, was the time it took for the DS200 tabulators to read each ballot electronically before the voter could slip the next ballot through.

But as South Portland City Clerk Susan Mooney noted, even with the hiccups on Election Day, voters stood in line for less time than it takes to register their cars.

"I'm sure (voters) will learn to deal with them," Mooney said of the new machines. "Hopefully voters will wrap their heads around this."

Mooney said that while a few absentee ballots plugged up the machines, each one was accepted and counted.

However, other than helping with absentee ballots and likely improving accuracy, Mooney said the new machines don't benefit the city any more than the electronic counters the city bought 13 years ago.

HELPING VOTERS

The new machines were a long time reaching Maine. New tabulators were authorized in the 2002 Help America Vote Act, a result of the election of George W. Bush as president

in 2000. Maine received \$17 million from the federal government and used the money to finance new machines for Maine cities and towns via a five-year lease with Election Systems and Software (ES&S), based in Omaha, Nebraska (www.essvote.com).

As part of the new election law, states were required to establish a central voter registration system and a vote-by-phone system, among other changes.

State officials decided to use the new digital machines in the November 2013 election to identify and fix problems before next June's legislative primaries and local elections, or the 2016 presidential election, according to Secretary of State Matthew Dunlap (www.maine.gov/sos/cec).

"We had more complaints from the larger communities" that attract higher voter turnout, Dunlap said. "... I am happy where with where we are. Only a couple of towns were unhappy and they had issues that can be addressed."

Most important to many clerks is having machines that can scan the ballots faster. In November, many machines took three to eight seconds to read, according to feedback from some clerks. Dunlap said he thought the time was clos-

er to three to five seconds, but added that ES&S plans to make adjustments so the scanners can read faster.

Repeated attempts to reach ES&S officials were unsuccessful but, according to the firm's website, the state of Maine is the firm's newest customer. The company serves the U.S. and Canada. The company says the DS200 digital tabulator is "an intelligent, advanced, integrated solution ... (that) features the latest digital image technology available on the market."

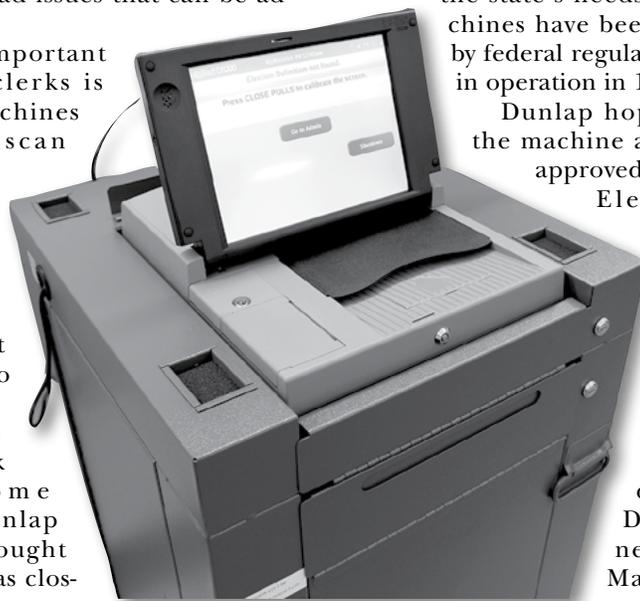
The Secretary of State's Office sought bids for new voting machines and decided ES&S was the best fit for the state's needs. ES&S machines have been approved by federal regulators and are in operation in 18 states.

Dunlap hopes to have the machine adjustments approved by the U.S.

Elections Assistance Commission in time for the June 2014 legislative, municipal and referendum voting. Dunlap said nearly 230 of Maine's cities



Matthew Dunlap



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and towns used the new machines last November, increasing the number of municipalities that no longer count by hand by about 10 percent.

Dunlap said the ES&S lease provides 428 voting machines, of which 332 are financed by the state. The remaining 96 are leased by cities and towns that want or need more machines than allotted by the state.

The state provides the machines based on population and number of polling precincts, Dunlap said.

ABSENTEE BALLOTS

Small-town clerks say they liked the digital machines despite the bumps on Election Day, and don't plan to let them go. In large part, that's because clerks and their helpers no longer have to count by hand. In the larger communities, such as South Portland, the machines accepted every absentee ballot, which was a major improvement over the hand-counting and hand-wringing over the early ballots, Mooney said.

Mooney was one of a handful of municipal clerks who met with Dunlap and the vendor after the election. "I think the Secretary of State's Office always listens to us and tries to help us," Mooney said.

Help or not, don't try taking the new machines out of Calais.

"I love them," said Town Clerk Theresa Porter. "I had no complaints (from voters) at all. Absentees sometimes

caused snags, but we had the result immediately after hand-counting them forever."

"It was so slick," added Caribou City Clerk Jayne Farrin. "My confidence level was very high. It was a very good election. I sing their praises."

Farrin said Connor residents also vote in Caribou, so election wardens needed to be careful that voters got the correct ballots. The machines were programmed, however, so that the machines could take all ballots and separate out the vote counts for both communities. Connor is an unorganized



John Myers

township with less than 500 residents located between Caribou and Limestone.

According to Dunlap, the new machines also greatly help his office, which previously had to develop 1,800

differently sized ballots because of the various voting machines in use across Maine. The new machines allow Dunlap's office to use one ballot template.

Dunlap said his office surveyed all clerks after the election. On a scale of 1 to 10, he said 80 percent of clerks rated the new machines at 7 or higher.

READY FOR 2014

John Myers, Buxton town clerk, said the Maine Town and City Clerks' Association (www.mtcca.org), which he heads, created an Elections Working Group that met with Dunlap and representatives from ES&S after the November balloting.

Four municipal clerks represented the association in the meeting: Portland, South Portland, Falmouth and Waterville, Myers said.

They discussed the problems and noted that the larger communities, with higher voter turnouts and more absentee ballots, encountered more problems than the smaller communities.

"Any time the clerks have a problem, the Secretary of State's Office has really listened and done everything they could to correct the problems,"

Myers said.

Myers said the November election in his town did not attract many voters because there were no local elections or referendum questions. He said the machines jammed only four times.

Buxton needed three of the new machines, while the Town of Lamoine needed only one.

"It has gone well for us," said Stuart Marckoon, administrative assistant to the Lamoine Board of Selectmen. "There was some jamming, but nothing we couldn't handle."

Unlike in Buxton, Marckoon estimated voter turnout at 40 percent last November, or about 600 voters, because of a school withdrawal referendum.

Also unlike many municipalities, the town also was using the machines for the second time, having christened them in the 2012 presidential election, Marckoon said.

In 2010, with the old machines, Lamoine election officials were counting ballots until 4 a.m., Marckoon said, which was typical under the old system. In the 2012 presidential election, "we had the results by 9 p.m.," Marckoon said. This year, the results were available at 8:45 p.m.

Marckoon said he and selectmen "absolutely" will continue using the new machines.

Jennifer McWain, Mount Desert deputy town clerk, said the 2013 election "was smooth" despite a few "bugs."

"We are going to keep them," she said of the new machines.

Dunlap said the state leased the machines rather than buying them because technology is improving so quickly. By leasing, the state keeps its options open for newer, faster machines as they become available. 



Theresa Porter

ABOUT THE DS200 MACHINE

Modem: Accumulates and transmits votes directly from the polling place.

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Progressive: Includes extra USB ports and expandable memory to accommodate evolving Election Assistance Commission (EAC) standards.

Smart: Uses Intelligent Mark Recognition (IMR) technology to eliminate guesswork when determining a ballot mark for a candidate.

— Source: Election Systems & Software

2014 MMA & Affiliate Training Calendar

KEY TO WORKSHOP SPONSORS

MMA	Maine Municipal Association	MMTCTA	Maine Municipal Tax Collectors' and Treasurers' Association
MACA	Maine Animal Control Association	MSFFF	Maine State Federation of Firefighters, Inc.
MAAO	Maine Association of Assessing Officers	MTCCA	Maine Town & City Clerks' Association
MBOIA	Maine Building Officials & Inspectors Association	MTCMA	Maine Town, City and County Management Association
MCAPWA	Maine Chapter of American Public Works Association	MWDA	Maine Welfare Directors Association
MCDA	Maine Community Development Association	MWWCA	Maine WasteWater Control Association
MFCA	Maine Fire Chiefs' Association		

*Please note that the listings with a  symbol are new courses!

FEBRUARY

DATE:	COURSE NAME:	LOCATION:	SPONSORED BY:
2/4-2/5	MWUA & MWWCA Joint Conference	Portland – Holiday Inn by the Bay	MWUA/MWWCA
2/6	MFCA Legislative Breakfast	Augusta – Senator Inn	MFCA
2/12 	Moderating Town Meeting Moderating Town Mtg Video Conference	Augusta – MMA Caribou – Northern ME Dev Comm(NMDC)	MMA MMA
2/25	Managing Freedom of Access Requests	Augusta – MMA	MMA
2/27	MWWCA Legislative Breakfast	Augusta – Senator Inn	MWWCA

MARCH

3/4	Tax Liens Procedures	Bangor – Spectacular Events	MMTCTA
3/5 	Title 30-A Title 30-A Video Conference	Augusta – MMA Caribou – Northern ME Dev Comm (NMDC)	MTCCA MTCCA
3/13	Title 30-A	Portland – Fireside Inn & Suites	MTCCA
3/14	MWWCA Ski Day	Rangeley – Saddleback Mountain Ski Resort	MWWCA
3/19	Tax Liens Procedures	Old Orchard Beach – Captain's Galley	MMTCTA
3/20	MBOIA Membership Meeting/Training	Old Orchard Beach – Captain's Galley	MBOIA
3/21	Advanced GA	Brewer – Park & Recreation Center	MWDA
3/25	Local Planning Boards/Boards of Appeal	West Kennebunk – Fire Station	MMA
3/26	Vital Records	Portland – Fireside Inn & Suites	MTCCA
3/26-3/27	MFCA/MFPSC Joint Conference	Newry – Sunday River Ski Resort	MFCA/MFPSC
3/28	MFCA/MBOIA Joint Training	Newry – Sunday River Ski Resort	MFCA/MBOIA
3/28	35th Annual Statewide Manager Interchange	Bangor – Hilton Garden Inn	MTCMA

APRIL

DATE:	COURSE NAME:	LOCATION:	SPONSORED BY:
4/2	Verbal Judo	Augusta – MMA	MMA/Affiliates
4/3	MCAPWA Spring Meeting/Training	Waterville – T & B's Celebration Center	MCAPWA
4/4-4/5	MACA Annual Meeting/Training	Bangor - Hollywood Casino & Hotel	MACA
4/8	New Clerks Workshop	Bangor – Spectacular Event Center	MTCCA
4/10	Labor & Employment Law	Augusta – MMA	MMA

2014 MMA & Affiliate Training Calendar

4/15-4/17	Supervisory Leadership for Public Works I	Gorham – Municipal Offices	MCAPWA
4/16	Basic Excise Tax	Augusta – MMA	MMTCTA
4/18	MWWCA Spring Conference	Orono – Black Bear Inn	MWWCA
4/28-4/29	MWDA Spring Training Seminar	Bangor – Hollywood Conference Center	MWDA
4/29	Basic Municipal Budgeting	Orono – Black Bear Inn	MMA
4/30	Local Planning Boards/Boards of Appeal	Skowhegan – Recreation Center	MMA

MAY

5/1	Municipal Technology Conference	South Portland – DoubleTree By Hilton	MMA
5/6	Elected Officials Workshop	Orono – Black Bear Inn	MMA
5/8	Boards of Assessment Review	Augusta – MMA	MAAO/MMA/MTCMA
5/8-5/9	MMTCTA Annual Conference	Bangor – Cross Insurance Center	MMTCTA
5/13	Local Planning Boards/Boards of Appeal	Brewer – Jeff's Catering	MMA
5/15	Records Management	Bangor – Spectacular Event Center	MTCCA
5/19-5/20	Maine Code Conference	Sebasco Estates – Sebasco Harbor Resort	MBOIA/MFCA
5/20-5/22	Supervisory Leadership for Public Works II	Gorham – Municipal Offices	MCAPWA
5/20	Voter Registration	Augusta – MMA	MTCCA
5/21	Title 21A	Augusta – MMA	MTCCA
5/29	Elected Officials Workshop	Presque Isle – Northeastland Hotel	MMA

JUNE

6/3	Local Planning Boards/Boards of Appeal	Machias – University of Maine	MMA
6/4	 Social Media Do's and Don'ts	Dedham – The Lucerne Inn	MMA
6/5	Highway Congress	Skowhegan – Skowhegan Fairgrounds	MCAPWA
6/12	Elected Officials Workshop	West Kennebunk – Fire Station	MMA
6/17	Cash Management	Bangor – Spectacular Event Center	MMTCTA
6/18	Elected Officials Workshop	Northport – Point Lookout	MMA
6/24	New Managers Workshop	Augusta – MMA	MMA/MTCMA

JULY

DATE:	COURSE NAME:	LOCATION:	SPONSORED BY:
7/1	 Municipal Law for Clerks Mun Law/Clerks Video Conference	Augusta – MMA Calais – Washington Cty Comm College (WCCC)	MTCCA MTCCA
7/15	Payroll & 1099 Procedures	Augusta – MMA	MMTCTA
7/17	MFCA Membership Meeting/Training	Hope – Fire Station	MFCA
7/23	Managing Freedom of Access Requests	Pittsfield – Town Hall	MMA
7/24	MBOIA Membership Meeting/Training	Augusta – MMA	MBOIA

AUGUST

8/13-8/15	69th New England Management Institute	Newry – Sunday River Ski Resort	MTCMA
8/19	I've Got the Job, What Now?	Augusta – MMA	MMTCTA
8/20	Vital Records	Bangor – Spectacular Event Center	MTCCA

2014 MMA & Affiliate Training Calendar

8/26	 New Clerks Workshop New Clerks Video Conference	Augusta – MMA Caribou – Northern ME Dev Comm (NMDC)	MTCCA MTCCA
8/28	 Elected Officials Workshop Elected Officials Video Conference	Augusta – MMA Machias – Sunrise County Economic Council (SCEC)	MMA MMA

SEPTEMBER

9/3-9/5	MAAO Annual Conference	Sebasco Estates – Sebasco Harbor Resort	MAAO
9/5-9/7	51st Annual MSFFF Convention	Farmington	MSFFF
9/9	Networking Day & Annual Meeting	Waterville – Waterville Elks	MTCCA
9/17-9/19	MWWCA Fall Convention	Newry – Sunday River Ski Resort	MWWCA
9/25	MBOIA Annual Meeting/Training	Gray – Spring Meadows	MBOIA

OCTOBER

10/1-10/2	78th MMA Convention	Augusta – Augusta Civic Center	MMA
10/21	Fair Labor Standards Act	Augusta – MMA	MMA
10/22	Local Planning Boards/Boards of Appeal	Bethel – Bethel Inn	MMA
10/28	Labor & Employment Law	Augusta – MMA	MMA
10/29	Customer Service Excellence	Augusta – MMA	MMA

NOVEMBER

11/6	Municipal Law for Tax Collectors/Treasurers	Orono – Black Bear Inn	MMTCTA
11/13	Municipal Law for Tax Collectors/Treasurers	Waterville – Waterville Elks	MMTCTA
11/18	Personnel Practices	Lewiston – The Green Ladle	MMA
11/19	Grant Writing & Funding	Augusta – MMA	MMA

DECEMBER

12/2	Roles of Elected Officials & Municipal Mgrs	Augusta – MMA	MMA
12/9	 Local Planning Boards/Boards of Appeal PB/BOA Video Conference PB/BOA Video Conference	Augusta – MMA Caribou – Northern ME Dev Comm (NMDC) Fort Kent – Northern ME Dev Comm (NMDC)	MMA MMA MMA
12/11	MBOIA Membership Meeting/Training	Lewiston – The Green Ladle	MBOIA

WHO TO CONTACT:

1-800-452-8786 or 207-623-8428

Eric Conrad, Director of Communication & Educational Services.....x2390

MMA Educational Events:

Margaret Noel, Manager, Educational Services..... x2304

Denise Kolreg, Training & Affiliate Groups Office Coordinator..... x2296

Affiliate Training:

(MACA, MAAO, MBOIA, MCAPWA, MCDA, MFCA, MMTCTA, MWDA, MWWCA)

Joan Kiszely, Affiliate Liaison..... x2297

Melissa Carver, Affiliate Office Admin. Asst. II x2299

(MSFFF, MTCCA, MTCMA)

Margaret Noel, Manager, Educational Services..... x2304

Denise Kolreg, Training & Affiliate Groups Office Coordinator..... x2296



Augusta: Dan Guimond, who served the city as a firefighter for more than 30 years, retired in December from his post as battalion chief. Guimond started working for the city in 1979 as a dispatcher after serving in the U.S. Navy. In 1981, at the age of 21, Guimond was hired as a firefighter. He served as a lieutenant for five years before being named battalion chief in 2009.

Boothbay Harbor: YMCA Youth and Recreation Director Ed Crocker was hired as a part-time reserve patrol officer in December. Crocker, a former social worker, holds an associate's degree in law enforcement and a bachelor's degree in criminology. Well-known to children and parents because of his longtime sports coaching and organizing, Crocker will continue his work at the YMCA.

Buckfield: Town Manager Dana Lee is headed to the Town of Eliot, as early as this month, to become the southern Maine town's first manager. Lee was hired as interim Buckfield manager in January 2012 and promoted to the job permanently six months later. Lee is a former Mechanic Falls and Poland town manager.

Cape Elizabeth: Volunteer tree warden Mike Duddy received the Ralph Gould Award for Outstanding Citizenship from the town council in January. Duddy said he accepted the annual award on behalf of the conservation committee, a group with which he worked from 2000 to 2010. Duddy, a Portland lawyer, is responsible for the care of trees on both town and school property, including the popular Fort Williams Park. The Gould award was first presented in 1986 to recognize people for extraordinary volunteer service.



Michelle Beal

Ellsworth: City Manager Michelle Beal was appointed vice president of the Maine Municipal Association Executive Committee in December, while former MMA President Nicholas Mavodones Jr. of Portland was

elected to fill a vacant seat as past president. Both will serve on the MMA board for a year. Beal, who began her municipal career in 1995 in the city Treasurer's Office, was named city manager in 2007. Mavodones has served on the Portland council since 1997, including four stints as mayor. He is presently chairman of the city council's Finance Committee.

Fort Kent: Police Chief Kenneth "Doody" Michaud has announced he will retire on April 30 after nearly 50 years of service to the northern Maine town. Michaud was hired as a rookie in 1965. In 1976, he was named interim chief, a job he assumed permanently the following year. He said his decision was bittersweet: "It's time" to retire, he told the St. John Valley Times, but added he will miss the department, town staff and helping the residents of the town.



Raymond Parent

Parent served as Sanford fire chief for 15 years, as well as interim manager in 2004. A Navy veteran, Parent was awarded the Lifetime Achievement Award from the York County Fire and Rescue

Lebanon: Raymond Parent, longtime Sanford fire chief and a former Maine Fire Chief of the Year, has been hired to lead the Lebanon Rescue Department, replacing Samantha Cole, who recently resigned.

Chiefs' Association in 2008.

Madawaska: Veteran former town firefighter Fernand Bosse died Dec. 27 at the age of 83. Bosse served the fire department for 40 years, many of them as captain. He is survived by his wife, Dora, and three sons and three daughters and their families.

Millinocket: Janet Theriault has been named the town's first female deputy police chief, effective last month. A former reserve officer, Theriault will assist Police and Fire Chief Steve Kenyon while keeping as many patrol officers as possible on the beat.



Janet Theriault

Rockland: Fire Chief Charles Jordan Jr. will retire effective May 1, after 25 years. Jordan worked for the volunteer call division for 15 years before being appointed chief. Jordan said he wants to return to his previous work as a commercial real estate appraiser. He said he believes public servants should serve for a limited time and then return to the private sector.

Windsor: Former Town Clerk Sarah Cunningham was feted with a town-sponsored retirement party in January. Cunningham was hired by the town in July 1997 and was popular with her coworkers, peers and town residents. Angela Hinds, deputy town clerk, has been named interim clerk. [mm](#)

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Biddeford-Saco: The councils of both cities have agreed to form an inter-local study group to explore ways to work more efficiently and keep down municipal spending in the Twin Cities. The group, which will include three councilors from each city, also will study issues of mutual importance, such as safety on the Saco River.

Brunswick: The Maine Department of Transportation will spend \$10 million to improve Brunswick Executive Airport, a multi-phase and multi-year project. The upgrades at the former U.S. Naval base are expected to attract more aviation companies. The federal DOT will pay for 90 percent of the project cost. Work is expected to start later this year and continue through 2016.

Carrabassett Valley: Nearly 20 communities and plantations are hustling to find a place to take their solid waste after the Sandy River Recycling Association announced plans to sell its assets and stop operations on June 30. The communities affected are: Carrabassett Valley, Carthage, Chesterville, Coplin Plantation, Dallas Plantation, Eustis, Farmington, Industry, Mercer, New Vineyard, Rangeley, Rangeley Plantation, Sandy River Plantation, Sidney, Strong, Temple and Weld. The association cited increased costs and the loss of its largest customer, the Town of the Farmington, as reasons for the decision.

Gorham: Town police credit crisis-situation training for resolving an incident involving an armed college student who locked himself in a fraternity house downtown. Two of Gorham's special trainings, including mock drills, took place shortly after the Sandy Hook school massacre in Connecticut in December 2012. Town police train with the University of Southern Maine police and officers from Windham and Westbrook, as well as the Cumberland County Sheriff's Department. Last month, police were able to talk to the student by phone and he surrendered without incident after officers cordoned off the frat house and rerouted traffic.

Lincoln: Fearing a loss of revenue

from Lincoln Paper and Tissue, and further cuts to Municipal Revenue Sharing, Lincoln department leaders have been asked to reduce spending by 15 percent. Town Manager William Lawrence said school officials also have pledged to keep their budget down after the explosion of a paper machine last fall, combined with an idled paper machine thanks to a loss of work. The manager acknowledged the \$600,000 he seeks in budget cuts will be difficult in a \$4.3 million spending plan. Last October, the town's property tax rate increased from 19.9 mils to 23 mils.

Portland: In a first-in-the-state discussion, a working group has pro-

posed charging residents 10 cents for each plastic or paper bag they use at city grocers, convenience stores, dry cleaners, restaurants, food trucks and farmers' markets. The Green Packaging Working Group's proposal aims to encourage the use of reusable bags to reduce litter and the amount of plastic that flows into streams, the ocean and storm drains. Opponents worried the fee would encourage people to shop outside of the city and argued there are better ways to the problem. The proposal now advances to the city council's Transportation, Sustainability and Energy Committee. The group's vote in January was 8-5 in favor. [mtc](#)

NEW ON THE WEB

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

- **Revenue Sharing.** MMA's all-out push to preserve what's left of Municipal Revenue Sharing is featured prominently at our home page and through our new website, www.MaineRevenueSharing.com.
- **Newspapers Back Us.** Maine's largest daily newspapers, the Bangor Daily News and Portland Press Herald, have come out strongly in favor of Municipal Revenue Sharing.
- **Devastating Details.** MMA's Kate Dufour has compiled an excellent, though horrific, look at what the state Legislature has done to Municipal Revenue Sharing since 2009 – and may make much worse in FY 2015.
- **Firefighter Fitness.** The Maine Fire Service Institute will hold an informational session about fitness and physical ability testing in Brunswick on April 24.

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Municipal Bulletin Board

TOWN MEETINGS AND ELECTIONS

The Maine Town & City Clerks' Association will hold training on March 13 at the Fireside Inn & Suites in Portland on town meetings and elections. The workshop is designed for municipal clerks (including deputies and assistants), but select board members and town meeting moderators may find it useful as well.

The workshop will cover many aspects of the town meeting and election procedure including: fundamentals of warrants; secret ballot elections; role of the moderator; open town meeting; and, voters' petitions. Presenting will be: April Dufoe, Town Clerk in Kennebunkport; and, Michael Stultz, attorney with MMA's Legal Services Department. Cost is \$55 for MTCCA members and \$75 for non-members. Registration begins at 8:30 a.m. and the workshop is scheduled to end at 3:30 p.m.

MBOIA: MEMBERSHIP, TRAINING

The Maine Building Officials & Inspectors Association will hold its March Board of Directors meeting and training session on March 20 at the Captain's Galley restaurant in Old Orchard Beach. Among the subjects to be discussed are the association's business meeting, solar electricity, solar hot water and air source heat pumps.

Registration begins at 8 a.m. and the event will conclude at 3 p.m. Cost is \$20 for members who meet the pre-registration deadline and \$30 for members at the door; or, \$30 for non-members who pre-register or \$50 at the door. Camaraderie and networking are important aspects of this daylong event.

PLANNING BOARDS/BOA

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on March 25 at the West Kennebunk Fire Station.

The workshop is designed as an introduction for new or less experienced members, but veterans may find an update useful as well. Among the topics

to be covered: jurisdictional issues; conflicts of interest and bias; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members.

VITAL RECORDS: PORTLAND

The Maine Town & City Clerks' Association will hold a Vital Records Workshop on March 26 at Fireside Inn & Suites in Portland. 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: Kim McLaughlin, Town Clerk in Old Orchard Beach; 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.

STATEWIDE MANAGER INTERCHANGE

The Maine Town, City and County Management Association will hold its 35th Annual Statewide Manager Interchange on March 28 at the Hilton Garden Inn in Bangor.

The keynote speaker this year will be Ross Lasley, "The Internet Educator," who will speak on Taking Charge of Social Media. Attendees are encouraged to bring portable internet devices. Also scheduled: Eric Conrad, Director of Communication & Educational Services at Maine Municipal Association; and, Geoff Herman, Director of State & Federal Relations at MMA. They will speak, respectively, on social media for public-sector employees and updates from the 2014 legislative session.

The Interchange will start with reg-

istration at 8 a.m. and will end at 3 p.m. Costs to attend vary. Networking is an important part of the event.

SPECIAL SESSION: VERBAL JUDO!

A special MMA session – Verbal Judo: Tactical Communications for the Contact Professional – will be offered on April 2 at the MMA Conference Center in Augusta. If you work with the public and you ever find yourself in conflict situations, this workshop is for you.

The featured speaker is Michael T. Manley, Vice President of Operations and Trainer for the Verbal Judo Institute. Mr. Manley has over two decades of experience as a police officer and supervisor in New York City. His clients have included: Radio City Music Hall, Bell South Telephone, Hard Rock Café and many others.

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

MUNICIPAL TECHNOLOGY CONFERENCE

MMA's annual Municipal Technology Conference, which is co-sponsored by the Maine GIS User Group and the ConnectME Authority, will be held on Thursday, May 1 at the DoubleTree by Hilton conference center in South Portland. This year's keynote speaker is Mike Frank, an Ohio-based expert in time management and handling change.

Among the topics to be explored: Social Media Potential and Pitfalls; Municipal Website Development; and, many other topics. The conference starts with registration at 8 a.m. and concludes at 4 p.m. [mm](http://www.memun.org)

All of the upcoming workshops can be found on the MMA website. Use the following link:

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



PUBLIC COMMENTS & MEETING MINUTES

Our piece last December on adding a public comment period to a board's agenda (see "Public Comment Period," *Maine Townsman*, "Legal Notes," December 2013) continues to generate questions from our readers. First, it was whether a board is required to have an agenda (see "Public Comments & Meeting Agendas," *Maine Townsman*, "Legal Notes," January 2014). Now, it's whether public comments must be entered into a board's minutes. The answer, again, is no.

Whether and in what detail public comments are incorporated into a board's minutes are entirely within the board's discretion – there is no law specifying how detailed meeting minutes must be or what statements or dialogue must be included.

Alert readers will recall that Maine's Freedom of Access Act (FOAA) was amended two years ago to require a "record" of most board meetings (see "FOAA Now Requires Record of Meeting," *Maine Townsman*, "Legal Notes," October 2011). But this record must include only (1) the time, date and place of the meeting, (2) the board members who were present and absent, and (3) all motions and votes taken, by individual member if by roll call. Again, there is no legal requirement in statute for "minutes" or a narrative of comments or discussion.

Nevertheless, we generally recommend minutes as a useful way of both summarizing and memorializing a board's deliberations (see "Board Meeting Minutes," *Maine Townsman*, "Legal Notes," July 2009).

It's worth noting that the "record" now required by the FOAA (see above), as well as any more detailed "minutes" a board may make, are public records even in draft form. They are also subject to the State Archives Advisory Board's rules for disposition of local government records (see "Disposition of Records," *Maine Townsman*, "Legal Notes," May 2009). According to the rules, official records and minutes of board meetings must be retained permanently.

For more on the "open record" requirements of the FOAA or "Right to

Know" law, see our "Information Packet" on the subject, available free to members at www.memun.org. (By R.P.F.)

SOME ORDINANCES MUST BE FILED WITH THE STATE

With the month of March and traditional town meeting season approaching, we thought it might be helpful to remind local officials that certain types of municipal ordinances must be filed with certain State agencies. Here, in alphabetical order, are all of those we know of:

Farm operations. A copy of any proposed ordinance that impacts farm operations must be submitted to the Commissioner of Agriculture, Conservation and Forestry at least 90 days before adoption (see 7 M.R.S.A. § 155).

Firearms discharge. A municipality must consult with the Department of Inland Fisheries and Wildlife during the process of adopting or amending a firearms discharge ordinance and must provide the Commissioner with a copy of any new or amended ordinance within 30 days after adoption (see 30-A

M.R.S.A. § 3007(5)).

Fireworks. A copy of any ordinance prohibiting or restricting the sale or use of consumer fireworks must be provided to the State Fire Marshal's Office within 60 days after adoption. If a municipality adopts an ordinance requiring a municipal permit for the sale of fireworks, it must notify the State Fire Marshal at least 60 days before the beginning of the permitting program (see 8 M.R.S.A. § 223-A(2)).

General assistance. Every municipality must file its general assistance ordinance with the Department of Health and Human Services (see 22 M.R.S.A. § 4305(4)).

Pesticides. A copy of any proposed ordinance regulating pesticide storage, distribution or use must be provided to the Board of Pesticides Control at least seven days before adoption; the municipal clerk must also notify the Board within 30 days after adoption (see 22 M.R.S.A. § 1471-U).

Shellfish conservation. Any proposed shellfish conservation ordinance must be approved by the Commissioner of



Municipal Calendar

ON OR BEFORE FEBRUARY 15 — Written statements, as prescribed by State Tax Assessor, of wages withheld in the previous calendar year is to be furnished each employee (36 MRSA § 5251).

— 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 04333-0011 [22 MRSA §4311].

FEBRUARY 17 — Presidents' Day, the third Monday in February, is a legal holiday (4 MRSA § 1051); and shall be observed as a school holiday in the absence of any vote of the superintending school committee designating how the day shall be observed (20-A MRSA § 4802).

BEFORE TOWN MEETING — Selectmen must have a warrant posted at least 7 days before town meeting and have a constable or designated resident make return (30-A MRSA §2523). If adoption of an ordinance is proposed, make sure

of compliance with 30-A MRSA §3002. Send copy of town report to the following: MAINE MUNICIPAL ASSOCIATION, State Tax Assessor, State Auditor and State Librarian.

— Town Meeting voter registration and voting list requirements. The registrar shall accept the registration and enrollment of voters prior to the municipal election according to the time schedule prescribed by 21-A MRSA § 122 unless changed by municipal officers.

— Copies of annual report are to be deposited in the municipal office or a convenient place of business for distribution to voters at least 3 days prior to the annual meeting (30-A MRSA § 2801)

— Check 30-A MRSA § 5823 for audits, and § 2801 for town reports.

BY MARCH 1 — Solid Waste Municipal Reporting forms are due back to the State Planning Office, 38 State House Station, Augusta Me 04333 [38 MRSA §2125(1)].



Legal Notes

Marine Resources; a certified copy of the ordinance must also be filed with the Commissioner within 20 days after adoption (see 12 M.R.S.A. § 6671(4)(B) and (5)).

Shoreland zoning. Shoreland zoning ordinances and amendments are not effective unless approved by the Commissioner of Environmental Protection. If the Commissioner fails to act within 45 days of receipt of an ordinance or an amendment, it is automatically approved (see 38 M.R.S.A. § 438-A(3)).

Solid waste disposal facilities. A copy of any ordinance governing the siting, design and operation of solid waste disposal facilities must be forwarded to the Commission of Environmental Protection within 30 days after adoption (see 38 M.R.S.A. § 1310-U).

Timber harvesting. A municipality must consult with the Department of Agriculture, Conservation and Forestry during the development of an ordinance regulating timber harvesting and must provide the Department with a copy of the proposed ordinance at least 30 days before adoption; the municipal clerk must also notify and file a copy of the ordinance with the Bureau of Forestry within 30 days after adoption (see 12 M.R.S.A. § 8869(8) and (9)).

Water levels and minimum flow. A copy of any ordinance regulating water level regimes and minimum flow requirements for impoundments and dams must, after adoption, be submitted to the Commissioner of Environmental Protection for approval (see 30-A M.R.S.A. § 4455).

The failure to file and, if required, obtain approval of an ordinance will result in it being unenforceable in some cases but not in others. For these and other details, see the statutes cited above or see an earlier, extended discussion of these ordinances in "Some Ordinances Subject to State Filing & Review," *Maine Townsman*, "Legal Notes," December 2006. (By R.P.F.)

LEASED LOT NOT ALWAYS A 'LOT' FOR ZONING PURPOSES

The Maine Supreme Court has held that a 100-square-foot lot leased to AT&T for a telecommunications tower does not constitute a "lot" for purposes

of a zoning ordinance's minimum lot area and setback requirements.

In *Horton v. Town of Casco*, 2013 ME 111, some abutters argued that the tiny leased lot created a new lot in violation of the zoning ordinance's minimum lot size requirement of 80,000 square feet and the requirement that towers be set back from property lines by at least the tower's height (150 feet in this case). The Court acknowledged that a lease may create a new lot in some cases, but it noted that a lease can transfer a broad range of legal interests, and it is the nature of the interests transferred – not the type of instrument employed – that determines whether a new lot is created.

The Court then noted that AT&T did not have exclusive rights to the leased lot, nor was its interest conveyed in fee or recorded in a deed or other public record. Instead, AT&T merely had the right to use the space for a limited purpose and a finite period. The Court concluded by saying AT&T's interest "resembles a license" and is insufficient to create a lot as the ordinance defines it ("a parcel of land having distinct and defined boundaries and described in a deed, plan or similar legal

document").

For more information on wireless towers, see MMA's "Resource Guide" on the subject, available free to members at www.memun.org. (By R.P.F.)

MAXIMUM INTEREST RATE FOR 2014 DELINQUENT TAXES: 7%

The State Treasurer has established 7% as the maximum interest rate that may be set for delinquent property taxes committed during calendar year 2014.

However, as anyone familiar with delinquent taxes knows, interest does not accrue on unpaid taxes unless a municipality, by vote of its legislative body, establishes the rate of interest and the date or dates after which interest will accrue. This must be done at the meeting at which the body votes to raise a tax or at any subsequent meeting prior to commitment of the tax (see 36 M.R.S.A. § 505(4)). This rate then applies to all delinquent taxes committed that year until they are paid in full.

For details on how to calculate interest on delinquent taxes, see MMA's *Municipal Liens Manual*, available free to members at www.memun.org. (By R.P.F.) 



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