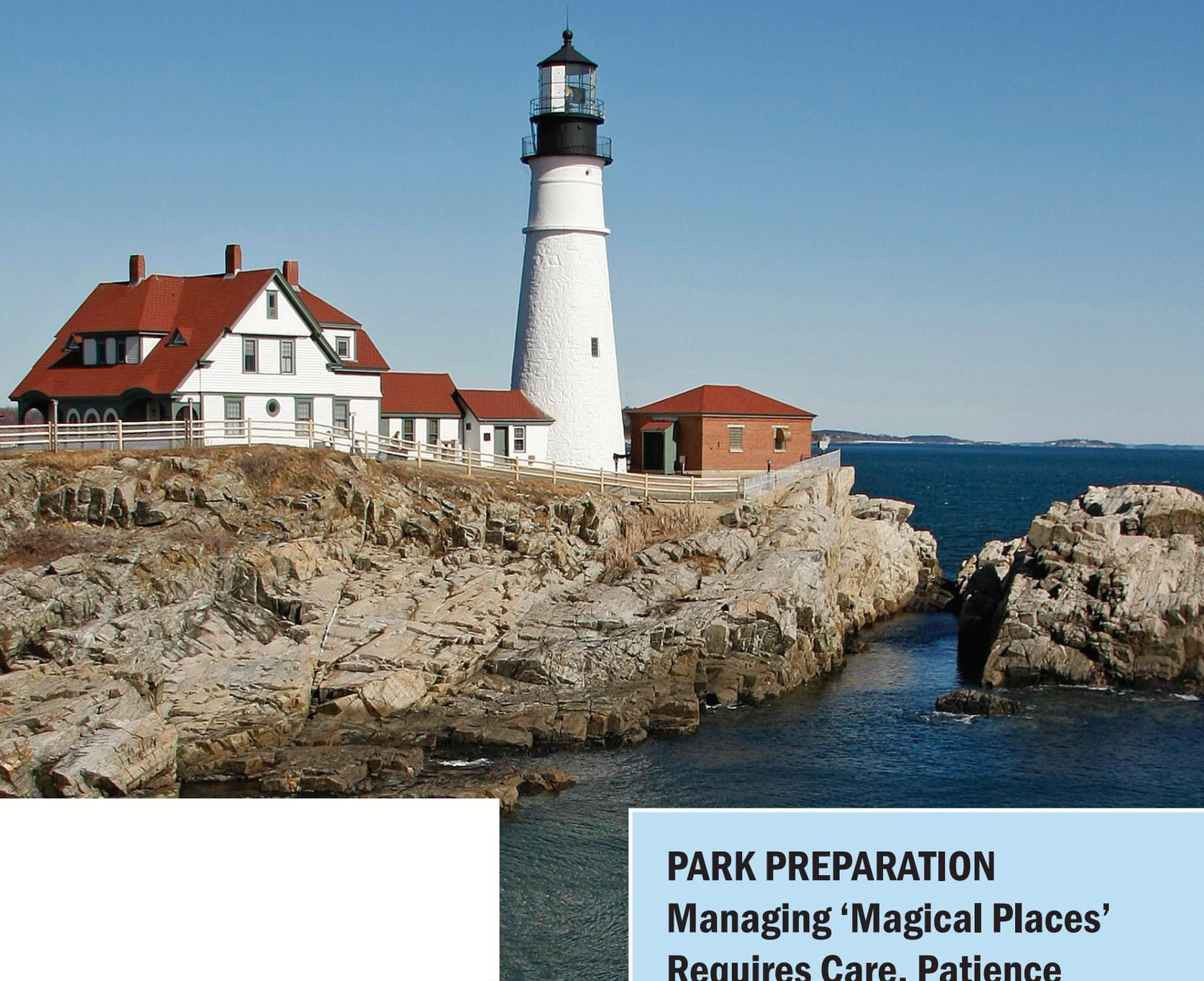


March 2012

maine townsman

The Magazine of the Maine Municipal Association



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The Magazine of the Maine Municipal Association

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COVER: Eliot freelance photographer Jill Brady took this winter shot of Cape Elizabeth’s Fort Williams Park just days before a March 1 snowstorm covered the area.



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A Message From MMA



by Eric Conrad, Editor

One Small Step for MMA

We've written a lot about technology in the Maine Townsman lately, in part because Maine Municipal Association's second-largest event of the year – the Municipal Technology Conference – was held earlier this month.

Take it from my 13- and 11-year-old daughters, Dad is no genius on this topic. (Mom's not either.) You know you're getting older when the ease with which your own kids use laptops, cell phones, remote controls and hand-helds blows you away.

Still, MMA had a small training breakthrough of its own last month. And technology was at the center of it.

MMA tries its best to move municipal workshops and training events around the state. Our members prefer in-classroom training that's close to home. Surveys affirm that every time we send them out. The networking that occurs in classroom settings and the ability to talk one-on-one to a presenter or teacher are hard to beat.

Sometimes we hear from members that it would be nice if we got to certain locales more often. That's hard to do in a state as large and rural as Maine. The 2012 Training Calendar (*see Pages 31-32*) lists 78 courses that will be held by MMA or the municipal Affiliate Groups that we support. There will be sessions in Portland, Bangor and Augusta. But we'll also get off the Interstate, with scheduled stops in St. Agatha, Dover-Foxcroft, Rangeley, Bridgton, Bar Harbor, Carrabassett Valley and other towns.

Early last year, former Executive Committee member Walt Elish approached us with an idea: That MMA use videoconferencing equipment at Northern Maine Development Commission offices in Aroostook County to offer live training in two places at once. Elish, a former City Councilor in Presque Isle, knew of what he spoke: He headed Aroostook Partnership for Progress at the time. (He has since left for a similar position in Colorado.)

The more we looked into Walt's suggestion, the more

we saw the potential that videoconferencing holds. On Feb. 15, we gave it a whirl. Speaker Dick Thompson led a "Moderating Town Meeting" workshop at the MMA Conference Center in Augusta that was viewed at the same time in the NMDC's Caribou office. Twenty people attended in each location.

As is often the case with first attempts, things did not go perfectly. We learned that if people in Augusta and Caribou talked simultaneously, sound could cut out at the remote site. We will establish a clearer sense of who is asking and answering questions when we use videoconferencing equipment going forward.

But Feb. 15 marked progress in our service to members. We plan to do this two or three more times in 2012, likely trying other NMDC sites as we tinker and improve.

Our efforts to incorporate technology in our training won't stop there. We recorded the Feb. 15 workshop and will make an edited version of the session available through our website soon. This way, town meeting moderators will be able to view the recent workshop from their offices or homes. We also have a healthy "library" of web-based training available through our website (www.memun.org). Margaret Noel and I would love to hear other ideas.

On March 1, we learned something else: Even great technical minds can't control the weather. The 2012 Municipal Technology Conference was held on March 1 in Portland during a driving snow storm (*photos on Pages 29-30*). Some 185 people braved the elements and attended, but we know others wanted to do so but decided to stay off the roads.

How can we prevent March snow storms going forward? We can't, but we have reserved the Augusta Civic Center for Tuesday, April 30 – for the 2013 Municipal Technology Conference. If that doesn't solve the weather problem, I'll ask my daughters for help. They're getting used to it. 



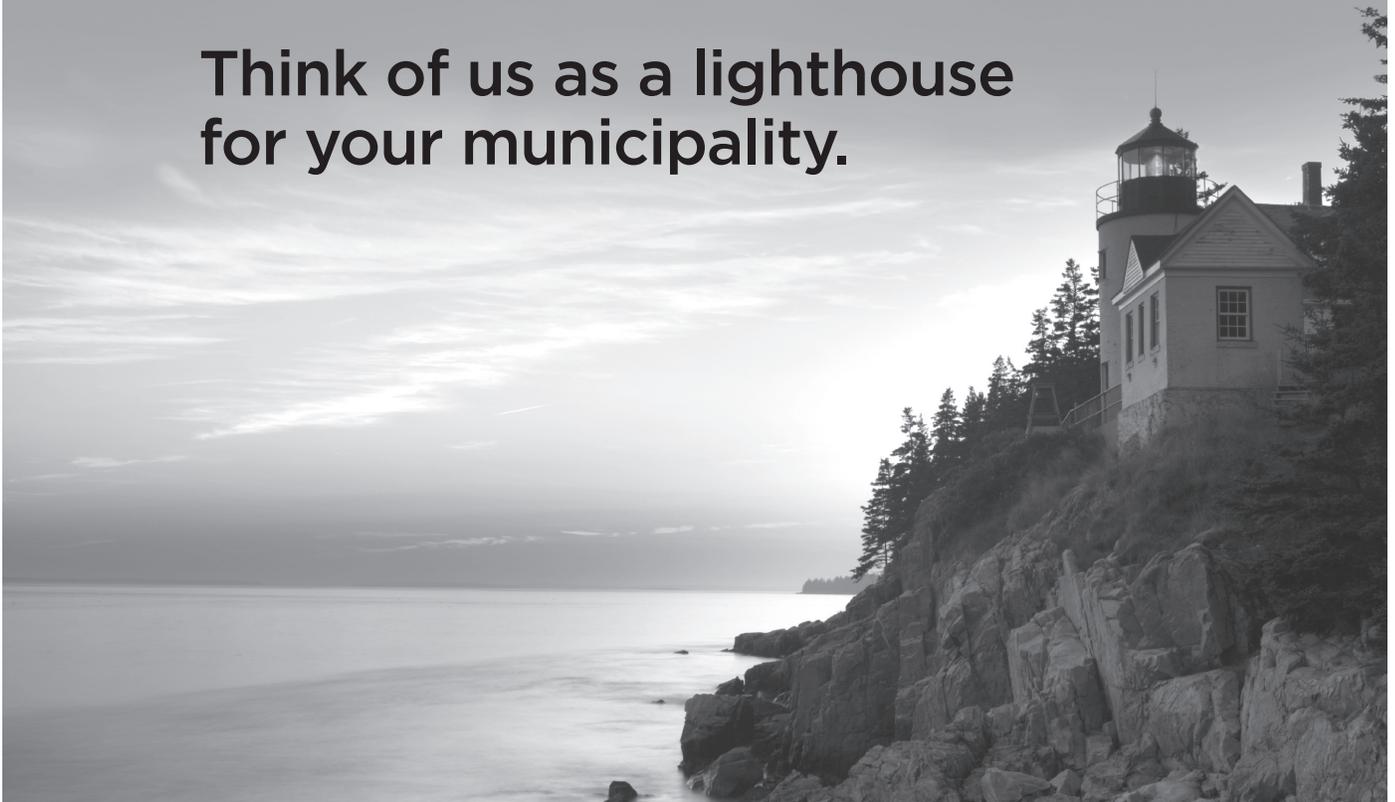
This was the scene in Caribou, where members participated via videoconference. (Photos by Denise Kolreg)

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Lessons Learned In Managing a Jewel

By Ken O'Quinn

To Cape Elizabeth resident Erin Grady, historic Fort Williams, with its stunning ocean vistas, is “one of those magical places” that no other town has. “It’s our gift to the State of Maine.”

But a gift can be expensive for the donor, particularly in difficult economic times. That is what prompted Town Councilor Jim Walsh to push for generating revenue from the park to pay for improvements.

“There was a lot of infrastructure that wasn’t being attended to,” he said, because too many people assumed “we can do everything on a shoestring.”

Fort Williams may be the town’s crown jewel, but how best to use the park has been a source of much debate since the town bought the former military base nearly 50 years ago. Can the town afford to own the park or should it be sold to a developer? Should the land remain free and open to the public, or should the park be a revenue generator?

“The biggest challenge is that everyone feels they own it and has an attachment to the park,” said Town Manager Michael McGovern. “That’s healthy but it also is a challenge, because every decision that’s made” draws attention and invites diverse opinions.

Cape Elizabeth is not alone in facing the challenge of managing precious natural assets. On Mount Desert Island, Acadia National Park has a direct impact on eight adjoining communities, and in Carrabassett Valley, the operation of the Sugarloaf Mountain ski resort is inextricably linked to

the administration of the town.

What makes Cape unusual is that it owns Fort Williams Park, so it is solely responsible for maintaining it.

TOURIST DESTINATION

Nearly 1 million tourists a year visit the park. They view the famed Portland Head Light, which was first commissioned by George Washington in the late 1700s. They picnic, enjoy the “cliff walk” overlooking the ocean and stroll amid the historic remains of the fort. Children fly kites, throw Frisbees and play baseball on the former military parade ground and on another large parcel the size of a football field.

The town bought the park in 1964, shortly after it had ceased to be a military base, and for the next decade, residents put forth numerous ideas on how best to use it.

For a decade, the town could not decide what to do with the fort. People offered numerous proposals: make it a coastal science park, a housing development, a college campus or a new corporate headquarters for one of Greater Portland’s largest employers. Few people were excited about the ideas.

Some said the site should remain as a park and the town could support it; others said it was unaffordable.

In 1973, residents decided to keep it as a public park and develop it for recreational use. The town burned most of the wood buildings, reconfigured roads, created parking areas, began sprucing up the paths and stone walls and designated areas overlooking the ocean as open space. But the already aging military buildings, stonewalls, and gun placements continued to turn to rubble, creating concerns about safety and vandalism.

“There’s always been some tension in terms of the direction of what the park is all about, but I’m not sure there was ever a strategy,” said Walsh, the town councilor.

So the town formed the Fort Williams Advisory Commission to monitor the park, set priorities and to present important issues to the town council.

“One of our biggest challenges has been seeing capital improvements that needed to be done but not having the money to do them,” said Bill Nickerson, chair of the commission.

SPECIFIC CONCERNS

Concern about preserving the fort also has spawned a number of niche groups: One is developing an arboretum, another group wants to raise money to preserve a crumbling stone mansion and a third wants to excavate a buried artillery piece and keep it on display. Some people feel strongly about continuing to provide an area for people to walk their dogs and still others want to ensure that the Little League has access to the ball fields.

Kathy Bacastow, a third-generation master gardener who grew up across the street from the fort, is leading the arboretum effort to clear 15 sites where bushes and invasive plants are blocking ocean views.

The advisory commission’s Fort Williams master plan, which was presented to the town council last month and is now before the planning board, contains \$760,000 worth of improvements that the town will consider in the years to come.

“Lots of people have lots of ideas for the park but most of them reach the reality” that funding is a challenge, said McGovern.

Ken O'Quinn is a freelance writer and corporate writing coach from Cape Elizabeth, ken@writingwithclarity.com.

It costs close to \$300,000 for annual maintenance and improvements of roads, structures, grass cutting and public toilets. The town has to pay employees who work there and it pays to maintain the lighthouse at Portland Head. The Coast Guard still maintains the light fixture but not the house, so the town recently spent \$50,000 to remove lead paint and improve a cast iron stairway inside the tower.

The financial cost to maintain the park drew attention about five years ago, when the municipal budgets were squeezed. Voices suggesting that the park could generate revenue grew louder. Given that voters oppose charging an admission fee or a parking fee, town officials and residents began to explore other options.

MONEY STAYS HOME

However, “our concern was that we would raise money in the fort, and then the money would go outside the fort to meet other (town) needs and the fort would continue to deteriorate,” said Nickerson, chair of the advisory commission. The town council eventually agreed that money generated from the fort would be dedicated to the fort’s budget.

The town allowed a few food vendors last year for the first time and vendor fees raised \$14,000. The annual Beach to Beacon road race, which attracts more than 5,000 runners and finishes in the park, will now pay a \$25,000 fee. An additional \$30,000 is expected from fees to be levied on the more than 500 tour buses that enter the park, many of them carrying cruise ship passengers who visit Portland. About \$8,000 is likely to come from donations.

The town also wants to create new venues to host wedding receptions, anniversary celebrations and corporate events.

“We are finding ways to generate income from the park without changing the appearance,” said Erin Grady, who grew up in the Cape and now serves on the advisory commission. “The challenge is to maintain it as a park but find a way to make money so that the burden doesn’t fall entirely on the taxpayers for maintenance.”

Other Maine towns that have large tracts of valuable land in their communities also face challenges.

Having Acadia National Park in

Bar Harbor means that the federal government owns 45 percent of the town and if the park acquires more land, it will be nontaxable. Some roads that enter the park are town roads, so the town maintains them but receives no tax money to offset that cost.

Additionally, the National Park Service won’t allow police radio antennas on top of Cadillac Mountain, yet park rangers rely on the town for dispatching services.

“Our mission is to serve the public, and their primary mission is to preserve the resource,” said Bar Harbor Town Manager Dana Reed. “It complicates it, but it’s to everyone’s benefit

to collaborate.”

And they do. The park’s highly trained firefighting crews share equipment and expertise with the local fire department and the town lets the park store sand and salt on town land.

Perhaps many communities would like to have the symbiotic relationship that Carrabassett Valley enjoys with Sugarloaf Mountain ski resort.

‘JOINED AT THE HIP’

“You won’t find a community more joined at the hip” with a corporate citizen, said Town Manager David Cota.

The signs of collaboration are pervasive. The town police force, which also covers the resort, is funded by



A child enjoys kite flying at Fort Williams on a clear winter day. (Photo by Jill Brady)

the town and by a security fee paid by Sugarloaf condominium owners. Only the chief is a town employee; the town hires the other officers but the resort pays them.

The town owns the Sugarloaf golf course and leases it to the resort. And both parties contribute to the community transportation system, which shuttles 150,000 people a year, many of them to the mountain.

For years, selectmen have kept the tax rate low as an incentive for people to buy condominiums and build single-family residences. "Our rate of return is the taxes we get from all these second homes," said Cota. "Ninety percent of taxes are from people who don't live in Carrabassett Valley" but own vacation homes there.

What Carrabassett Valley and Bar Harbor enjoy is what Cape is striving for at Fort Williams Park: to make the asset self-supporting by nurturing the park's natural beauty.

Said Bacastow: "(The fort) mattered to people 50 years ago and we have to make sure it matters to people 50 years from now." 



This is the scene looking south, and east, at Portland Head Light. (Photo by Jill Brady)

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Will CNG Become a Leading Fuel Choice?

By Jeff Clark

With oil prices climbing beyond \$100 a barrel and taking gasoline and diesel prices with them, Maine municipalities with access to the state's expanding natural gas network have new reason to look at compressed natural gas (CNG) as their future fuel of choice for municipal and school vehicle fleets. Even as tax-free diesel was rising well past \$3.50 a gallon this February, a comparable amount of CNG offering the same miles per gallon was only \$1.65 to \$1.70.

"CNG is perfect for the State of Maine," said David Redlefsen, general manager of the Greater Portland Transit District, which operates 13 CNG-powered buses as part of the Metro bus fleet, to date the only public user of CNG. "I'm surprised it's not used more."

Compressed natural gas has been touted as the fuel of the future for a nation battered by high gasoline prices. The United States imports about nine million barrels of foreign oil every day, or half of the oil it consumes, but it has been largely self-sufficient in natural gas.

New, although controversial, drilling techniques promise continuing supplies for the foreseeable future. While CNG vehicles are common outside the state — Redlefsen came to his current position from the New York Metropolitan Transit Authority, which operates 290 CNG buses — Maine has been behind the curve.

One reason has been the state's position at the far end of the natural gas pipeline network in the U.S. Until recently, Portland was the system's northern terminus, and even in southern Maine natural gas was only a minor

player in the mix of fuels available to residents.

That changed when the Maritimes & Northeast Pipeline, with a capacity of 440 million cubic feet per day, was completed in 2000. Running from the Sable Offshore Energy Project in Nova Scotia, to Dracut, Mass., the line spans the length of Maine from Woodland on the eastern border through Brewer to Westbrook and Eliot. The natural gas delivery network in Maine has been growing quickly ever since, although it is still limited to the more heavily populated parts of the state. (*See map and list of natural gas companies on p. 12*)

Coastal Southern Maine and the Bangor-Brewer area now have service, and Kennebec Valley Gas Co. proposes to expand service into the Richmond-Madison area.

RAPID EXPANSION

"CNG makes a lot of sense for fleet owners," said Gary Kenny of the Maine Public Utilities Commission, which oversees natural gas utility companies. "Gas companies are expanding pretty rapidly within their own territories, and it's popular because of the favorable pricing."

Portland Metro added its 13 CNG buses in 2006, and Redlefsen says the fuel savings alone have more than paid for the additional cost of the buses and the necessary infrastructure. The agency had to build its own fueling station at the bus garage off Valley Street, tapping into an existing natural gas line nearby.

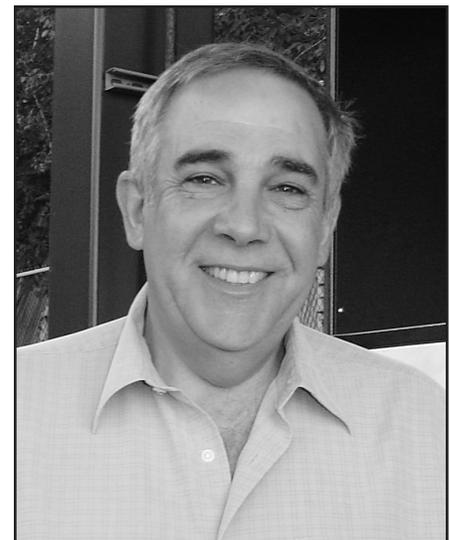
"If you compare the cost of diesel to natural gas, your (additional) capital investment is repaid in a very short period of time," Redlefsen said. "After that, it's all savings."

When Redlefsen presented his new

budget to the Metro board of directors in February, he noted that almost all of the 4.6 percent increase in the \$6.6 million budget was due to increased diesel costs.

CNG vehicles also produce much lower emissions than diesel engines. For anyone who is concerned about the environmental impact of burning diesel, "CNG speaks for itself, practically zero emissions," Redlefsen said. "And you're not dependent on foreign oil supplies."

Buses and other heavy vehicles are adapted to run on natural gas either at the factory or by aftermarket conversion companies. The only light vehicle that comes pre-equipped to burn CNG is a modified Honda Civic, according to Steve Linnell, director of the Maine Clean Communities initiative and a senior transportation planner at the Portland Council of Governments. Linnell was deeply involved in helping Portland Metro acquire its CNG buses



Dave Redlefsen, METRO General Manager (Photo by Jeff Clark)

Jeff Clark is a freelance writer from Bath, jeffreyclark@gmail.com.

with the help of some federal grants.

“A natural gas engine is basically a modified diesel engine with recalibrated electronics,” he explained, noting that the modifications cost about \$10,000 per vehicle. “The major difference is that the valve seats have to be hardened because CNG burns hotter.”

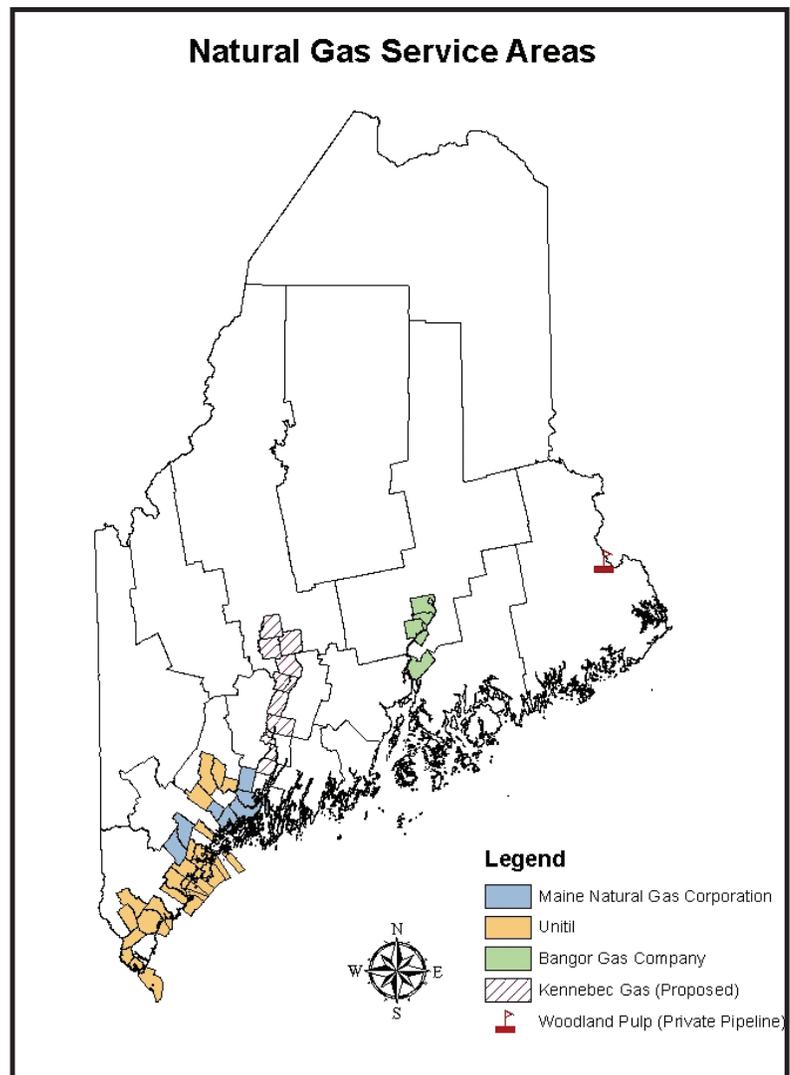
ENGINE AVAILABILITY

Many engines are coming that way from the factory these days because CNG use is spreading, so availability is not the major issue it once was.

Currently there are about 112,000 CNG vehicles in use in the United States, out of 12 million worldwide. “That (U.S.) number sounds low but I just see it as showing there’s room to grow,” Linnell said.

Lack of infrastructure is a major drawback to CNG use, Linnell said. Maine has no publicly available fueling stations yet, so municipalities or school districts that make the switch have to build their own. That also limits the range of CNG-fueled vehicles, since they have to be able to return to their home base to refuel.

“Currently, CNG is a fleet fuel,” Linnell acknowledged. “You really need a certain number of vehicles being driven more or less constantly in a restricted area during the day to make it worthwhile. If you have 10 vehicles like a bus or a waste hauler running 12-16 hours a day, that’s justification to build



FOR MORE INFORMATION

Natural Gas Vehicle Coalition: <http://www.ngvc.org/>

Myths about natural gas: http://autos.yahoo.com/green_center-article_114/

News, contacts and information: <http://www.cngnow.com/>

General information: <http://www.hybridcars.com/compressed-natural-gas/overview.html>

An enthusiast’s website devoted to CNG vehicles: <http://naturalgasvehicles.com/>

An industry perspective on CNG vehicles: http://www.naturalgas.org/overview/uses_transportation.asp

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Maine Natural Gas, L.L.C. Maine Natural Gas serves customers in Windham, Gorham, Bowdoin, Topsham and Brunswick. Maine Natural Gas is a subsidiary of Energy East, a company headquartered in New York state. Maine Natural Gas offers transportation-only service to all commercial and industrial customers and sales service to all classes of customers.

Source: Information provided by Maine Public Utilities Commission, http://maine.gov/mpuc/natural_gas/distributors.html

a fueling station and switch to CNG. If we're talking school buses, which don't run all day, you need probably 30 buses to make a difference."

Besides access to a natural gas pipeline, CNG stations require compressors and dryers, the latter to remove the moisture that occurs naturally in natural gas. For a so-called "fast fill" station, the CNG is stored at 4,200 pounds per square inch in a steel tank. Slow-fill stations, which can take up to eight hours to top off a vehicle's tank, can take gas directly from the pipeline and don't require the high-pressure storage tank.

"Slow-fill operations are orders of magnitude cheaper because you don't need the storage tank and high-pressure compressors," Linnell said. "It can work really well for a fleet that's not needed for eight hours at a time, such as buses that sit in a garage overnight."

Linnell said garages have to be modified to improve ventilation as natural gas is lighter than air and potentially can collect under the roof. Combined with the ultra-low emission engines, the environment for garage workers improves considerably.

BREATHING EASIER

"Mechanics have told us that the atmosphere is much better in CNG vehicle garages," Linnell said. "They report fewer headaches and respiratory problems."

CNG engines also last longer, although, as Linnell noted, "we're not sure how much longer because we haven't worn any out yet. In Maine, the body will probably rust out before the engine quits."



Steve Linnell (Photo by Jeff Clark)

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Linnell has given a number of talks about CNG and other alternate fuels over the years and interest has been increasing as natural gas becomes more available and petroleum prices rise.

"Five years ago I did a workshop in New Hampshire and got maybe 20 people from Maine," he said. "Last spring I did one in Brunswick and had 50 people. Interest is definitely trending upward."

The talks have attracted both public and private interest.

"You see municipal folks, private companies, non-profits," Linnell said. "The private sector is being more aggressive about this because they're watching the bottom line, they're more motivated, more entrepreneurial. Municipal officials tend to be more cautious, since it's taxpayer money they're dealing with."

CNG needs a critical mass before it becomes widely available, Linnell said. "We're building a base of use, but there needs to be more investment on the private side." He says three separate entrepreneurs are considering construction of fueling stations along the I-95/295 corridor to serve CNG vehicle owners.

"Private sector action is the real hope when you're dealing with infrastructure," said Metro's Redlefsen. "There will be a threshold of demand where the private investment will kick in. I think you'll see a lot more municipalities taking advantage of existing gas pipelines and making that commitment. Then you've got something to work with." 

MORE ABOUT CNG

Safety: Almost any discussion of compressed natural gas or propane-powered vehicles brings up the question of safety. What happens in a crash? The short answer, according to those experienced in its use, is – nothing.

"It's really hard to make natural gas blow up," explained Steve Linnell of Maine Clean Communities. "It has to be in a very narrow range of air-gas mixture with an ignition source of a specific temperature. Even if the tank is compromised, the natural gas dissipates upward. Testing agencies have shot CNG fuel tanks with guns, dropped them off buildings, blown them up with dynamite and nothing happened."

Dottie Muchmore, transportation director for MSAD 6 in Standish, said one of her propane-powered buses was involved in accident. "No problem at all," she said. "We have no safety concerns about that."

Propane power: Compressed natural gas is limited to areas served by pipeline companies but fleet owners have other options. Both MSAD 6, which serves the towns of Buxton, Hollis, Limington, Standish, & Frye Island, and the Island Explorer bus service on Acadia Island use propane-powered buses. MSAD 6 transportation director Dottie Muchmore said 10 of the district's 73 buses use propane.

The buses were acquired in 2009 using grants and tax incentives to pay for the extra cost of converting them to run on propane.

"They've worked out very well," Muchmore said. "They're environmentally friendly and the cost of fuel is lower." However, she did note that the district had expected the buses to do better than the four miles per gallon they currently get with propane, which is costing the district \$2.02 a gallon currently.

"I've driven them myself," she added. "They're a lot quieter than diesel buses and more powerful. The drivers like them."

Asked if she would buy more of them, Muchmore noted that the higher upfront cost would be a factor, even though the overall expense might be less over the lifetime of the bus. "In the long run there might be benefits," she said, but the up-front investment "in today's economy makes a difference."

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Bath Salts Tax Police, Health Care Staffs

By Liz Chapman Mockler

Police across Maine say they're battling the worst-ever illegal drug to sweep through the state – a synthetic powdery concoction with perhaps the most innocent-ever name: "bath salts."

"It's absolutely the worst drug I have ever seen," said Rockland Police Chief Bruce Boucher, a 30-year law enforcement professional.

"It's the kiss of death," said Caribou Police Chief Michael Gahagan, referring to users who go into a state of "excited delirium" which causes quick, sharp increases in body temperature, heart attacks and, potentially, sudden death.

Bath salts were outlawed in Maine last year after police warned the Legislature that the drug posed a significant threat to the general public because many users have hallucinations; that it kills quickly and indiscriminately; and, police are overwhelmed and low on resources to deal with the growing problem.

However, while lawmakers banned the eight known chemical compounds in the bath salts being used in Maine, some sellers simply change one or two of the compounds to get around the law.

Police do credit the new law for helping reduce the number of cases they're seeing across the state.

Although the federal government also has outlawed bath salts, they are still being sold in many states because the chemical makeup is being altered enough to skirt the prohibition.

"There is no quality control on this stuff at all," said Gahagan, president of the Maine Chiefs of Police Association. "We had one man come in (to the police station) and turn himself in

because he was scared and this was a haven for him."

The lethal drug is marketed on the street by many different names, but dealers still use the misnomer "soothing bath salts." Police say the drug is manufactured in China and India before being sent to Eastern Europe for packaging and distribution. Bath salts also find their way to dealers through the Internet, as well as a suspected physical route that likely includes Canada.

Unlike other illegal drugs such as marijuana, cocaine and heroin, the supply chain to Maine does not run through Massachusetts, police said.

People on bath salts started showing up first in Bangor, which is considered the "epicenter" of the crisis. They have spread to most other parts of Maine since Bangor police first dealt with bath salt users in May 2011.

Bath salts are so dangerous and frightening, police said, that known drug dealers are turning in people they believe to be using "the salts."

"They're afraid of how bad this is," Gahagan said of drug dealers.

Family members and friends are also turning in people under the influence of bath salts.

INCREDIBLE HIGH

Bath salts give users an incredible, albeit short, high. The drug can be smoked, injected, snorted or swallowed. The intense euphoria lasts about 20 minutes and is often physically addictive after only one use.

The delirium-inducing bath salts don't have the same reaction in all people, according to Bangor Police Chief Ron Gastia. He divided users into three groups:

People who can use it and get high

without having a severe reaction to what essentially is poison – at least not a bad reaction initially.

People who get high on it but have severe reactions such as paranoia and self-inflicted injuries. One woman who pulled out her fingernails; another tried to cut out her teeth. Both were hallucinating.

"The third category is really bad," Gastia said, "because users get into an 'excited delirium' and that can be very deadly."

It is the second group of users who are causing the most concern, time demands and money for police, emergency medical technicians and hospital staff. That's because those who have severe reactions are violent, agitated and often hallucinating.

"This middle group is the one that consumes a lot of resources because



Ronald Gastia, Chief of Police, Bangor

Liz Mockler Chapman is a freelance writer from Augusta, lizmockler@hotmail.com.

they are a risk to themselves, other patients and all of the staff that takes care of them,” said Dr. Jonnathan Busko, director of emergency management services for Eastern Maine Medical Center in Bangor.

The third group presents its own extreme challenge because those users go into an “excited delirium” state, under which they have super strength and cannot feel pain.

“These (delirium) patients are as resource-intensive as our sickest trauma patients,” added Busko, also an emergency room doctor for EMMC, where the first bath salts users were treated. “They’re as sick as any other patient we’ve seen.”

At the peak of the bath salts crisis in Bangor last year, Busko said, hospital staff was treating eight users a day, or five to seven percent of the ER’s average daily volume.

“That was very concerning for us to take care of that many people who were that sick on top of all of the other patients,” Busko said.

Rockland Chief Boucher, whose community was the second where bath salts users began showing up in heavy numbers, explained the difficulty and

danger of trying to control people in the delirium stage. Several officers are needed, along with medical techs that can sedate the person until they can get the user to a hospital.

Boucher said police have figured out that Tasers are effective because, while the drug user doesn’t feel the pain, the electrical shock stuns human muscles for just five or six seconds and causes a person to lose control of their bodies.

Once a user is Tasered, officers literally pounce on the person and hold the user down until an EMT administers a sedative.

“One of our biggest challenges is to be able to control the person,” Boucher said. “The person needs to get to a hospital or else they’re going to die.”

“Imagine a car with the gas pedal to the floor and there’s no letting up,” he said. “That’s how it is” when people go into the delirium stage.

Police cannot simply drop off a bath salt user at the hospital. They must stay to protect medical staff, patients and the public until the person is under control and being treated effectively – which often involves using

other powerful drugs to “put these people down.”

Boucher said one case of bath salts use can require a half-dozen officers to remain at the hospital for up to six



Dr. Jonnathan Busko

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hours. Back-up officers must be called to fill in on the streets. Initially, Rockland officers were getting two or three calls a day about bath salts; then they would record a "salt-free shift" and now finally sometimes a whole day will pass without an incident.

"I wouldn't wish this on anyone," Boucher said. "It will tax your community like you've never seen before."

Dr. Busko said police and hospital staff must work together and coordinate their efforts just to get a user onto a gurney and under control so they can be treated.

"It's worth saying one of the positive aspects of this (crisis) has been that the relationship between law enforcement in general and the hospital staff has markedly improved," Busko said. "It was good before but now we're actually working together operationally because we realize police are as important to (users') care as the medical piece and that the two (groups) have to coordinate to get it right."

SOUTHERN EXPOSURE

"Crack is still king down here," said Kevin Cashman, a Portland police sergeant and supervisory special agent for the Maine Drug Enforcement Agency for the Greater Portland area. "And we hope it stays that way."

Cashman said cocaine, heroin, crack and prescription drugs are "the top drugs of choice for addicts down here." The supply route typically runs through the Lawrence, Mass. area and the drugs hit not only southern Maine, but spread statewide.

The MDEA supervisor said his knowledge of bath salts is anecdotal, in addition to the stories he reads in the newspapers. He said police in the Portland area have found a packet of bath salts "here and there," but have not experienced a full-scale crisis.

"Because Maine is so large, there are different trends," Cashman said. "We do communicate with other departments throughout the state and they keep us apprised of what they're seeing so we can keep watch on our end."

According to Gahagan in Caribou, that communication and cooperation among various police agencies has been crucial to northern Maine officers understanding the problem they face with bath salts.

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Gahagan thinks the higher price for the drug – now \$250 a gram – along with the new state law and frightening news accounts have helped tamp down use of bath salts.

“I can’t emphasize enough that it

has to be a joint effort” to educate the public and prevent use of the drug, Gahagan said. He echoed Busko in saying that all the parties – police, EMTs, hospital staff and mental health professionals – know what they are

dealing with and have a plan of action.

“Bangor has been a saving factor for us” because of the information and training available from officials there, Gahagan said. “You absolutely need to have a plan.” **mt**

MORE ABOUT BATH SALTS

Chemical name: Mephedrone or methylenedioxyprovalerone (MDPV)

Street names: Ivory Wave, Vanilla Sky, Pure Ivory, Whack, Ocean Burst, Purple Rain, Hurricane Charlie, White Rush (among others).

Description: Any combination of 21 different hallucinogenic drugs or stimulants marketed as “soothing bath salts;” believed to be substitutes for the drugs ecstasy, cocaine and amphetamines. Powdery texture that can be white, pink or other colors. Imported mostly from China via the Internet, though some states still have not prohibited the sale of bath salts compounds. Maine criminalized possessing or selling the synthetic drug in 2011.

How and why used: Bath salts are highly addictive, including after a single use. They are usually snorted but can be smoked or swallowed. Users get a feeling of euphoria that lasts about 20 minutes and is said to be more intense than that caused by cocaine. Maine police consider the synthetic drug to be the most dangerous they have dealt with.

Side effects: Serious to severe effects can include hallucinations, extreme paranoia, panic attacks, aggression, muscle spasms and damage, violent behavior against oneself or others, loss of bowel control, sharp increase in body temperature, blood circulation problems, seizures and renal failure. Milder side effects include lack of appetite, increased alertness and awareness, anxiety and reduced need for sleep.

What to do: Speak calmly to anyone believed to be under the influence of bath salts; reassure them there is help; call police.

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Chiefs Grapple with Volunteer Declines

By Douglas Rooks

This time of year, two hardy perennials about municipal government can be expected to show up in the news. One is that town meeting is declining or dying. The other is that fire departments can't find enough volunteers.

Considering that town meeting remains the form of government in a wide majority of Maine's municipalities, its prospective demise seems overblown. But a shortage of volunteer firefighters is all too real, say fire chiefs and other observers.

Nationally, volunteer or call firefighter numbers stood at 822,000 in 2007 and they have declined since to less than 800,000. In Maine, overall firefighter numbers are down from 10,000 to 8,000 over the past 20 years.

But those figures probably underestimate the problem. The real question, said Ellsworth Fire Chief Richard Tupper, is: "How many firefighters can you get to the fire and how long does it take?"

By that standard, it's increasingly difficult, even in areas with a reasonable number of volunteers on the call list. Tupper said he has "26 names on the roster board," but of those, only 13 can be expected to go on calls regularly – and nine of those are full-time personnel.

Nighttime calls are initially answered by just two firefighters. Ellsworth cannot meet the basic safety standard of "two in, two out," meaning that two firefighters inside a structure must be matched by two outside, prepared for a rescue if one is needed.

"It's a real safety concern," Tupper

said, and it can lead to pressures to go inside a structure anyway. "Nobody wants to see their home burning and be told, 'We can't go in yet. We have to wait for backup.'"

After hearing Tupper's concerns, the city council recently voted to support an application to hire two more firefighters under the federal SAFER program (Staffing for Adequate Fire and Emergency Response). It's administered by the Federal Emergency Management Agency and designed specifically to address the national personnel shortage.

Stephen Nichols, Kennebunk's fire chief who's also president of the Maine Fire Chief's Association, is familiar with the issues. "We have 80 people on the books but only 30-35 we can actually count on," he said.

RECESSION A FACTOR

The reasons vary, but chiefs say the prolonged recession has increased the pinch. "It used to be that employers were willing to let employees respond whenever there was a call," Nichols

said. Now, it's more difficult with leaner staffing and because so many more people work out of town, he said.

"We can still muster a large turnout for a structure fire," Nichols said. "But for what we call 'smells and bells' – smoke investigations and triggered fire alarms – it's hit or miss."

Extensive training requirements also have made recruitment more difficult. Rockland Fire Chief Charles Jordan recalls that when he was asked to consider volunteering, 25 years ago, the then-chief asked whether he could handle an air pack and then invited him inside a structure the department was burning down for practice.

"Flames were everywhere and you could see the fire spreading and developing," Jordan said. "I was hooked."

Such an invitation couldn't be made today. "Those days are over, and probably a good thing," he said.

Now, volunteers who want to fight structure fires must gain Firefighter 1 and 2 certification – 180 hours of study before they ever see the inside of a building.

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

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"A lot of people lose their enthusiasm when they find that out," Nichols said.

Chiefs agree with the guidelines developed over the last 20 years. "Safety has to be our biggest concern," Tupper said. "This is a dangerous profession." But chiefs also struggle to find qualified volunteers while managing ever-tighter budget constraints.

That applies even to departments where volunteer levels are healthy. West Gardiner Chief Chris McLaughlin said he'd like to have 25 call firefighters; he has 22. "But we can't take much more than that and stay within our budget, which goes for training costs and equipment," he said.

In some areas, shortages are pronounced. In Ellsworth, Tupper observes that Bangor is the nearest department that uses all full-time firefighters. Bucksport, Bar Harbor and Mount Desert have a mixed force of full-time and call firefighters. Other towns rely entirely on volunteers. Given that Mount Desert Island is an epicenter of Maine tourism, forces are spread thin.

What's a fire chief to do? There are many options, and nearly all are in use.

Federal grants, some of them con-

tinuing and some offered through the American Recovery and Reinvestment Act (ARRA), have been useful. The SAFER grants are spread over five years. Nichols has used them in Kennebunk both to recruit and retain firefighters. The grants provide 90 percent of costs for the first year after hiring, then decline to 70 percent, 50

percent, 30 percent and 10 percent, with the municipality expected to continue the position for two years afterward. Kennebunk will receive about \$800,000 in federal funding over a five-year period.

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firefighter/EMTs through the AmeriCorps program offered through ARRA. Two female firefighters, one from Michigan and one from Vermont, have joined the department's administrative team. Both are also call firefighters.

Nichols is the first to admit that federal grants are not a panacea "but for us, it's helped a lot," he said.

The five-year term gives enough time for the town to evaluate needs and whether positions should be made permanent.

Another approach has been used for the past 20 years in Gorham, where Chief Robert Lefebvre has integrated his firefighting staff with college and high school programs. Currently, two Southern Maine Community College fire science students live in one of the town's firehouses and work both nighttime and weekend shifts.

"If they have just a morning class and the afternoon free, they sometimes hang around the station and go on calls," he said. Students benefit from real-life experience to complement their classroom work and the town gets much-needed staffing.

Gorham also has an active junior

firefighter program at its high school. And while SMCC students are a mainstay, others from the University of Southern Maine and St. Joseph's College have participated.

INVESTMENT IN GORHAM

Lefebvre sees it as a long-term investment in the health of his department, particularly since the scope of its work has expanded. It used to be just fire calls. Now it's emergency response, accidents, hazardous materials, maintenance of sophisticated equipment and public education.

"The days of sitting around the station, playing cards between calls are over," he said.

There are probably as many different methods to recruit and retain firefighters as there are departments in need of personnel – which is just about all of them. Some ideas work better than others. Kennebunk recently tried offering volunteers a \$2,500 retirement credit annually if they achieve a certain number of points – one for going on a call, with one subtracted for missed calls, with points offered for training. Chief Nichols said participation is light.

"I wish we had this 25 years ago when I started," he said. "I would have been all set by now."

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is the mutual aid system, developed and fine-tuned over decades. In many areas, it's changed from an informal "call if you need us" arrangement into one with specific protocols for different types of fires and coverage areas.

On the day Chief McLaughlin discussed the volunteer force in West Gardiner, they'd been called to a structure fire in a duplex, later determined to be caused by a child playing with matches. The mutual aid call went to Farmingdale and Pittston since it was on the east side of town. If it had been elsewhere, Litchfield or Manchester would have heard the bell.

In this case, Gardiner, the area's full-time department was also on the scene because of a report that a person was still inside.

"We also ask for their help on chimney fires, when we need an aerial ladder truck," McLaughlin said.

Yet there are indications the mutual aid networks may not be enough. Neil Courtney, who's studied Maine fire departments as a consultant for 25 years, first with Southern Maine Community College and for the last five years on his own, thinks Maine will have to embrace change. There simply

aren't enough volunteers, and enough money, to keep the status quo, he said.

COMMON CONCERN

In recent years, Courtney has done studies for Monmouth, Whitefield, Norway, Hope, Isleboro, Surrey, Hollis and Arrowsic, among other towns. He's currently doing a study in Waterboro, updating work from 14 years ago in one of Maine's fastest-growing communities.

"They've really stepped up to the

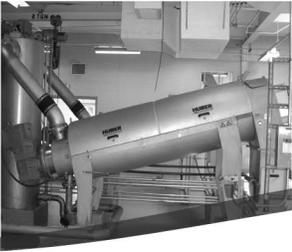
plate," Courtney said. "They've done a good job of following through with a long-term plan."

Some of the studies have outlined tricky integrations such as in Whitefield, where three private, volunteer forces became a single, town-wide department in a little over a year. Sometimes, towns contract for services, such as Arrowsic, which ended up signing an agreement with Bath.

Some municipalities have an "emotional attachment with the past,"

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Courtney said. An ongoing study in Hallowell ended up foreclosing several options before they were examined, he said.

The original Hallowell draft plan suggested looking at five options: keeping the current arrangement; joint ownership of a station with neighboring Farmingdale; merger with Farmingdale; developing a fire district with neighboring communities; or, contracting with another municipality.

These decisions are never easy to make. In January, the city council voted to maintain Hallowell's fire department as a separate entity and study a new public safety building to accommodate both police and fire services. Police currently work out of city hall.

The current fire station, a 200-year old building with serious structural deficiencies and poor siting, will probably have to be replaced, Courtney said. Yet, unlike the full-time police department, the fire department is all-volunteer.

City Manager Mike Starn said that of the current 13 volunteers only six live in Hallowell. A public safety building would cost \$1.5 million to \$2 million, he estimated.

"They have an annual budget of \$100,000," Courtney said. "How much would it cost to contract for those services?"

Courtney said some departments stand out for effective recruitment and retention of volunteers because of "visionary leadership and strong-goal setting."

But expecting such leadership everywhere is unrealistic, he added. The facts don't favor the all-volunteer option in an increasing number of communities.

It's not only keeping a department going but providing a high level of service is also at stake, said Chief Tupper, in Ellsworth. "Everyone sees Rescue 911 and other TV shows and expects that to happen in their town."

Chief Jordan in Rockland has seen the gradual erosion of capabilities in the Midcoast region, where real estate prices have tended to drive out the working class volunteers who once manned fire engines. Rockland has long relied on full-time firefighters but nearby communities such as Camden and Rockport are all-volunteer.

"Can they keep going that way?" Jordan wondered. "If they had to go to full-time firefighting, it would have a huge impact on their budgets."

Yet while greater cooperation might seem like a good idea to outsiders, it can be difficult to achieve. Courtney has studied the option of merging with Rockport to achieve efficiencies for Camden, where he lives. Two years later, no decision has been made, though two towns already have a joint school system, a factor for Farmingdale and Hallowell as well.

The best recipe may be building trust over time. Gorham is "the gold standard for collaboration" in Maine, according to Courtney.

But, Chief Lefebvre noted, such efforts go back decades, even though he has encouraged expanded cooperation. Gorham now jointly owns equipment or, in some case, fire stations with most of its neighbors. One of those neighbors, Standish, will jointly own a station with Sebago if citizens approve the agreement at town meeting.

There may be other ways to reinvigorate the volunteer network. In Ellsworth, Chief Tupper says "We haven't done a good job of promoting what we do. We're kind of taken for granted, and that may be our own fault."

He envisions a vigorous round of school presentations and other public education efforts, not just to help in recruiting, but to enlist community support for steps, and the funding, that will be necessary in the future. [mtl](#)

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Tough Budget Times Yield New Discussions

By Bill Barnes

Most local leaders have worked through the optimistic “doing more with less” phase. Now, many are figuring out how to do less with less. They are lighting out into new territory where the terrain is neither familiar nor welcoming.

Almost all cities and towns will handle the financial stress. Budgets will be balanced. But, as one former mayor used to say: Even if you balance your checkbook, that doesn’t mean you’re putting food on the table for the kids. Beyond the budgets, it’s the people and the places that matter.

Short-term, it’s not. Five to 10 years seems to be the conventional wisdom as to how long the Great Recession and its aftermaths will focus our attentions.

There’s no way to know where we’ll be when this round of travails ends. It’s just not credible to think that the “business cycle” will go fully ’round and take us back to 2006. You can’t step in the same river twice, and the second dip may be more treacherous than the first.

No time like the present, then, to imagine what may be in store, to stress test local and regional systems for capacity to weather probable scenarios. Such sidebar efforts, running parallel to immediate agendas, require a different kind of thinking and leadership.

So long as local leaders were in airbag situations — saved from devastation but temporarily stuck in place and unable to see ahead — they dealt with the immediate and urgent. Now, it seems, that situation has changed: The money crunch is, in many places, more harsh, but some vision and ma-

Bill Barnes, Director for Emerging Issues at National League of Cities, can be contacted at barnes@nlc.org

neuverability have returned.

PARTICIPATORY BUDGETING

At the recent National League of Cities Congress of Cities, public talk at workshops and private chats in the hallways included comparing notes about shared services, the effects of personnel reductions, consolidations and regional approaches. “Participatory budgeting” — serious mechanisms for engaging citizens around budget questions and longer-term priorities — got lots of attention. And the question of whether temporary cuts are really permanent was debated.

Kalamazoo Mich., and its neighbors, for instance, started looking ahead early. Beginning in 2009, conversations among leaders in the two main cities and the county helped create what the initiator, Vice Mayor Hannah McKinney, described as “an environment of awareness.” Inter-jurisdictional structures are now in place so that, as contracts expire, purchasing is consolidated.

Larger agendas in the Kalamazoo area are in the talking stage as huge deficits loom. “Shared sacrifice,” McKinney said, “is a great concept but in every case, some jurisdiction is making a bigger sacrifice for no apparent short run or medium run reward.” Nonetheless, the multi-jurisdictional conversations continue for a long-haul effort.

“New normal” is not the way to think about this situation. NLC’s Director of the Center for Research and Innovation, Christopher Hoene, said the phrase ignores history. He’s looked at the data over the past 30-40 years and determined that the “reality is that we’re returning to an old normal.”

The unusually rapid economic growth of the decade from the late

1990s onward was “a blip on the curve.” It allowed us to ignore “a lot of underlying challenges in our system of public finance,” challenges that the Great Recession “violently unmasked.”

Eleven years ago, NLC set up its own sidebar discussion to take a “longer, deeper” view of public finance nationally.

CHALLENGES PERCEIVED

A brief report highlighted some of those “underlying challenges,” items that by now are not new but, importantly, are also still not adequately addressed. (It also set in motion a new agenda of NLC research, advocacy and assistance that is still productive.)

The 2000 report, written amidst the temporary economic boom and bubble, warned ominously that “big and unnoticed changes beneath the surface will become increasingly dangerous when the rising tide starts to ebb.”

Well, the tide went out in 2007-08, and we can see clearly, for example, that the system for raising public revenue has not kept up with the changing U.S. economy; that changing municipal roles put new burdens on local budgets; that infrastructure and other investments lag badly; that great inequalities have accumulated and harm societal functions; and that our dysfunctional intergovernmental system isn’t resilient to great shocks.

Shocks from these and who knows what other surprising challenges, good and bad, may be slouching toward us even now.

It is beginning to look a lot like a long slog ahead. So, unconventional thinking, scenario planning and wondering what short-term actions will mean for the longer term seem in order. 

2012

Upcoming Elected Officials Training

Presented By



Maine Municipal Association

Elected Officials Workshops

Wednesday, May 16, 2012

Town Hall – Sabattus, ME

Wednesday, June 13, 2012

American Legion Post #29 – Dover-Foxcroft, ME

Thursday, June 28, 2012

Atlantic Oceanside – Bar Harbor, ME

Thursday, July 19, 2012

Ramada Inn – Saco, ME

Wednesday, July 25, 2012

Maine Municipal Association – Augusta, ME

Thursday, August 30, 2012

Sugarloaf – Carrabassett Valley, ME

Tuesday, October 23, 2012

Maine Municipal Association – Augusta, ME

Tuesday, November 27, 2012

Center for Community Health Education – Houlton, ME

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.

Elected Officials Workshop II

Tuesday, March 20, 2012

Scarborough Municipal Building together with Council Chambers
– Scarborough, ME

Wednesday, December 5, 2012

Maine Municipal Association – Augusta, ME

Who Should Attend:

This workshop is primarily designed for councilors and select boards in larger communities with city and town managers. While newly elected officials will benefit greatly from the program, veteran councilors and select board members will find value in it, too. Town and city managers are encouraged to participate along with their councilors and select boards. This course meets state FOAA training requirements (Right to Know).

Roles of Elected Officials & Municipal Managers

Wednesday, April 25, 2012

Black Bear Inn – Orono, ME

Thursday, June 21, 2012

Kennebunk Town Hall – Kennebunk, ME

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.

Register Online: <http://www.memun.org/public/MMA/svc/training.htm>



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is now available to
MMA Members
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www.memun.org/public/MMA/svc/training.htm

As part of our ongoing training and education program for elected officials and municipal employees, MMA is proud to offer members easy and convenient 24/7 access to OnDemand courses and Webinars.



Maine Municipal Association

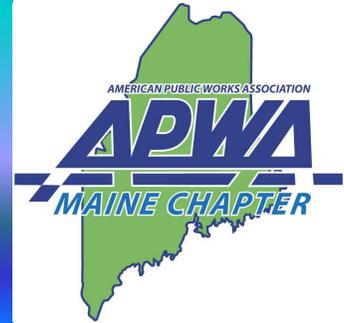
The Maine Chapter American Public Works Association

presents...

The Twenty First Annual Highway Congress

SKOWHEGAN FAIR GROUNDS

June 7, 2012 — Thursday — 7:00 a.m. - 3:00 p.m.



FREE ADMISSION • Door Prizes • Skid Steer Loaders and Backhoe Contests

Complimentary LUNCHEON Sponsored by Maine Chapter APWA



The Lions will serve breakfast from 7:00-9:00 a.m.



Maine Local Roads Center — “Time Out for Training”



***Erosion Control Training Sessions Sponsored by
Maine DEP and J.E.T.C.C.***



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WHO SHOULD ATTEND?

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

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**Annual State Snow Plow Rodeo
Championship and Award Presentation**



Brochure and registration forms will be sent out in mid-April. Registration Deadline is May 20, 2011. For more information call the Affiliate Services Office—Maine Chapter APWA, 1-800-452-8786.

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Visit www.debugthemyths.com for answers to your questions about pesticides, fertilizers, and the facts about the essential role they play in Maine's homes and communities.





MunicipalTechnology Conference | 2012

●●● Education & Innovation

March 1, 2012
Holiday Inn By The Bay, Portland



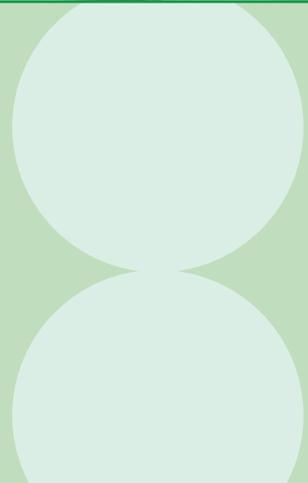
Photos by Jill Brady



MunicipalTechnology Conference | 2012

●●● Education & Innovation

March 1, 2012
Holiday Inn By The Bay, Portland



2012 MMA & Affiliate Training Calendar

Group	Event	Location	Date/s	Group	Event	Location	Date/s
FEBRUARY				APRIL (cont'd)			
MFCA	Legislative Breakfast	Augusta-Senator Inn	2/7	MFPSC	Blaine House Symposium for First Responders	Northport-Point Lookout	4/12-13
MWWCA & MWUA	Joint Conference	Portland-Holiday Inn by the Bay	2/7	MCAPWA	Supervisory Leadership In Public Works Programs-Part I	Gorham-Municipal Office	4/17-19
MTCCA	Title 30-A Elections	Augusta-Civic Center	2/9	MWDA	Spring Seminar/Basic GA	Bangor-Hollywood Slots Hotel	4/23 & 24
MTCCA	Title 30-A Elections	Bangor-Hilton Garden Inn	2/13	MMA	Personnel Practices	Bangor-Hilton Garden Inn	4/24
MMA	Basic Municipal Budgeting	Augusta-MMA	2/14	MMA	Roles of Elected Officials & Municipal Managers	Orono-Black Bear Inn	4/25
MMA	Moderating Town Meeting	Augusta-MMA	2/15	MAAO	Bd of Assessment Review	Augusta-MMA	4/26
MMA		Caribou-NMDC via Video	2/15	MTCCA	Vital Statistics	Bangor-Hilton Garden Inn	4/26
MWWCA	Legislative Breakfast	Augusta-Senator Inn	2/16	MAAO	Northern Maine Spring Workshop	Presque Isle-Northern Maine Community College	4/27
MMA	Grant Funding & Writing	Augusta-MMA	2/28	MWWCA	Spring Conference	Orono-Black Bear Inn	4/27
MMA	Planning/Bd of Appeals	Belfast-Hutchinson Center	2/29	MAY			
MARCH				MMA	Planning/Bd of Appeals	Caribou-Caribou Inn & Convention Center	5/8
MMA	Technology Conference	Portland-Holiday Inn by the Bay	3/1	MMA	Fair Labor Standards Act	Augusta-MMA	5/8
MTCMA	Interchange	Bangor-Hilton Garden Inn	3/2	MCAPWA	Supervisory Leadership in Public Works Programs-Part II	Gorham-Municipal Office	5/8-10
MMTCTA	Tax Liens	Bangor-Hollywood Slots Hotel	3/8	MMA	Elected Officials Workshop	Gorham-University of Southern Maine	5/15
MMTCTA	Tax Liens	Old Orchard Beach-Captain's Galley	3/14	MMTCTA	Cash Management	Freeport-Hilton Garden Inn	5/16
MWWCA	Ski Day	Carrabassett Valley-Sugarloaf	3/14	MMTCTA	Annual Conference	Freeport-Hilton Garden Inn	5/17
MBOIA	Membership Mtg/Training	Old Orchard Beach-Captain's Galley	3/15	MWDA	Advanced GA	Hampden-Town Hall	5/17
MMA	Planning/Bd of Appeals	Biddeford-North Dam Mill Events Center	3/15	MBOIA	Spring Code Conference	Sebasco Estates-Sebasco Harbor Resort	5/21-22
MMA	Elected Officials Workshop II	Scarborough-Council Chambers	3/20	MMA	Elected Officials Toolkit for Jail Reentry	Augusta-MMA	5/22
MMA	Wind Power in Maine: A Municipal Update	Farmington-Ben Franklin Center @ Franklin Memorial Hospital	3/21	MTCCA	Title 21-A	Portland-Seasons Event Center	5/23
MMA	Labor & Employment Law	Augusta-MMA	3/22	MTCCA	Voter Registration	Portland-Seasons Event Center	5/24
MMA	Customer Service Excellence	Lewiston Regional Tech Center-Green Ladle	3/28	JUNE			
APRIL				MMA	Planning/Bd of Appeals	Machias-U of Maine Machias	6/5
MTCCA	New Clerks	Bangor-Hilton Garden Inn	4/2	MCAPWA	Highway Congress	Skowhegan-Skowhegan Fairgrounds	6/7
MMA	Planning/Bd of Appeals	Bridgton-Town Hall	4/3	MMA	Elected Officials Workshop	Dover-Foxcroft-American Legion Hall Post #29	6/13
MCAPWA	Annual Spring Meeting	Waterville-Elks Lodge	4/5	MBOIA	Membership Mtg/Training	Bath-Kennebec Tavern	6/21
MACA	Spring Conference	Bangor-Hollywood Slots Hotel	4/7				
MMA	Managing FOAA Requests	St. Agatha-Lakeview Restaurant	4/10				
MFCA	Membership Meeting	Northport-Point Lookout	4/11				
MMTCTA	Basic Excise Tax	Augusta-MMA	4/11				

For more detailed descriptions, please visit the MMA website: www.memun.org. Go to the top of the page under "Marketplace@MMA" and pull down to "Training & Wksps."

2012 MMA & Affiliate Training Calendar

Group	Event	Location	Date/s	Group	Event	Location	Date/s
MMA	Roles of Elected Officials & Municipal Managers	Kennebunk-Town Hall	6/21	NOVEMBER			
MMA	New Managers	Augusta-MMA	6/26	MMA	Planning/Bds of Appeal	Bangor-Hilton Garden Inn	11/8
MMA	Elected Officials Workshop	Bar Harbor-College of the Atlantic	6/28	MMA	Grant Funding & Writing	Augusta-MMA	11/13
JULY				MMTCTA	Municipal Law for Tax Collectors	Waterville-Elks Lodge	11/15
MFCA	Membership Mtg/Luncheon	Hope-Hope Fire Station	7/12	MMA	Elected Officials Workshop	Houlton-Center for Community Health Education	11/27
MMTCTA	Payroll and 1099 Rules	Augusta-MMA	7/17	MMA	Basic Municipal Budgeting	Houlton-Center for Community Health Education	11/28
MMA	Elected Officials Workshop	Saco-Ramada Inn	7/19	DECEMBER			
MTCCA	Municipal Law	Waterville-Elks Lodge	7/19	MMA	Planning/Bds of Appeal	Augusta-MMA	12/4
MMA	Elected Officials Workshop	Augusta-MMA	7/25	MMA	Elected Official Workshop II	Augusta-MMA	12/5
AUGUST				MMA	Customer Service Excellence	Augusta-MMA	12/11
MTCCA	Vital Statistics	Augusta-MMA	8/9	MMA	Personnel Practices	Portland-Seasons Event Center	12/18
MMTCTA	"I've Got The Job-What Now?"	Augusta-MMA	8/14	MBOIA	Membership Mtg/Training	Lewiston Regional Tech Center-Green Ladle	12/20
MMA	Personnel Practices	Augusta-MMA	8/15				
MMA	Managing FOAA Requests	Brunswick-Inn at Brunswick Station	8/21				
MTCMA	NE Management Institute	Newry-Sunday River	8/22-24				
MTCCA	Records Management	Portland-Seasons Event Center	8/29				
MMA	Elected Officials Workshop	Carrabassett Valley-Sugarloaf	8/30				
SEPTEMBER							
MTCCA	Title 21-A	Augusta-MMA	9/11				
MTCCA	Voter Registration	Augusta-MMA	9/12				
MWWCA	Fall Convention	Carrabassett Valley-Sugarloaf	9/12-14				
MBOIA	Annual Meeting	Gray-Spring Meadows	9/13				
MTCCA	Annual Mtg & Networking Day	Waterville-Elks Lodge	9/18				
MAAO	Fall Conference	Sebasco Estates-Sebasco Harbor Resort	9/26-28				
OCTOBER							
MMA	76th MMA Convention	Augusta-Civic Center	10/3-4				
MMA	Local Planning Boards	Augusta-MMA	10/10				
MMA	Local Boards of Appeal	Augusta-MMA	10/16				
MMA	Elected Officials Workshop	Augusta-MMA	10/23				
MFCA	Annual Conference	TBD	10/24-26				
MMA	Labor & Employment Law	Augusta-MMA	10/30				

KEY TO GROUPS

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

For more detailed descriptions, please visit the MMA website: www.memun.org. Go to the top of the page under "Marketplace@MMA" and pull down to "Training & Wksps".



The Maine Resource Recovery Association

presents the

19th Annual Maine Recycling & Solid Waste Conference

Monday & Tuesday, April 23-24, 2012

Point Lookout Resort, Northport, Maine

The Future of YOUR Waste. Where will you be taking it?

Conference Highlights

Keynote Presentations:

Maine's Waste Characterization Study

**Dr. George Criner, Ph.D., Director,
School of Economics, University of Maine**

Our Waste & Climate Change

**Alder Stone Fuller, Ph.D., Independent Educator,
The Adaptability Project**

EPA's Food Recovery Challenge

**Christine Beling, EPA's
Sustainable Materials Management Program**

NERC: 25 Years of Achievement

**Athena Bradley, Projects Manager,
Northeast Recycling Council (NERC)**

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Maine State Planning Office

Maine Department of Labor SafetyWorks!

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& other experienced and knowledgeable presenters**

Exhibit Hall with a diversity of equipment & service vendors

Recyclathon Safety Rodeo Competition & Prizes

Bowling Fun Night & Door Prizes

Why you and your staff should attend:

DEP Training - do it right to avoid fines and the cost of after-the-fact cleanup

SafetyWorks! Training - avoid lost work hours, lost wages, pain and suffering from injuries, lawsuits, and increased workers compensation premiums

Increased efficiency & productivity - let the experience of others help you and your staff get more done in less time

Staying home might save you a couple hundred dollars, but attending could save you

THOUSANDS!

THE COMPLETE BROCHURE IS AVAILABLE ON OUR HOME PAGE AT WWW.MRRA.NET OR CALL 942-6772 & WE CAN FAX ONE TO YOU.



Rumford's elected Tax Collector **John Giambattista** resigned to return to work at the NewPage paper mill. Giambattista's two-year term expires in June. Selectmen appointed Deputy Tax Collector **Thomas Bourassa** until June. Bourassa said he is "strongly considering" running for the post in June.

Ron Grenier ended his long public service career in early March when he retired as Newcastle town administrator. Grenier, a U.S. Air Force veteran, began his career in the 1960s in the office of the Portland City Manager, who advised him to get a master's degree in Public Administration if he wanted to run a town someday. Grenier then went to work for the federal government before serving in several state jobs in Massachusetts, including supervising 500 workers who built the "Big Dig" in Boston. After delaying his dream for some 35 years, Grenier became the first manager of Chebeague Island, helping the new town build its first municipal government. He was hired as Newcastle manager in 2008.

Rebecca Hupp, director of the Bangor International Airport since 2001, resigned to take the top job at the airport in Boise, Idaho. Hupp said she was interested in a new challenge and considered the job a chance to enhance her career. She will start the Boise job in April and said she will work closely with the city manager to ensure a seamless leadership change in Bangor. While the central Maine airport ranks 125th in national air traffic, the Boise airport ranks as the 75th busiest.



Dana Lee

Dana Lee will replace **Glen Holmes** this month as the new Buckfield town manager. Lee is working as interim manager as Holmes makes the transition to director of the Western Maine Economic Development Council in nearby Paris. Lee is the former manager of the towns of and Mechanic Falls and Poland, also in western Maine.

Keith Luke, Westbrook economic

and community development director, resigned effective Dec. 31, 2011, after more than three years. During his tenure, the highly regarded director helped resolve several major development problems, as well as writing and winning \$1 million in grants. Luke, 45, worked as economic development director for the towns of Windham and Topsham before joining the Westbrook staff in 2008. A native of Boothbay, Luke plans to pursue other career opportunities in economic development and commercial real estate development. Westbrook Finance Director **Dawn Ouellette** also resigned in December. She planned to work until early February, when she was scheduled to take maternity leave. Ouellette, who has worked as a finance expert for both the municipal and school departments since 2010, cited health and other reasons for her decision.



Sue Lessard

said she wanted a little less stress and more focus on financial matters, her biggest interest. Lessard is working part-time in Hampden to help councilors while they search for her replacement.

Robert Markel started his job as Kittery town manager effective Jan. 3, replacing **Jonathan Carter**, who resigned to return to Wells, where he worked as manager for 16 years. Markel most recently served as manager of Ipswich, Mass., for seven years. He also managed Norfolk, Mass., and served as mayor of Springfield. Markel, 68, expects to begin his new Kittery job between mid-March and early April.

Springvale Library Director **Karen McCarthy** resigned to accept a job with the South Berwick library. Springvale is a village in the town of Sanford and its library needed to be modernized when McCarthy joined the staff more than a

decade ago. She was named director in 2003 and was a pivotal advocate to expand and update the library. Her resignation was effective in January. Assistant Librarian **Dawn Brown** has been named interim director.

Fairfield councilors appointed **Thomas Munson** to the fill the unexpired term of **Ernest Canelli III**, who resigned in January for health reasons. Munson, the unanimous choice of the council, is a Realtor and owner of Mainely Real Estate. He will serve until someone is elected in November and takes office next January.

Former New Sweden Selectman **Keith Nelson** died on Jan. 14 at the age of 80. A stable influence in the small northern Maine town, he served as selectmen for eight years and as chairman in 1994. He also served as the town's civil defense director and constable, while developing numerous business and hobby interests over the decades. Nelson also served on the board of directors of the Maine Municipal Association Risk Pool Board and on its Executive Committee.

Former Lewiston police Detective City and Councilor **Nelson Peters Jr.** resigned to take a job as chief deputy to the Androscoggin County sheriff. Peters, 67, has worked for the sheriff's office for a decade. Before joining the county staff as a deputy sheriff, he worked as a police officer and later as a detective for the Lewiston Police Department for 15 years.

Newburgh voters elected **Claude Bolduc** in a special election in January to replace Selectmen **Michael Burns**, who resigned in November. A "People" item in the February Townsman incorrectly reported that Bolduc was replacing someone else. [mi](#)

CLASSIFIED

FOR SALE: Two Onan diesel generators with auto transfer switches. Two double wall, 300-gallon diesel fuel tanks. Two garage doors, measuring 9x9. FMI, contact Kennebunkport Sewer Dept, (207) 967-2245 or email: nevangelista@kennebunkportme.gov.

Statewide: A number of Maine municipalities won federal and/or state grants in February for a variety of projects. Among the major awards from the U.S. Department of Homeland Security: Waterville, which won a \$332,500 grant toward the purchase of a \$400,000 fire engine and another \$54,000 to buy police communications software and equipment; Newport, \$196,000 for a new tanker truck to replace a 26-year-old fire truck that has been driven nearly 400,000 miles; and Denmark, a \$200,925 grant toward a new fire vehicle.

In Lewiston, the city will receive a \$330,000 Efficiency Maine grant to build a methane-burning generator at the water treatment plant that serves both Lewiston and Auburn.

In Indian Island, the Penobscot Indian Nation was awarded a \$1 million U.S. Department of Energy grant to help the Tribe develop a 227-megawatt wind project in a Franklin County township. Last month, the Passamaquoddy Tribe announced it had partnered with a private firm to build a \$120 million wind farm in Washington County.

Bangor: A volunteer group of 10 community leaders is studying the idea of changing city governance by electing a mayor rather than having the nine-member council select a mayor on a simple majority vote. The City of Portland recently elected its first mayor in 88 years. Bangor has not elected a mayor since 1931.

Bar Harbor: A new National Park Service report showed more than 2.5 million people visited Acadia National Park in 2010, spending \$186.3 million and supporting more than 3,000 jobs.

CORRECTION

A January Maine Townsman article about municipal clerks and elections incorrectly stated that special voting machines were used in the state's early voting experiment. The machines were those normally used by the municipality in state and local elections. Also, legislation would be required in order to expand the early voting system.

Although parts of Acadia breach the town lines of all four Mount Desert Island towns, the vast majority of the park lies within the town of Bar Harbor. Acadia is believed to be the No. 1 tourism destination in Maine.

Lincoln: Town councilors voted unanimously to repeal parts of the town's sex offender ordinance, after the town manager said the law was so restrictive it was likely police could not enforce it. The council made changes to the ordinance so its rules are closer to state law. One of the changes eliminated the ban on sex offenders from being allowed inside a "Red Zone," which essentially expanded the 1,500-foot area around schools and child care centers to 2,500 feet. Additional local restrictions did not comply with state law, officials said, and exposed to the town to possible legal problems.

South Bristol: After a five-year dispute, the town has reached a consent settlement in a 2006 case involving a resident who admitted to clear-cutting 59 trees in the town's shoreland zone in 2006 – action that is illegal both by town ordinance and state law. The \$150,000 settlement still must be approved by a superior court justice. Some selectmen doubt the town will get any money from the violator, who filed for bankruptcy in 2008, but the town's lawyers believe South Bristol will get some money via

bankruptcy proceedings.

Vassalboro: Selectmen will try to increase municipal staff pay over the next three years to bring salaries closer to what other comparably sized towns pay their workers. The raises will depend on how close someone's salary is to their peers' pay in other communities.

Waldoboro: Fire Chief Paul Smeltzer entered a burning mobile home early this month to find a woman believed to be trapped inside. Smeltzer, who had to leave the structure for fresh air, returned inside and found the victim unresponsive on the kitchen floor. The chief brought the woman to the front door, where a detective and emergency personnel were waiting to help. Firefighters from Warren, Jefferson and Nobleboro helped Waldoboro firefighters extinguish the fire.

West Paris: In an ongoing effort to consolidate general assistance duties, the Town of West Paris is asking its neighbors Norway and Paris to join in their merged GA effort. Some families in West Paris are close to exhausting their state financial aid at a time when the Greater Oxford Hills region has seen a sharp spike in families in need of help. Officials said it's too early to know whether it would benefit the new Norway-Paris partnership by allowing West Paris to join. [\[m\]](#)

NEW ON THE WEB

Here are some highlights of what's been added at www.memun.org since the last edition of the *Maine Townsman*.

- **Federal Issues Paper.** The 2012 Issues Paper, compiled by the State & Federal Relations staff at Maine Municipal Association, was released late last month. It includes reports on Federal Stormwater Regulations, LIHEAP Funding, the Marketplace Fairness Act and other important issues.
- **Technology Conference.** Many of the PowerPoint and other presentations offered at the 2012 Municipal Technology Conference are available for viewing or copying. The conference was held March 1 in Portland.
- **Preparedness.** The annual Maine Partners in Preparedness Conference will be held April 24-25 at the Augusta Civic Center. Conference programs will address: home and family; schools; businesses; emergency and Homeland Security; and, more.
- **Human Resources.** The Maine Local Government HR Association, in cooperation with MMA and Kaplan University, is offering free staff development opportunities on Wednesday, April 11 at Kaplan University in South Portland. The MMA website has details.



Municipal Bulletin Board

MANAGING MUNICIPAL PERSONNEL

If you manage municipal employees, this workshop is a good way to get up to date on legal and practical approaches to solving common personnel problems. This workshop will be held at the MMA Conference Center in Augusta on March 22, beginning with registration at 8:30 a.m. The seminar will end at 2:30 p.m. Lunch will be provided.

Presenters include: Linda McGill, Glenn Israel and Matt Tarasevich, attorneys with the law firm Bernstein Shur; David Barrett, head of Personnel Services & Labor Relations at MMA; and, Suzanne Benoit of Benoit Consulting Services.

The cost is \$60 for MMA members and \$120 for non-members.

CUSTOMER SERVICE: LEWISTON

This Customer Service Excellence workshop focuses on key strategies that municipal employees can use when interacting with citizens, fellow municipal employees and vendors. The workshop, to be held on March 28 at the Lewiston Regional Technical Center, will be led by: Andrew Gilmore, manager in the Town of Sabattus; Abigail DiPasquale of the Maine Municipal Employees' Health Trust; and, Margaret Noel, Director of Educational Services at MMA.

Among the specific topics to be explored: how to recognize customer needs; the art of language; owning the customer's level of service; and, key steps in conflict resolution. Registration begins at 8:30 a.m. and the workshop will conclude at 4 p.m. Cost for the seminar is \$60 for MMA members and \$120 for non-members.

NEW CLERKS: BANGOR

April Dufoe, Town Clerk in Kennebunkport, and Kim McLaughlin, Town Clerk in Old Orchard Beach, will take new clerks on through a class that will familiarize attendees with the duties and responsibilities of being a municipal clerk. The workshop will be held on April 2 at Hilton Garden Inn, which is located just off Interstate 95.

Topics to be reviewed and discussed

include: dog licensing; hunting and fishing licenses; processing birth and marriage certificates; election procedures; and, preparing meeting minutes and agendas.

Sponsored by the Maine Town and City Clerks' Association, the workshop runs from 8:30 a.m. to 4 p.m. Cost is \$50 for MTCCA members and \$60 for non-members.

PLANNING BOARDS/BOA

Bridgton Town Hall will be the site for a Local Planning Boards & Boards of Appeal workshop to be presented by an attorney from MMA's Legal Services Department on April 3. The workshop is designed as a basic introduction to the legal rules governing decisions made by local planning boards and boards of appeal.

The presenter will explain jurisdiction issues, conflicts of interest, public notice requirements, site visits, the use of e-mail and other topics. The workshop begins with registration at 4:30 p.m. and ends at 8 p.m. A light meal is included. Cost for the event is \$40 for MMA members and \$80 for non-members.

APWA CHAPTER MEETING

The Maine Chapter of the American Public Works Association will hold its annual spring meeting at the Waterville Elks Banquet & Conference Center from 7:30 a.m. to 1 p.m. on April 5.

The agenda includes presentations on diesel exhaust, fluid and emissions, maintaining good back health and the MCAPWA board meeting, among other topics. There also will be a raffle for a Remington Wingmaster shotgun. Cost to attend is \$35, which includes lunch and refreshments.

MANAGING FOAA REQUESTS

This workshop was developed for 2012 after several municipalities saw repeat Freedom of Access Act requests last year and they experienced how to handle both the serial requests and the sometimes suspicious requesters. It

will be held in two segments on April 10 at the Lakeview Restaurant in St. Agatha. The same information will be presented at each segment.

Amanda Meader, staff attorney with MMA's Legal Services Department, and Dana Lee, former town manager in Poland and Mechanic Falls, will be the primary presenters. Eric Conrad, Director of Communication & Educational Services at MMA, will be on hand. The course will meet the state requirement on FOAA (or "Right to Know") certification and training.

Registration for the first presentation begins at 2:30 p.m. That segment will end at 5 p.m. Then, registration begins at 5:15 p.m. for the second presentation, which will end at 8 p.m.

BASIC EXCISE TAX

Gilberte Mayo, Treasurer for the Town of Lincoln, will present a day-long workshop that focuses on the procedures of excise tax. It will be start with registration at 8:30 a.m. on April 11 at the MMA Conference Center in Augusta and it will end at 3:30 p.m.

This one-day course is required as part of the Maine Municipal Tax Collectors' & Treasurers' Association's certification program; the MMTCTA is sponsoring this event, which will cost \$50 for members and \$60 for non-members. Please bring a calculator and a copy of the 2009 MMTCTA Excise Tax Manual.

BLAINE HOUSE SYMPOSIUM

The Maine Fire Protection Services Commission will hold its Blaine House Symposium for First Responders on April 12-13 at the Point Lookout Resort in Northport. The event actually begins with a joint membership meeting starting at 3 p.m. on April 11.

On April 12, retired Bangor Fire Chief Jeffrey Cammack, chair of the Commission, will make welcoming remarks. They will be followed by sessions about firefighter safety, to be led by Sean DeCrane, a Battalion Chief and 21-year veteran with the Cleveland (Ohio) Fire Department. 

All of the upcoming workshops can be found on the MMA website. Use the following link:
<http://www.memun.org/public/MMA/svc/training.htm>

ELECTION OF OFFICIALS @ OPEN TOWN MEETING

Question: At a traditional “open” town meeting, must a person be present in order to be nominated and elected to office?

Answer: No, there is no such legal requirement. If someone is not present to signal their consent to be nominated and elected, however, there is at least the risk they may not be willing to accept the office when later informed of their election. This could create a vacancy that may be filled only by another election (see below). Thus, it behooves everyone to be certain an absentee candidate will consent before nominating and electing them at an open town meeting.

Not every vacancy in elected office – whether due to a refusal to accept or otherwise – must be filled by special election. In fact, except for selectmen and school committee members, unanticipated vacancies in municipal office may be filled only by appointment by the selectmen (see “How Vacancies Are Filled,” *Maine Townsman*, “Legal Notes,” August/September 2007).

Of course, while a candidate may be absent and still be elected, absentee voting is not permitted at an open town meeting. Only registered voters who are present at the meeting at the time a particular vote is called for may actually vote (see “No Absentee Voting at ‘Open’ Town Meeting,” *Maine Townsman*, “Legal Notes,” May 2005). And non-residents are not eligible to vote even if they are taxpayers (see “Voting by Non-Residents,” *Maine Townsman*, “Legal Notes,” December 2003).

Incidentally, at an open town meeting, election to office is by majority vote of those present and voting except in towns with a population greater than 4,000, where election is by plurality vote (see “In Municipal Elections, Majority or Plurality?,” *Maine Townsman*, “Legal Notes,” May 2010).

Finally, if someone is elected at an open town meeting but is not present to be sworn in, the clerk must immediately issue a warrant directed to a constable, who in turn must immediately summon them to appear before

the clerk within seven days to take the oath of office (see 30-A M.R.S.A. § 2526(9)(C)). If they fail to appear within that time, the municipal officers may then issue a written demand that they qualify for the office and be sworn in; the office is deemed to be vacated if they fail to do so within 10 days of this demand (see 30-A M.R.S.A. § 2602(1)(F)).

For more on conducting elections at open town meetings, see MMA’s *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

METHODS OF VOTING @ OPEN TOWN MEETING

Here, in a nutshell and in ascending order of sophistication and certainty of results, are the five methods of voting generally available at a traditional “open” town meeting:

Voice vote. A call, in turn, for vocal “yeas” and “nays.” Doubtless the quickest method of voting, a voice vote is also the least likely to yield reliable results, especially in close contests.

Show of hands. A call, in turn, for those in favor and those opposed to raise their hands. To make votes more visible, some towns issue conspicuous cards for voters to raise.

Standing vote. A call, in turn, for those in favor and those opposed to rise or stand. As with a show of hands, voters remain in place except to stand.

Division of the house. A call for those

in favor and those opposed to move to respective sides of the hall. More decisive than the first three methods, a division of the house can also be disruptive.

Written ballot. A paper ballot, either blank or with two boxes with the words “yes” and “no” printed next to them. Different from a secret or “Australian” ballot, a written ballot is not marked in a voting booth, nor is absentee voting permitted, but a written ballot may nonetheless be folded.

The method of voting on any particular warrant article is generally within the discretion of the town meeting moderator, subject of course to a vote for a different method by the voters assembled or an immediate challenge by seven voters to the moderator’s declaration of a vote, in which case another vote is required by written ballot or such other method as the voters direct (see 30-A M.R.S.A. § 2524(3)(B)). The method of voting at an open town meeting cannot be predetermined by the selectmen or the warrant, although either may suggest a particular method (which the voters are free to ignore).

Note, however, that a written ballot is required by statute for the election of moderator, selectmen and school committee (see 30-A M.R.S.A. § 2525(1)) and for a vote to increase or exceed the municipal property tax levy limit (see 30-A M.R.S.A. § 5721-A(6), (7)).

 MMA Municipal Calendar

DURING APRIL — Municipal officers of municipalities over 2,000 population, and of any other town so voting at town meeting, shall appoint an inspector of buildings (25 MRSA §2351).

APRIL 1 — Municipal assessments are controlled by this date (36 MRSA §502).

— Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General

Assistance Unit, DHS #11, Augusta, ME 04333 (22 MRSA §4311).

APRIL 16 — Patriot’s Day, third Monday in April, a court holiday (4 MRSA §1051).

ON OR BEFORE APRIL 21 — Every employer required to deduct and withhold tax shall, for each calendar quarter, file a withholding return and remit payment as prescribed by the State Tax Assessor (36 MRSA §5253).

Also note that even in towns that customarily conduct business by open town meeting, a secret ballot referendum is required by statute for certain matters (see “Referendum Elections Required in Some Cases,” *Maine Townsman*, “Legal Notes,” January 2010).

For more on voting methods and voting requirements at an open town meeting, see our *Maine Moderator’s Manual*, available free to members at www.memun.org. (By R.P.F.)

SEARCHING FOR EXCEPTIONS TO FOAA’S ‘PUBLIC RECORDS’

Question: Maine law contains over 300 exceptions to the definition of “public records” under Maine’s Freedom of Access Act (FOAA). Is there a systematic way to find and identify them?

Answer: As a matter of fact, there is. Try this online search tool created and maintained by the Maine Legislative Council on behalf of the Maine Right to Know Advisory Committee: <http://www.mainelegislature.org/legis/foa/>.

This search tool has easy-to-follow directions and enables anyone to search by category or subject, by statutory title or section, or by key word (hint: use one or two generic terms, not multiple words or phrases). Each record that displays is hyperlinked to the Maine statute that either designates the record as confidential or exempts it from the FOAA’s definition of “public records.”

While this search tool is far superior to a random hunt for public records exceptions, it is not completely infallible – not because it is defective in some way but because it requires at least a modicum of knowledge about the subject (and perhaps a little luck) on the part of the user. If one has no idea where in the statutes to look for an exception and uses an incorrect key word to search for it, no record will display of course, even if there is an exception. This is why, if local officials have any doubt about the public nature of a requested record, they should consult their municipal attorney or MMA Legal Services even if the online search tool displays no

exception.

For much more on public records and exceptions, see our “Information Packet” on the Right to Know law, available free to members at www.memun.org. (By R.P.F.)

IS A CONSTABLE REQUIRED?

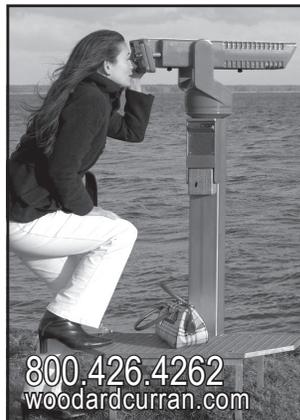
No. It used to be that a town meeting warrant could be posted only by a constable, but the law was amended years ago to allow warrants to be posted by either a constable or any resident by name (see 30-A M.R.S.A. § 2523(3)). Also, since municipalities are not required by law to provide police protection, a constable is strictly optional.

Constables are appointed by the municipal officers or, if there is one, the town manager (unless otherwise provided by ordinance). The certificate of appointment must state whether the constable is allowed to carry a weapon (see 30-A M.R.S.A. §

2673). Because the law does not clearly specify the duties of a constable, these should be spelled out in an ordinance or a detailed job description. If a constable’s duties will include criminal law enforcement (e.g., carrying a weapon and making arrests), the constable must complete training at the Maine Criminal Justice Academy (see 25 M.R.S.A. §§ 2801-2809).

Even if no constable is wanted for municipal duties, private detective agencies may ask a municipality to appoint the agency’s employees as “civil constables” for the purpose of serving process (court papers). If the municipality chooses to cooperate (there is no obligation to do so), it should take several important precautions (see “Civil Constables,” *Maine Townsman*, “Legal Notes,” June 2006).

For more on constables, see Chapter 5 of MMA’s *Municipal Officers Manual*, available free to members at www.memun.org. (By R.P.F.) 



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