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The Magazine of the Maine Municipal Association

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A Message From MMA



by Sophia Wilson, MMA President, Town Manager, Orono

Just Doing ‘What Municipal Officials Do’

Along with many others, I watched the news reports detailing the Town of Brownville’s effort to rebuild its infrastructure and make the case for assistance with state and federal leaders, after a sudden and severe weather event left sections of nearly all of the town’s roads washed out and businesses struggling to reopen. Perhaps, I watched with a bit more interest than the average observer since, up until last year, I had the honor of serving as the Brownville Town Manager for over a decade. I remember working with resourceful employees and dedicated volunteers to develop and practice the emergency plan to respond to disasters much like the weather event that occurred in June.

As the magnitude of the damage began to sink in, I sat back in awe as this community, with very limited resources on hand, began the process of rebuilding its most basic infrastructure. There are many stories beneath the headlines that, I am sure, would interest us all. However, what struck me the most was how quickly, calmly and without need for fanfare people gathered to work together reconstructing the roads and to get life back to normal in Brownville.

It is nothing new to see citizens volunteer their time and talents to aid their communities. In fact, the Brookings Report authored several years ago pointed out that our heavy reliance on volunteers is one of the reasons that local government in Maine is among most efficient and least expensive levels of government. Given the rich history of local volunteers and willingness of communities within Piscataquis County of coming to each other’s aid, I was not surprised to see the immediate outpouring of assistance after the Town put out the request for help.

As I learned that other communities throughout Maine sent equipment and manpower, I was not really shocked because, on a much smaller scale, Towns

helping Towns is something that I’ve seen over and over during my career in local government. What left me in awe was the magnitude of volunteer influx. In a time when municipal budgets are stretched to the breaking point, communities, both large and small, from all over the state answered the call for help.

The extent of the need and magnitude of the response brought into the spotlight the long-standing history of communities coming together to help one another in times of need. I was at a loss for words when a writer asked me why the Town of Orono chose to assist in the rebuilding effort. My initial answer was “because that is what we do” – not “we” as the Town of Orono, but “we” as municipal officials, employees, and volunteers. Helping our neighbors, however you choose to define them, when we are able is as much ingrained in the fabric of our mission as helping our residents. Time after time, I’ve seen Towns send resources across their borders to support other communities during times of need. I am aware that, in the not so distant past, the City of Augusta sent employees to staff the Chelsea Town Office when the Board of Selectmen did not have employees to serve the community needs. For weeks, this arrangement went on until Chelsea hired a Town Manager and staff. In various magnitudes and for incredibly diverse reasons, there are countless examples of Towns aiding Towns during times of unexpected need and more often than not at a cost to the Town lending the help.

I am sure that the employees and volunteers in Brownville did not work themselves to the point of exhaustion, booking very limited hours of valuable sleep, for the glory of media coverage or applause from well wishers. I have equal faith that the communities that responded with aid did not do so for recognition. Rather, they responded because this is what we as municipal officials do when we can. [mci](#)

- 2012 -

Elected Officials Training Opportunities

- What are the rights and duties of elected officials?
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 - What liabilities and immunities exist?
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Elected Officials Workshops

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

Elected Officials Workshop II

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.

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Brownville Flood Brings Great Collaboration

By Jeff Clark

Town Manager Matthew Pineo knew he had problems when he saw water running waist-deep through the center of Brownville.

A storm system had swooped in from the west on the evening of June 23 and inexplicably stalled directly over the village, dropping six to eight inches of rain in less than three hours. With the ground already saturated from several days of rain earlier in the week, water sluiced off the hills surrounding the valley town and rushed through the center of Brownville toward the Pleasant River.

By the time the rain ended, Quarry Road was washed out for more than a mile and in places was nothing more than a gully 20 feet deep. The foundations around the bridge over the Pleasant River were badly eroded.

Pieces of a slate culvert the size of a Suburban SUV “were just picked up and washed away,” Pineo recalled. And in the most tragic case, a Milo man, Charles Bromiley IV, was killed when he accidentally drove into a washout on Pleasant River Road that was five feet deep and 20 feet wide.

By Sunday morning Pineo and other town employees had counted at least 34 areas with serious damage that needed immediate attention. After just 14 months as manager of the small (population 1,250) Piscataquis County town, Pineo was facing a disaster of major proportions, and he had little in the way of resources to deal with it.

What he did have was the computer listserv for the Maine Town, City and County Management Association, an electronic grapevine that

municipal officials use to seek advice, post job announcements and spread news. On Tuesday morning, after two exhausting days trying to cope with the need for repairs, Pineo sent out a general call for help, asking for equipment and people to help his town get back on its feet. All he could offer in response was fuel and a grateful town.

The response was immediate — and overwhelming.

From Millinocket to Ellsworth to Arundel, managers responded with everything from dump trucks to police officers, the latter desperately needed to keep thousands of rubbernecking visitors out of the way of repair crews and vehicles.

MUNICIPALITIES RESPOND

Pineo’s predecessor, now Orono Town Manager (and current Maine Municipal Association President) Sophia Wilson, sent her public works director, a dump truck and its operator. Millinocket Town Manager Eugene Conlogue, who beat the rush by calling to offer help as soon as he saw the first news reports, sent another dump truck and a front-end loader. The Dover police department sent officers.

Bangor, Hampden, Old Town, Ellsworth, Guilford, Rangeley, Lake View Plantation — Pineo runs out of breath before he runs out of names.

“I don’t dare try to list them all off

the top of my head because I’m afraid I’ll forget someone,” he said. “It really did show the strength of Maine’s town and city managers. When I reached out, they were there for us.”

Pineo also received prompt responses from U.S. Senators Olympia Snowe and Susan Collins, as well as Second District Congressman Mike Michaud.

“They were in D.C. at the time and didn’t know this was going on,” he said. “They pulled in the (Federal Emergency Management Agency) and the Small Business Administration.” He also got bipartisan support from state legislators in the region, which led to the involvement of the Maine Emergency Management Agency and a tour of the town by Gov. Paul LePage.

Not to be outdone, Brownville’s residents also turned out, supporting the volunteers with food and drink and pitching in with whatever they had.

Ironically, being small and devastated worked against Brownville, a town with “a long history of doing an awful lot with very little,” as Wilson put it. Because so much of the damage was to inexpensively repaired gravel roads, and because only two of the town’s 10 businesses were hurt, its damage total came to less than the required \$1.8 million needed to qualify for federal

COLLABORATION CORNER

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

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

or state disaster assistance.

"If this had happened in a larger town, we would have qualified for help without a problem," Pineo said. He is now working with state legislators and Maine's congressional delegation to change the regulations to recognize the unique circumstances of small rural communities.

"The only help we've received to date has been from other towns," Pineo said. He estimates they saved Brownville a minimum of \$100,000 in extra expenses.

'WHAT WE DO'

The response didn't surprise Wilson in Orono. "This is what we do," she said. "When Chelsea lost most of its front office staff, other towns loaned help. When something bad happens, you hope that your neighbors would step in and help."

Guilford Town Manager Thomas Goulette sent a bucket loader as soon as he read Pineo's appeal and kept it there for four days screening gravel and loading trucks. "There's a long history of towns helping each other in Maine," he offered. "If someone needs me, I'll be there."

Millinocket's Conlogue said all the planning in the world doesn't help when the unexpected strikes.

"You can have emergency plans for some things, but these catastrophic events out of the blue can't be planned for," he said. "You simply need to be prepared and you need to know you can count on your neighbors for help."

The storm that hit Brownville still mystifies meteorologists. "Weather systems are supposed to move and keep moving," said Ken Wallingford, a veteran meteorologist at the National Weather Service station in Caribou. "It's very unusual for a weather system to stall and remain stationary."

Yet that is exactly what happened.

"Everything came together over that one location," Wallingford said. "A low pressure system was perfectly positioned northwest of the storm, and the radar echoes showed that it stalled in place. And because we had a very moist environment that night, Brownville got six to eight inches of rain in a very short period of time."

In addition, the event came at the end of nine days of wet weather that had already soaked the ground, with

stream levels in the region setting records almost every day.

"Here in Caribou we were thinking June was going to be a pretty dry month, and then we recorded close to seven inches of rain in the last few days," Wallingford said. "That was well

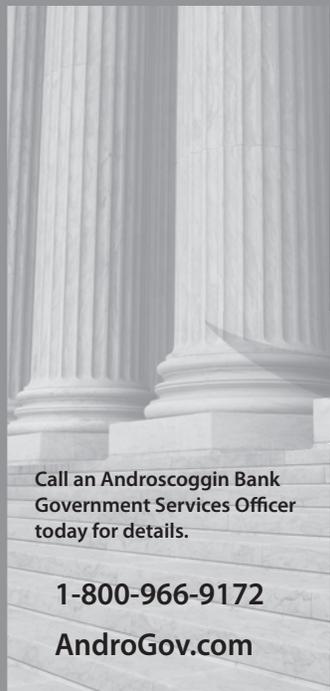
above normal."

100-YEAR STORM?

Abnormally wet summers have occurred with growing frequency in northern Maine. "Last summer we had 30 inches of rain in just three or four



A June 23 storm caused considerable road damage in Brownville. (Submitted photo)



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months,” Wallingford noted. “That’s almost an entire year’s worth of precipitation.”

“The weather people said this was a once in a 100 years storm,” Pineo added, “but I’m not convinced of that. I’ve been here just 15 months, and the thunderstorms we get are amazing. A lightning strike from one storm fried \$16,000 worth of electrical equipment. Maybe this was a perfect storm, but it seems we’ve seen an awful lot of them lately.”

One result was that Pineo’s public works crew increased the size of several key culverts that the flooding had dramatically shown were inadequate.

“We’re putting in five-foot culverts in places that perhaps had a three-foot culvert before the storm,” he explained. Eventually he would like to upsize most of the town’s culverts, but that will take time. “The cost to buy 10 five-foot culverts equals a mill in the tax rate,” he said.

The possibility of future extreme weather events raises a question: Should Maine’s municipalities create some sort of formal structure to organize aid for damaged towns? Most managers think not, figuring that what worked so well for Brownville would also work for other municipalities in a similar situation.

“We’ve already seen that we don’t really need a formal organization to persuade people to step forward when they’re needed,” Wilson noted.

“You could try it but I think you could also waste a lot of resources worrying about something that might never happen,” Goulette said. “I’m not sure how fruitful it is to go around and try to second-guess God. All you really need to do is put the word out, like already happened.”

Pineo says the experience brought home some important lessons.

“Pick your leaders instantly and have them in place,” he said. “Get a good grip on the scope of the situation. Develop option plans as soon as possible. Definitely keep control of the situation as a manager.”

Maintaining normalcy was also key. Pineo kept the town office operating for all its usual functions through the days and weeks that were needed for the recovery.

Another lesson was, “Pace yourself,” he added. “It will get done.” He estimates he put in more than 110



More road damage and a traffic barricade in the distance. (Submitted photo)



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hours in the seven days following the flood.

Pineo also worked at keeping the media informed so he could stay ahead of the rumor mill and get the town's plight in front of as many people as possible. "I set a press conference for 1 or 2 p.m. every day," he said. "It kept the information flowing and insured it was accurate and up to date."

By the Thursday after the flood, every road in Brownville was open, if not in top shape, and by Fourth of July weekend the town was once again ready to accommodate the thousands of vacationers heading to the region's lakes and mountains.

Pineo was able to watch the traffic with a certain sense of pride at the way his town had responded to the crisis and humility at the outpouring of the support Brownville had received from its municipal brethren.

"I remember every time I looked out my door a different truck with the logo of a different town drove by," he recalled. "It made the residents here very proud and it really captured what we're all about." 



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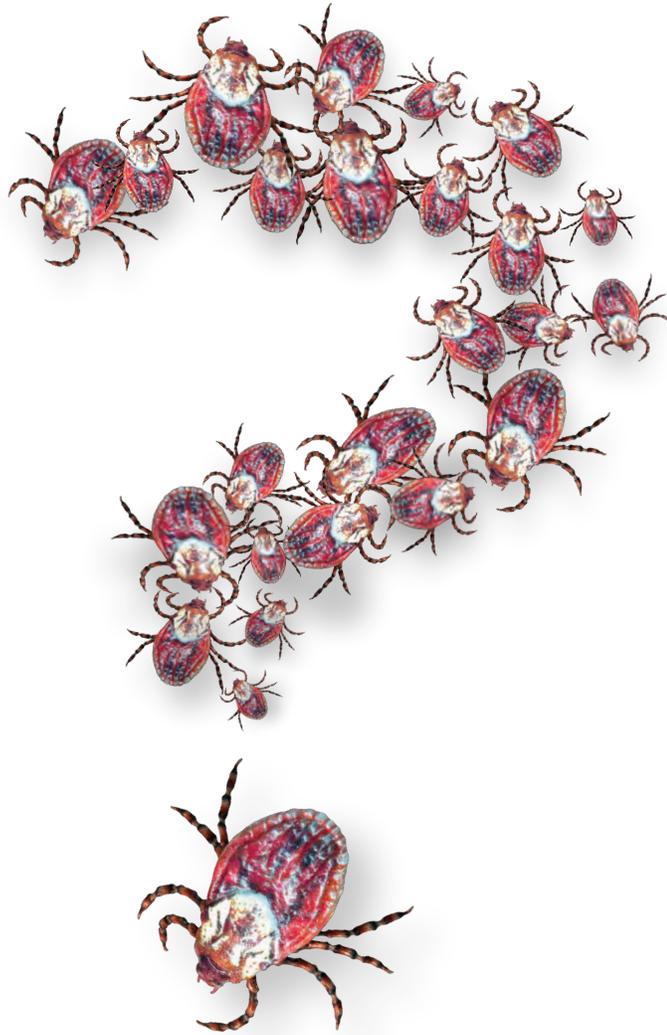


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Reckoning Time For Many Maine Dams

By Lee Burnett

The good news about the dam breach on the Sabattus River in Lisbon in June is that damage was limited to a bank cave-in at a riverside park. The bad news: No one knew the dam was in such weak condition.

"We were very lucky – a lot of water broke through," said Lisbon Town Manager Steve Eldridge. "We knew the dam was old. We did not realize it was as weak as it turned out to be. It was something that really wasn't on our radar."

Lisbon plans to repair the breach before deciding whether to keep the dam for the long term. Lisbon's rude surprise could be a precursor of things to come. There are hundreds of deteriorating and uninspected dams in Maine. Some of these dams are municipally owned.

"We have a lot of very old dams in Maine... We do worry about their condition," said Robert McAleer, director of the Maine Emergency Management Agency. "If we send you a report about leakage or underbrush growing on a dam, we believe you should take it to heart."

MEMA last fall conducted a "rapid assessment" of the state's 93 dams where a breach could endanger life or property and discovered "no surprises," according to McAleer. The assessment was done to reassure Maine legislators concerned by a critical report by Maine Public Interest Reporting about the adequacy of Maine's inspection program. The Lisbon dam – because it is one of the more than 700 "low hazard" dams – was not among those inspected last fall.

The deteriorating condition of dams is hastening a reckoning. An increasing number of dam owners are

deciding the responsibilities and costs are not worth the benefits. Twenty dams have been removed in Maine since 1986 – including dams in Augusta, Madison, Orrington, Newport and Winslow, according to Maine Department of Environmental Protection. Another 10 dams scheduled for removal – including dams in Veazie and Old Town. (For a list, go to: http://www.maine.gov/dep/water/dams-hydro/dam_removals.pdf.)

STIRRING PASSIONS

Dam removal stirs passions. Restoring a river to its free-flowing condition excites anglers, recreational boaters, wildlife managers, downtown developers and eco-tourism promoters. But the loss of a mill pond or scenic waterfall can arouse opposition from shore-front property owners and historic-minded folks.

The loss of hydro-electrical generation capacity – as happened in the removal of the Edwards Dam in Augusta in 1999 – can be particularly controversial. Gov. Paul LePage has served notice of his concern.

"I think it's irresponsible for our state or our country to be taking out hydro dams at this time. In fact, we ought to be putting more in," LePage said last month, on the day that demolition began on the Great Works Dam on the Penobscot River in Old Town.

Some 111 dams still produce electricity in Maine and hydro backers like Gov. LePage hope that more will come on line. But the permitting and engineering costs of bringing an old dam back into production are prohibitive, said the Atlantic Salmon Federation's John Burrows.

"It's a high six-figure or seven-figure investment... It takes a lot of power to pay that back," he said. Reed &

Reed, an engineering firm in Woolwich evaluated a half-dozen idle hydro dams in 2010 with hopes of restoring power. But the company let its permits lapse and does not appear to be pursuing the projects, Burrows said.

The project that LePage spoke about – the Penobscot River Restoration Trust – is popular. It involves removing dams in Old Town and Veazie, bypassing a dam in Howland and increasing the power generation at dams in Old Town and Orono. Ultimately, 1,000 miles of fish habitat will be restored at no net loss of hydropower. The project is supported by Orono, which is gaining \$7.5 million in new tax valuation, and Old Town, which will see no net change in tax valuation and a more recreation-friendly waterfront.

Dam removal in Old Town will enhance a downtown park, some river-front trails and a boat guiding service, said Old Town Town Manager William Mayo.

"We've started some ecotourism opportunities," he said. "As far as canoeing and kayaking, I think the dam removal will open things up."

Removing a dam is a relative cinch. It took little more than an hour for a single excavator and operator to remove the Fields Pond dam in Orrington in 2008. It's the study and permit requirements that consume time and money. The big bucks are available only for projects that reopen significant stretches of habitat for Atlantic salmon, sturgeon, shad and other sea-run species. If a project fails to interest the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers or the National Oceanic and Atmospheric Administration, chances are slim that significant money will be available to help.

Lee Burnett is a freelance writer from Sanford, leeburnett_maine@hotmail.com



Damaged dam in Lisbon. (Submitted photo)

ORRINGTON

Folks in Orrington used very little federal funds and came up with a creative solution to their woes with the Fields Pond Dam. Orrington took ownership of the dam through tax foreclosure when Eastern Fine Paper in Brewer closed in 2004. The dam was a perennial flood hazard and an operational headache, requiring sometimes daily adjustment of a gate. The dam was in such disrepair that the town secured bids and was prepared to spend \$185,000 to rebuild it.

Then the town was approached by Jed Wright, a senior biologist for the U.S. Fish and Wildlife Service Gulf of Maine Coastal Program, and Dan Kircheis, a Fisheries Biologist for National Oceanic and Atmospheric Administration. They begged the town to “do something smarter,” recalled Carl Young, former Town Manager.

The Town of Orrington was open trying something else as long as it didn’t cost any more. The town’s priorities were to improve fish habitat, reduce flood hazard, reduce maintenance costs, and still maintain the impoundment, he said.

The solution was a rock ramp dam, which is essentially a dam with a permanent opening, allowing water to flow downstream through a series of engineered, gently stepped pools. In advance of construction, a \$43,500 grant from the Fish and Wildlife Service funded a survey of the habitat and water levels. Construction was paid for through the town’s \$185,000 and a \$70,000 in-kind contribution from Cianbro construction and less than \$10,000 from Ducks Unlimited and

Salmon Club.

Today, the impoundment behind the dam remains in place, although the original dam is gone. There is no fish ladder, yet fish swim unimpeded into Fields Pond at all water levels and with no human intervention.

“It works beautifully,” said Young, remembering the days when he and the public works director operated the dam. “Now, the dam does it naturally all by itself. I can sit in my car and watch it.”

Young’s advice is to let town priorities drive decision-making, not grant availability. “Don’t make a 100-year

mistake just to save a dollar,” he said.

YARMOUTH

Usually, money and the prospect of having to spend it is the factor that causes towns to evaluate their dams. Yarmouth stands out as an exception. Yarmouth began weighing the long-term value of its two dams as a result of planning process that started seven or eight years ago, said Town Manager Nat Tupper.

Both dams on the Royal River are regularly inspected and are in relatively decent condition. One produces a small amount of hydro-electricity. The

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other creates a small impoundment used for boating and ice skating. So far the discussion about the dams' future has been "very civil, thoughtful, pretty methodical," Tupper said.

"To be honest, I have been pleasantly surprised at people's open-mindedness," he said.

The prospect of a free-flowing river excites many people. Some property owners are concerned about a lower shoreline and marine businesses are concerned whether dam removal would hasten harbor siltation, necessitating dredging.

"Certainly, we don't want to sacrifice our harbor and maritime heritage for alewives. Early indications – not an issue," Tupper said.

If the town decides on removal, there will be more study. "It might be \$50,000 to remove a dam, but maybe \$250,000 or \$300,000 to get through study process." It's important to plan ahead, he said.

"If we are proactive, we could get (financial) help. If we are reactive, we're on our own," he said.

WESTBROOK

Even when a municipality does not

own a dam, it's worth paying close attention to the relicensing process. A positive development that surfaced in the late stages of the relicensing of the Saccarappa Dam on the Presumpscot River has Westbrook city officials now wishing for more time to accommodate it.

Until recently, the relicensing has been the purview of dam owner the Sappi paper company, the Federal Energy Regulatory Commission and the various constituencies promoting fish passage, including Friends of Presumpscot, which has been working for two decades to clean up the river.

An agreement on installing fish ladders seemed imminent. Then Rob Mitchell, a local businessman and avid kayaker who spent some of his own money on a whitewater park feasibility study, began seeking for kayak passage to be included in the deal. Suddenly, a lot more people were interested in the project, including the city.

"It's an incredibly exciting opportunity," explained Westbrook City Manager Jerre Bryant. A whitewater park is "an ideal fit" with downtown redevelopment projects, including a boardwalk along the river, he said.

But no one knows how to rework agreements this late in a federally mandated timetable for fish passage compliance, he said. Bryant said a "more open" relicensing process might have "fleshed out" all possibilities while there was time to accommodate them. [mtr](#)



Different angle of Lisbon dam. (Submitted photo)

Meet our consultants Don Gerrish

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

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Fireworks Expansion Triggers Hectic July 4

By Douglas Rooks

The first Fourth of July holiday since consumer fireworks were legalized in Maine came in with a bit too much of a bang, according to many municipal officials, whose police and fire departments logged hundreds of complaints.

The state law lifting a six-decades-old fireworks ban took effect Jan. 1, and since last fall there's been a flurry of activity among town meetings and city councils, something that seems bound to continue. Under the new law, municipalities are allowed to ban or regulate the sale and use of fireworks within their borders, though some municipal officials question how effective that can be.

Others wonder about what Scarborough Town Manager Tom Hall called "an enforcement nightmare," and question the rationale for the new state policy.

Scarborough is a case in point. In June, it became host to two new fireworks outlets: Atlas Fireworks along Route 1; and, Phantom Fireworks in the Cabela's mall just off the Maine Turnpike. Phantom is a national fireworks chain, with 60 stores and about \$100 million in sales.

Hall said that when the town council was debating a fireworks ordinance, "the question of sales didn't really come up." Scarborough ultimately decided to allow use of fireworks only on the days surrounding July 4 and New Year's, so that residents can use them five days a year: July 3-5; Dec. 31; and, Jan. 1. Cumberland adopted a similar ordinance.

"It seemed hypocritical to allow fireworks sales but not to allow people

to use them," Hall said.

Because many other large towns and cities in southern Maine decided to ban both sales and use of fireworks, that left Scarborough as a logical place for retailers to locate.

Bans on sales and use have been enacted in Portland, South Portland, Cape Elizabeth, Bath, Brunswick, Freeport, Falmouth and Biddeford. In all, 50 municipalities have passed fireworks ordinances so far, with most of them banning or restricting use. (*See list on Page 19*)

The concentration of retailing in Scarborough has presented a challenge for neighboring communities. "There's no question that having stores nearby has increased the opportunity to use fireworks, both legally and illegally," said South Portland Police Chief Ed Googins.

South Portland bans both sales and use of fireworks "because there's really no place that they can be set off safely," Googins said. "This is a densely built, urban community."

CALLS IN SOUTH PORTLAND

But the ban was largely ineffective, with more than 200 complaints being logged over the holiday. "At times, dispatchers couldn't keep up with them," he said.

Googins was one of several chiefs who discovered that it isn't easy to find and ticket violators.

"We tried education and we tried enforcement," to little avail, he said, even though, at one point, he sent out plainclothes officers.

"Unless you see the fireworks being shot off, or have a reliable witness, there's nothing you can do," he said. He noted that fireworks complaints are not a top priority for police and that often by the time officers can re-

spond, violators have dispersed.

South Portland did issue a half-dozen summonses, and many more warnings. One incident stands out in Googins' mind: A group of young adults was setting off fireworks in a church parking lot.

"They told the officer they thought it would be safer there than in their backyard," he said. But he pointed out that, aside from the city-wide ban, state law would also bar such use, since landowner permission is required.

Based on recent experience, Googins is not optimistic that things will become easier with time. "Enforcement is a joke," he said.

In the twin cities of Lewiston and Auburn, somewhat different approaches to fireworks regulation produced similar results.

The Lewiston City Council had been moving forward toward a ban last fall, but the council could not muster the four votes – on a seven-member council – to enact a charter change, said City Administrator Ed Barrett.

After a new council took office in January, divisions of opinion continued, with some councilors still favoring a ban and others preferring to allow some use. Ultimately, the council decided that the city's existing firearms zones – which allow shooting in rural parts of Lewiston, but not downtown – should apply to fireworks as well.

LEWISTON, AUBURN SIMILAR

The results, Barrett said, were not encouraging. "In the last two years before the change, we averaged 35 complaints for a calendar year," he said. "This year, before July 12, we already had more than 200."

To be exact, there were 213 com-

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

plaints, according to a memo from Police Chief Mike Bussiere. Higher numbers began in March and escalated, with 89 in June alone. Bussiere wrote: "The city and police department have made a concerted effort to educate the public on the city ordinance since it went into effect in April," but that there was still a "marked increase" in complaints.

Still, Bussiere points out that, even though neighboring Auburn bans fireworks use throughout the city, it also recorded a nearly equal number of complaints – 199. Per capita, he said, that works out to 5.8 calls per thousand for Lewiston and 8.7 calls per thousand for Auburn.

Ed Barrett said the council had an informal discussion of fireworks again at its July 17 meeting, with some councilors continue to advocate for a ban.

"Based on Auburn's experience," he said, "it may not make that much of a difference."

On the bright side, most of the hundreds of complaints, and smaller numbers of summonses, concerned noise, and not the injuries that have often been associated with fireworks in the past. In Standish, a man not

identified by police suffered serious burns after he divided up a "nine pack" – a fireworks assembly intended to ignite in a series of explosions – into three sections. This non-recommended procedure produced a short fuse and an explosion almost as soon as the fireworks were lit.

In Waldoboro, Seth Bernier, 23, lost part of his left hand after he set off an explosive he found in a drawer filled with candles, and which he thought was an old novelty candle. Police think the firework was probably

an old M80 device, a type that was banned in the U.S. by the Consumer Product Safety Commission in 1980. Bernier will need plastic and reconstructive surgery.

Outside the more populous part of southern Maine, things were not quite as noisy and complaints were fewer. Hallowell is one of the communities in the Augusta area that chose to restrict, rather than ban, fireworks. Users are required to obtain a burning permit and no use is allowed in the vicinity of downtown.

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City Manager Mike Starn said that the Fourth was relatively uneventful. Some permits were issued, but “there have probably been a few people who didn’t know what the process is,” he said. Since obtaining a permit can take time, “Someone who bought fireworks intending to use them the same day might be disappointed.”

NOISE ON THE LAKE

Most of the towns bordering Hallowell do not restrict fireworks, and on places like Cobbossee Lake, which became a popular venue for local displays, “it was a nuisance for people trying to sleep,” Starn said.

On some of Lewiston’s lakes, said Ed Barrett, “People told us it sounded like a war zone.”

Still, Starn said that “it’s going to be an educational process,” and police in Hallowell spent most of their time talking to residents rather than issuing summonses. He agreed with fellow managers who wonder how effective town-by-town regulation is going to be.

“When the state law was passed, it seemed like the cat’s out of the bag and it’s going to be hard to do anything about it,” he said.

Other communities are still debating. In Topsham, one of the largest Maine towns still to use the town meeting form of government, selectmen decided after much debate and an inconclusive online poll to submit the matter to a town meeting referendum, listing options to ban or to allow use by permit.

“Whenever you allow a choice, there has to be an option to keep the status quo,” said Town Manager Cornell Knight, resulting in a total of six boxes on the ballot. The ban option won out but that may not have settled the matter.

One selectman, who dissented from the original referendum proposal and favors allowing use, vowed to collect enough signatures to put a question on the November ballot to repeal the ban. Knight said no petition had been submitted as of mid-July. A total of 459 signatures would be required.

Aside from local ordinances, there has been discussion of whether the state law should be amended. One restriction that several municipalities, including Ellsworth, have enacted is

that fireworks use is banned on days with high fire danger. That might be an acceptable modification to state law, which does not have that provision currently; Barrett noted that Lewiston also included this rule.

In Scarborough, Tom Hall is skeptical that the original rationale for allowing fireworks use holds up to scrutiny. He doesn’t see economic development, which was touted by the bill’s sponsors, as a convincing argument, nor is there much in the way of property tax benefits for Scarborough.

“Both of the new stores used existing buildings, so it’s hard to see that there will be much net tax revenue,” he said. As for sales, “It’s a very seasonal business and the retailers know that.”

Personal liberty for fireworks fans wasn’t mentioned often at the Legislature, but that does seem to be featured in many of the letters to the editor appearing in Maine newspapers.

“What about all the people who have to listen to them all evening?” Hall asked. “What about them?” [ML](#)

Municipalities Banning Sales & Use of Fireworks:

- Augusta
- Andover
- Auburn
- Bangor
- Bath
- Biddeford
- Boothbay Harbor
- Brunswick
- Buxton
- Cape Elizabeth
- Eliot
- Falmouth
- Freeport
- Frye Island
- Gardiner **
- Hermon
- Hollis
- Kennebunkport
- Mexico
- Mount Desert
- Old Orchard Beach
- Owls Head
- Orono
- North Yarmouth
- Portland
- Rangeley
- Rockland
- Sanford **
- South Portland
- Wells
- Wiscasset
- Yarmouth
- York

Municipalities Banning Sales:

- Damariscotta
- Hallowell
- Lewiston
- Winthrop
- Woodstock

Municipalities Restricting Use:

- Cumberland*
- Damariscotta
- Farmingdale
- Ellsworth
- Hallowell
- Lewiston
- Scarborough*
- Winthrop

Municipalities Allowing Fireworks by Permit:

- Brewer
- Caribou
- Fairfield
- Farmingdale
- Gray
- Holden
- Westbrook
- Winslow

* Permitted July 3-5, Dec. 31, Jan. 1 only

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Source: State Fire Marshal’s Office



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Maine Municipal Association

Municipalities Can Help Reduce Pump Clogging

By Scott Firmin and Aubrey Strause

In recent years, many Maine municipalities and sewer districts have faced a new enemy: pump clogging. This term refers to the tendency for baby wipes, household cleaning wipes and other products to form clumps in – or become bound around – the parts of the pumps used to convey sewage to a facility for treatment. These clogs prevent pumps from working and cause pumps to shut down.

Some consequences of this mostly preventable problem include an increase in a municipality's operating costs, an increased risk for personnel to be injured when responding to a pump clog and potential environmental damage from sewage backups.

Many of the products found in pump clogs are not intended to be flushed, but end up in sewers nevertheless. The culprit is a combination of inconsistent or misleading labeling, poor marketing and lack of attention by consumers. Labeling on packages often implies that products are flushable, when the product has not actually been certified as meeting the industry's three-part guideline. Some non-flushable products are located on the same store shelf as toilet paper, potentially confusing customers.

In a 2011 survey completed by the Maine WasteWater Control Association (MWWCA), 90 percent of the 58 municipalities responding indicated that they were experiencing issues related to these products. The average cost reported by these communities to address this issue (not including a large project by

the Portland Water District), was nearly \$38,000. These costs include overtime and after-hours labor to unclog the pumps, as well as unplanned equipment upgrades, such as the cost of new pumps or screens (to remove the products) or grinders (to shred the products) designed to protect existing pumps. Worker safety is another concern.

MWWCA has been working actively with the manufacturers of these materials and with national water pollution associations to reduce the number of pump clogs and decrease the burden on Maine municipalities. However, it became clear early this year that additional documentation of the specific materials present in the pump clogs was needed to demonstrate the scale of the issue.

In April, MWWCA developed a Pump Clog Standard Operating Procedure (SOP) for its members to use. The objective of the Pump Clog SOP is to document the materials found in each pump clog and build a database of these results. The process should take approximately 15 minutes and be done

after the pump clog has been removed and the pump is back in service.

Communities in Maine, Massachusetts and New Hampshire have committed to implementing the Pump Clog SOP and are sending the results to MWWCA to be included in this database. This is excellent, but we need more communities to participate in this effort, and data from more pump clogs to develop meaningful trends from the information.

If your community has experienced this issue even once, you can be certain it will happen again, and your participation is vital! If you don't know if this is a concern in your municipality, please contact your local sewer superintendent or manager his or her participation in this effort.

The Pump Clog SOP is located at www.mwwca.org/pumpclogsop.html. The link includes instructions and a data form that can be sent to MWWCA. Please contact the authors for more information or for assistance. On behalf of MWWCA, thanks for your participation in this important effort! 

Scott Firmin is the Director of Wastewater Services for the Portland Water District. He can be contacted at sfirmin@pwd.org. Aubrey Strause is a Project Manager with Tata & Howard, Inc., in Portland. She can be contacted at astrause@tataandhoward.com. Learn more about Maine WasteWater Control Association by visiting www.mwwca.org.

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Something for Everyone At the 2012 Convention

By Eric Conrad, Director of Communication
& Educational Services, MMA

Maine Municipal Association's 2012 Convention will begin with star power and end with political power. In between, 32 workshops and programs will provide the information and tools to help elected officials, managers and municipal employees from all backgrounds do their jobs effectively and efficiently.



Cynthia McFadden

Primetime and *Nightline* news shows. McFadden, who received an honorary doctorate degree at Bowdoin last May, said she is eager to return to her native state this fall.

"It's Maine time all the time these days," she said.

U.S. Senate Candidates. The biggest political news in Maine this year came last February,

when Sen. Olympia Snowe surprised virtually everyone by announcing her retirement at the end of the year. Snowe, who is considered to be a moderate Senator and strong advocate for municipalities, has served three terms as a U.S. Senator and previously served eight terms in the U.S. House of Representatives.

Three leading candidates to replace Snowe – Angus King, Charlie Summers and Cynthia Dill – have accepted MMA's invitation to be part of a Candidates Forum that will conclude the 2012 Convention. The 90-minute forum will begin at 3:15 p.m. on Thursday, Oct. 4 and will end at 4:45 p.m.

The federal government's effect

on municipalities and community issues sometimes goes overlooked. Geoff Herman, MMA's Director of State & Federal Relations, says this is understandable.

"As municipal leaders address the constant day-to-day challenges associated with providing government services, the federal government can seem very distant," Herman said.

"But whether the task is addressing the school's special education budget and its funding sources, or permitting a development proposal with sufficient stormwater management considerations, or cobbling together enough resources to upgrade a wastewater treatment system, Washington is standing right at our doorstep."

Tory Ryden, a former anchor at Channel 8/WMTW-TV in Lewiston/Auburn and Portland, will moderate the forum and query the candidates about the issues cited by Herman and other topics as well. Ryden moderated a forum comprised of four candidates for governor at the 2010 MMA Convention.

Economic Development, Culture & the Arts. Many of Maine's larger municipalities – Portland, Lewiston/Auburn and Waterville to name a few

– are known for their arts and entertainment offerings and are working to develop them even more.

Gord Hume is an internationally sought-after expert on the topic, a former City Councilor in London, Ontario, who is working on

Consider these highlights:

Keynoter Cynthia McFadden. A native of Auburn and graduate of Edward Little High School, McFadden's keynote presentation will kick off the convention on Wednesday, Oct. 3 and will touch on three separate themes:

- How a Maine upbringing and values serve one well in life.
- How world leaders – McFadden has interviewed many – and community leaders heed the same call of public service.
- And, the importance of effective communication in leadership.

McFadden's background is in journalism and, specifically, television journalism. She attended Bowdoin College and the Columbia Law School in New York. There, she started working with Fred Friendly, whose Columbia seminars and panel discussions often were shown on Public Television.

She went on to Court TV and, in 1994, to ABC Television, where she currently co-anchors the



Angus King



Cynthia Dill



Charlie Summers

his fourth book, "Ten Trends That Will Change Municipalities," which is due out next year.

Some of Maine's smaller communities are part of this emerging trend as well due to unique venues, such as Stonington, Monmouth and Brownfield.

Hume also is an expert on another trend in Maine, **Supporting Local Farmers and Organic Foods**. After his featured presentation on Thursday, Oct. 4, Hume will join Blue Hill First Selectman Jim Schatz and Kennebunk Attorney Leah Rachin discussing this movement, its economic upside and the occasional issue that can arise when promoting local farmers.

Influencing With Integrity. No one has to tell municipal officials that these are trying times to be in the business of serving the public. Citizen skepticism and taxpayer resentment are running high. Neil Katz, another nationally known expert, is a featured speaker on Wednesday, Oct. 3. He will teach attendees how to use strategies and skills to increase levels of public satisfaction in terms of substance, relationship and process.

Katz, a professor at Nova South-

eastern University in Florida, and professor emeritus at Syracuse University in New York, presented a similar session at the 2011 MMA Convention and received excellent evaluations from those who attended.

When putting together a convention program, it's important to blend inspirational and leadership workshops with practical offerings that can be useful in municipal offices, public works garages and fire stations. The 2012 Convention program does that.

Workshops such as **Bond Issuance Monitoring and Tax Compliance, Successful Collaboration in Public Works and Expanded Fireworks: Splash or Fizzle?** aim to provide important information and updates that elected officials, managers and municipal staff members all will find valuable.

In fact, there are many more hands-on workshops over the two-day schedule, including some that are being sponsored by the important Municipal Affiliate Groups with which

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And there's always time to have some fun. The featured musicians this year are Steve Lynnworth, Toby Tyler and Mike Burd, who together form the band **Mes Amis**, which is well-known in the central Maine area for its unique "gypsy jazz" sound. They will perform during the Members Welcoming Reception, which starts at 4:15 p.m. on the convention's opening day.

Finally, and importantly, MMA expects more than 90 exhibitors to show their wares and services at the Augusta Civic Center's Exhibit Area. MMA cannot thank our sponsors and exhibitors enough, as their fees help underwrite a large percentage of the convention's costs.

Dozens of exhibitors have registered already and four companies – Bangor Savings Bank, Androscoggin Savings Bank, TD Bank and Nationwide Payment Solutions (also known as MuniPAY) – have lined up as major sponsors. Please make time to engage and speak to all of our exhibitors during breaks between the convention's workshops and presentations.

Add it up, and we hope the 2012 MMA Convention offers something for everyone. We hope to see you

there! (The complete Convention program and registration form can be found starting on Page 27.) 



2012 MMA Convention
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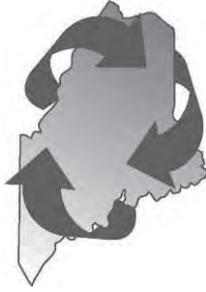
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2012 MMA Convention

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DON'T MISS THESE SPECIAL FEATURES & EVENTS!



Photo Credit: ABC Virginia Sherwood

Keynote – Cynthia McFadden

Maine Values, World Leaders and the Call of Public Service

Wednesday, October 3 – 9:00-10:00 a.m.

Our special guest and keynote speaker is acclaimed journalist and television interviewer Cynthia McFadden, co-anchor of ABC's *Nightline* and *Primetime* news programs. Ms. McFadden, a native of Auburn and graduate of Bowdoin College and Columbia Law School, has interviewed many leaders over the years, including Prime Minister Tony Blair of Great Britain, Pakistan President Pervez Musharaff, U.S. President George W. Bush and Secretary of State Hillary Clinton. Ms. McFadden recounts her experience growing up in Maine, attaining journalistic success and describes the traits that lead people to public service success – at all levels of government.



Economic Development, Culture and the Arts

Thursday, October 4 – 8:45-10:00 a.m. **SPECIAL SESSION!**

Canadian municipal government and economic development expert Gord Hume joins us to talk about his country's successful revitalization projects and why economic development and the arts are intrinsically intertwined. Hume, who served four terms as a City Councilor in London, Ontario, literally wrote the book (*Cultural Planning for Creative Communities*) on economic development and the arts. Hume authored two follow-up books and is a sought-after municipal consultant and media interviewee in Canada.

Presenter: Gord Hume, President, Hume Communications Inc., Ontario, Canada.



Influencing With Integrity

Wednesday, October 3 – 10:15-11:45 a.m. **SPECIAL SESSION!**

This session, coordinated with the National League of Cities, provides valuable tools to communicate and manage conflict collaboratively on contentious issues with high energy citizens, board members, municipal employees and public officials. Attendees will learn how to utilize strategies and skills to increase levels of satisfaction in terms of substance, relationship and process.

Presenter: Dr. Neil Katz, Professor, Social Science and Conflict Resolution, Department of Conflict Analyses and Resolution, Nova Southeastern University, Fort Lauderdale, Fla., and Training Manager, Executive Education Programs, Maxwell School, Syracuse University.

2012 MMA Convention

General Sessions & Events (preliminary)

Wednesday, October 3, 2012

7:30 a.m. Registration Begins

7:30-8:45 a.m. Continental Breakfast in Exhibit Area

9 a.m.-10 a.m. WELCOME AND KEYNOTE

Maine Values, World Leaders and the Call of Public Service

Our special guest and keynote speaker is acclaimed journalist and television interviewer **Cynthia McFadden**, co-anchor of ABC's *Nightline* and *Primetime* news programs. Ms. McFadden, a native of Auburn and graduate of Bowdoin College and Columbia Law School, has interviewed many leaders over the years, including Prime Minister Tony Blair of Great Britain, Pakistan President Pervez Musharraf, U.S. President George W. Bush and Secretary of State Hillary Clinton. Ms. McFadden recounts her experience growing up in Maine, attaining journalistic success and describes the traits that lead people to public service success – at all levels of government.

10 a.m.-10:30 a.m. Break & Time with Exhibitors

10:30 a.m.-11:45 a.m. SPECIAL SESSION!

Influencing With Integrity

Elected Officials: This session, coordinated with the National League of Cities, provides valuable tools to communicate and manage conflict collaboratively on contentious issues with high energy citizens, board members, municipal employees and public officials. Attendees will learn how to utilize strategies and skills to increase levels of satisfaction in terms of substance, relationship and process.

Presenter: Dr. Neil Katz, Professor, Social Science and Conflict Resolution, Department of Conflict Analysis and Resolution, Nova Southeastern University, Fort Lauderdale, Fla., and Training Manager, Executive Education Programs, Maxwell School, Syracuse University (MTCMA Certification Credits: 1.25 in Leadership and Elected Relations)

10:30 a.m.-11:45 a.m. CONCURRENT SESSIONS

Importance of Employee Assistance Programs

Human Resources: Life is not always easy but when the going gets tough, an Employee Assistance Program (EAP) can be a great resource for employees and managers. Attend this session and learn what EAPs are, how they can assist employees with personal issues and, if you have one, how to promote it to your work force. Following a general overview of EAP services, our panelists will assist you in understanding EAPs by sharing features of their unique programs.

Presenters: Carol Young, Employee Assistance Program Coordinator, City of Portland; Kristy Gould, Director of Human Resources, City of Augusta; Anne Charles, Health Promotion Manager, Maine Municipal Employees Health Trust Services; Michele Skadberg, Anthem EAP (Approved for 1.25 Assessor Continuing Education Credit Hours – Maine Revenue Services.)

The Status of Municipal GA

Money & Finances: During the last Legislative session spending under the state/municipal General Assistance (GA) program was scrutinized to find cost savings. As a result, several structural changes were proposed,

including proposals placing limits on the amount of assistance provided to otherwise eligible clients, redefining eligibility standards to reduce the number of clients, and making deep cuts in the reimbursement provided to communities triggering the GA expenditure circuit breaker. The Legislature also appointed an 11-member working group to review the program and to develop recommendations for reducing the state's costs. At this workshop, panelists will discuss how the working group's short- and long-term recommendations will impact the municipal administration and property taxpayer cost of GA. (Approved for 1.25 Assessor Continuing Education Credit Hours – Maine Revenue Services.)

Presenters: Kate Dufour, Senior Legislative Advocate, State & Federal Relations, MMA; other panelists TBD

10:30 a.m.-11:45 a.m. AFFILIATE SESSIONS

Legal Aspects for Fire Protection

(MFCA/MFSI Sponsored Session)

This session will provide an overview of various legal requirements for fire protection.

Presenters: Chief Darrel Fournier, Town of Freeport; Chief Bill St. Michel, Town of Durham; Bill Guindon, Director, Maine Fire Service Institute

Foreclosures, Short Sales and Assessing Part I

(Maine Chapter of IAAO Sponsored Session)

"Help. I've fallen and I can't get up!" said the parcel to the assessor. Even as the economy attempts to recover, distress sales continue to drag the real estate market down. How are the sick properties affecting the healthy ones and how much longer will this continue? This two-part session will open your eyes. **Part 1 will discuss the current market situation.** Part 2 (Wednesday afternoon at 1:45 p.m.) will focus on how market value is affecting assessed value. (Approved for 2.5 Assessor Continuing Education Credit Hours for both sessions or 1.0 Assessor Continuing Education Hours for each session.)

Presenter: Gordon T. Holmes, Jr., Owner, Direct Real Estate

11:45 a.m.-Noon Break & Time with Exhibitors

Noon-1:15 p.m. AWARDS LUNCHEON CELEBRATION!

Awards, incoming MMA President and recognition of Past Presidents.

1:15 p.m.-1:45 p.m. Break & Time with Exhibitors

1:45 p.m.-2:45 p.m. MMA Annual Business Meeting

1:45 p.m.-2:45 p.m. CONCURRENT SESSIONS

Succession Planning for Municipal Leaders

Elected Officials: How can busy selectmen, councilors and managers keep their eyes on the future, knowing that the municipal workforce is aging and key positions will need to be filled by quality individuals? How can you assess future needs, attract top candidates and select "good fits" for your city or town?

Presenters: Rick Dacri, Consultant, Dacri & Associates; Barry Tibbetts, Manager, Town of Kennebunk and President, Maine Town, City and County

Wednesday, October 3, 2012

Management Association (*MTCMA Certification Credits: 1.00 in Human Resources, Leadership and Elected Relations*)

Bond Issuance Monitoring and Tax Compliance

Money & Finances: Local borrowers need to monitor their compliance of meeting legal bond requirements well after the bonds are issued. The IRS recently decided that tax-exempt borrowers have not developed the “infrastructure” to assure that they are in compliance with tax laws. What this means is even the smallest municipalities need to adopt written policies and procedures about bond issuance and tax compliance

Presenters: James Saffian, Partner, Pierce Atwood, Portland; David Delano, Chief Financial Officer, Maine Municipal Bond Bank, Augusta

Wind Power: A Municipal Update

Environment: Major wind power projects have been in the headlines throughout Maine in recent years, but changes in federal laws and policies are about to change the industry profoundly, even while still in its infancy. Join two of Maine’s leading experts on wind power as they assess the past and talk about the future of what can be controversial proposals and projects.

Presenters: Jim Katsiaficas, Attorney, Perkins Thompson, Portland; Brooke Barnes, Stantec Consulting, Topsham (*Approved for 1.00 Assessor Continuing Education Credit Hours – Maine Revenue Services.*)

1:45 p.m.-2:45 p.m. AFFILIATE SESSIONS

Maine Office of Animal Welfare and Inland, Fisheries and Wildlife Update (*MTCCA Sponsored Session*)

Representatives from these State offices will present updates to assist municipal clerks in their responsibilities.

Presenters: Representative from the Office of Animal Welfare, State of Maine; Bill Swan, Director Inland, Fisheries and Wildlife, State of Maine

Foreclosures, Short Sales and Assessing Part II (*Maine Chapter of IAAO sponsored session*)

“Help. I’ve fallen and I can’t get up!” said the parcel to the assessor. Even as the economy attempts to recover, distress sales continue to drag the real estate market down. How are the sick properties affecting the healthy ones and how much longer will this continue? This two-part session will open your eyes. Part 1 will discuss the current market situation (Wednesday morning at 10:30 a.m.). **Part 2 will focus on how market value is affecting assessed value.** (*Approved for 2.5 Assessor Continuing Education Credit Hours for both sessions or 1.0 Assessor Continuing Education Hours for each session.*)

Presenter: Gordon T. Holmes, Jr., Owner, Direct Real Estate

2:45 p.m.-3:15 p.m. TOUR OF MMA

Stroll over to the MMA building for a guided tour!

2:45 p.m.-3 p.m. Break & Time with Exhibitors

3 p.m.-4:15 p.m. CONCURRENT PANEL DISCUSSIONS

University Expertise at Your Fingertips

Elected Officials: Did you know that experts and students from the University of Maine are available to assist municipalities with projects – and reaching out to towns and cities is a top priority for them? Come listen as university officials explain what they have to offer and hear how MMA’s Citizen Education Program is playing a key role.

Moderator: Eric Conrad, Director of Communication & Educational Services, MMA; *Presenters:* Dr. Linda Silka, Director, Margaret Chase Smith Center and Professor, School of Economics, University of Maine; Dr. Laura Lindenfeld, Associate Professor of Communication & Journalism, Margaret Chase Smith

Center and University of Maine; Karen Hutchins, Graduate Research Fellow, Sustainability Solutions Initiative, University of Maine; Evan Richert, Planner, Town of Orono

Going Up in Maine: Public School Costs

Money & Finances: It’s a difficult but long-standing practice: Municipal officials send out property tax bills, so they often hear about and feel responsible for K-12 education spending, even though they do not fully control it. Come listen as our panelists discuss their recent experiences and offer tips and tools for dealing with, and communicating about, public education in Maine.

Presenters: Tom Hall, Manager, Town of Scarborough; Bill Bridgeo, Manager, City of Augusta; Gary Brown, Manager, Town of Brunswick; Dr. Cornelia Brown, School Superintendent, City of Augusta (*MTCMA Certification Credits: 1.25 in Leadership*)

Transit, Jobs & Money

Economic Development: Maintaining a strong transit infrastructure is an important way to improve a community’s chances for economic development. This eclectic workshop touches on that, compressed natural gas in municipal fleet vehicles and municipal planning and development.

Presenters: Dave Redlefsen, General Manager, Portland METRO; Connie Garber, York County Community Action.

Coming Soon: More Stormwater Regulations

Environment: There is an increasing focus from above on municipal stormwater management, including the identification of new streams “impaired” by stormwater pollution. Municipalities constantly search for clarity and predictability with respect to stormwater regulations and scramble to find financial solutions to meet these regulatory requirements. In straight language, this session will detail possible ways to cost effectively deal with Clean Water Act obligations. For towns not yet directly regulated, this session will provide suggestions to avoid the “impaired stream” designation. (*Approved for 1.25 Assessor Continuing Education Credit Hours – Maine Revenue Services.*)

Moderator: Greg Connors, Staff Advocate, State & Federal Relations, MMA; *Presenters:* TBD

3:00 p.m.-4:15 p.m. AFFILIATE SESSIONS

Professionalism and Politics for Fire Protection (*MFCA/MFSI Sponsored Session*)

This session will provide an understanding of professionalism and the political climate for fire protection.

Presenters: Chief Darrel Fournier, Town of Freeport; Chief Bill St. Michel, Town of Durham; Bill Guindon, Director, Maine Fire Service Institute

Maine Office of Vital Records Update (*MTCCA Sponsored Session*)

There have been many changes to Vital Records laws and procedures in the last few years. Here’s a great opportunity to hear about those changes and incorporate them in your municipality.

Presenter: Roberta Fogg, Deputy Registrar, Office of Vital Records, State of Maine

4:15 p.m.-6 p.m. MEMBERS WELCOMING CONCERT AND CELEBRATION OF MAINE FOOD!

Member Welcoming Reception and “Gypsy Jazz” Concert by Mes Amis – Exhibit Area

6:30 p.m. Networking Dinner on Your Own (Information Available at Registration Desk)

Thursday, October 4, 2012

7:30 a.m. Registration Begins

7:30 a.m.-8:45 a.m. Buffet Breakfast – Exhibit Area

8:45 a.m.-10 a.m. SPECIAL SESSION!

Economic Development, Culture and the Arts

Money & Finances: Canadian municipal government and economic development expert Gord Hume joins us to talk about his country's successful revitalization projects and why economic development and the arts are intrinsically intertwined. Hume, who served four terms as a City Councillor in London, Ontario, literally wrote the book (*Cultural Planning for Creative Communities*) on economic development and the arts. Hume authored two follow-up books and is a sought-after municipal consultant and media interviewee in Canada.

Presenter: Gord Hume, President, Hume Communications Inc., Ontario, Canada

8:45 a.m.-10 a.m. CONCURRENT SESSIONS

How to Head Off Employment Claims

Human Resources: Attendees will learn how to avoid expensive loss of time and energy by handling employment situations well – and staying out of state and federal courts.

Presenter: Jonathan Brogan, Attorney, Norman Hanson & DeTroy, Portland

Right to Know

Elected Officials: This session will review the rights and duties of public officials under Maine's Freedom of Access Act (FOAA), commonly known as the "Right to Know" law. It is designed to satisfy training requirement imposed by State law on certain elected officials, including selectmen, councilors and elected clerks, treasurers, assessors and budget committee members.

Presenters: William Livengood, Director, MMA Legal Services; Richard Flewelling, Assistant Director, MMA Legal Services (*Approved for 1.25 Assessor Continuing Education Credit Hours – Maine Revenue Services.*)

8:45 a.m.-10:00 a.m. AFFILIATE SESSIONS

Effective Bargaining (MTCMA Sponsored Session)

This session will discuss how to effectively negotiate a collective bargaining agreement. Topics will include, among others: understanding the bargaining process and avoiding common pitfalls; employing creative and strategic approaches to address new trends and challenges; and, putting together a successful bargaining team.

Presenters: Patricia M. Dunn, Attorney, Jensen Baird Gardner & Henry; Jennifer W. Peters, Attorney, Jensen Baird Gardner & Henry (*MTCMA Certification Credits: 1.25 in Human Resources, Legal and Leadership*)

Fire Chief's Role in Leadership (MFCA/MFSI Sponsored Session)

This session will focus on the leadership requirements of the municipal Fire Chief.

Presenters: Chief Darrel Fournier, Town of Freeport; Chief Bill St. Michel, Town of Durham; Bill Guindon, Director, Maine Fire Service Institute

Mortgage Loan Inspections vs. Boundary Surveys (MBOIA Sponsored Session)

Learn about the differences between Mortgage Loan Inspections and Boundary Surveys, common misconceptions about their use and how to approach the application of these surveys in a way that will raise the awareness of municipalities and their residents while maintaining high levels of quality service.

Presenter: Jim Nadeau, Nadeau Land Surveys

Maine Office of Division of Elections Update & the Municipal Clerk (MTCCA Sponsored Session)

As we head into another election cycle, it's important to have the most current information in your "elections toolkit." This session will focus on providing up-to-date information about elections as well as some tips of how the municipal clerk can handle those "spotlight" situations professionally and as a representative of your community.

Presenters: Julie Flynn, Deputy Secretary of State, State of Maine; Ruth Lyons, Clerk, Town of Topsham; Shelly Crosby, Clerk, Town of Lincoln

10 a.m.-10:30 a.m. Break & Time with Exhibitors

10:30 a.m.-11:45 a.m.: CONCURRENT SESSIONS

Cable Television in Your Community

Elected Officials: It's never easy but a core function of municipal government is to negotiate cable television service for your citizens. Come hear about the latest trends, tips and new approaches from the cable-TV industry. This is a hot topic that has important municipal tax implications and it affects the pocketbooks of many citizens.

Presenters: Tony Vigue, President, Community Television Association of Maine, South Portland; Pat Scully, Attorney, Bernstein Shur, Portland

Keeping Computerized Data Safe, Secure

Money & Finances: As municipalities delve more deeply into technology and automation, there are safeguards and protections to keep in mind regarding all kinds of computerized data, from online financial accounts to medical, personnel and other protected information.

Presenters: Joe Kurlanski, Vice President, Sage Data Security, South Portland; Celeste Donovan, Vice President & District Sales Manager, Treasury Management Services, TD Bank; TBD, Bangor Savings Bank (*Approved for 1.25 Assessor Continuing Education Credit Hours – Maine Revenue Services.*)

Expanded Fireworks: Splash or Fizzle?

Public Safety: When it comes to fireworks, 2012 has been a year of experimentation. Maine this year greatly expanded what kinds of fireworks could be legal – with municipal approval. That prompted towns and cities to allow expanded fireworks, disallow them or regulate them in other ways. This session is intended to reflect on various communities' experience with fireworks this year and offer tips and trends going forward.

Presenters: Joe Thomas, Acting State Fire Marshal, State of Maine; Chief Roger Audette, City of Augusta; Chief B. Michael Thurlow, Town of Scarborough

10:30 a.m.-11:45 a.m. AFFILIATE SESSIONS

Effective Asset Management (MTCMA Sponsored Session)

Municipalities have the perpetual chore of maintaining, replacing and rehabilitating a range of assets from water and sewer infrastructure to vehicles and roads. At the same time, they are tasked with installing new assets in response to growth, customer demands. This presentation will review and explain effective asset management methods that have been implemented to address various municipal infrastructure problems.

Presenter: Seth Garrison, Woodard & Curran (*MTCMA Certification Credits: 1.25 in Leadership and Elected Relations*)

Maine Office of Notary Public Review (MTCCA Sponsored Session)

This session will review the duties and procedures of the role of the Notary Public.

Presenter: Julie Flynn, Deputy Secretary of State, State of Maine

Thursday, October 4, 2012

11:45 a.m. to Noon: Break & Time with Exhibitors

Noon to 1:15 p.m. NETWORKING LUNCHEON

1:15 p.m. to 1:30 p.m.: Break & Time with Exhibitors

1:30 p.m.-3:00 p.m. CONCURRENT SESSIONS

Roles of Elected Officials & Municipal Managers

Elected Officials: This workshop was praised during the 2011 convention so it's back! It is designed for new and long-time officials and managers from mid-to-large size municipalities. Presenters will explore how effective communication is the key to maintaining proper relationships among selectmen and councilors in towns with appointed managers. The panel also offers advice on how to handle important decisions that affect employees.

Presenters: Don Gerrish of Eaton Peabody Consulting, former Town Manager, Towns of Brunswick and Gorham; David Barrett, Director of Personnel Services & Labor Relations, MMA (*MTCMA Certification Credits: 1.25 in Leadership and Elected Relations*) (*Approved for 1.50 Assessor Continuing Education Credit Hours – Maine Revenue Services.*)

**Note: Presenters will be available for Q&A after the workshop.*

Collaboration in Public Works

Money & Finances: In these days of shrinking budgets and smaller work forces, people on the front lines are often innovators in finding solutions that work for all concerned. Three Western Maine towns have done just that by forming an interlocal group to share work and equipment. No grader? No problem. Need sand hauled? No problem. They have found ways to make it all work.

Presenters: Bill Nichols, Highway Foreman, Town of Livermore Falls; John Johnson, Public Works Director, Town of Jay; John Welch, Public Works Foreman, Town of Wilton; Stefan Pakulski, Manager, Town of Readfield

Going Local: Supporting Farmers in Your Community

Economic Development: More municipalities are passing ordinances and taking other steps to support local farmers and produce markets, which can benefit economic vitality in downtowns and other areas. Attendees will learn about local-food strategies and will hear about the pluses and occasional problems associated with this movement.

Presenters: Gord Hume, President, Hume Communications Inc., Ontario, Canada; Leah Rachin, Attorney, Bergen & Parkinson, Kennebunk; Jim Schatz, Selectman, Town of Blue Hill

1:30 p.m.-3:00 p.m. AFFILIATE SESSIONS

Financial Management and Planning for Fire Protection (MFCA/MFSI Sponsored Session)

This session will focus on various financial management strategies for fire protection.

Presenters: Chief Darrel Fournier, Town of Freeport; Chief Bill St. Michel, Town of Durham; Bill Guindon, Director, Maine Fire Service Institute

Understanding Flood Zones (MBOIA Sponsored Session)

This session will focus on a general history of the National Flood Insurance Program, Flood Insurance Rate Maps (FIRMs and DFIRMs), flood zone determinations, Elevation Certificates, Letter of Map Amendments and FEMA submittals, as well as the significance of using the most accurate data collection and analysis procedures when making determinations.

Presenter: Jim Nadeau, Nadeau Land Surveys

3:15 p.m.-4:45 p.m. U.S. SENATE CANDIDATES FORUM!



Leading candidates Angus King, Charlie Summers and Cynthia Dill – all of whom are vying to succeed retiring U.S. Sen. Olympia Snowe – have confirmed that they will attend the forum and assess the current state of affairs in Washington, D.C. and Congress at our 76th Annual Convention. They will field questions about federal, state and municipal issues and the importance of towns and cities in the intergovernmental system.

Forum Moderator: Tory Ryden, former Anchor at WMTW-TV Channel 8, in Lewiston/Auburn and Portland.

Overnight Accommodations

Overnight Rooms have been blocked for MMA Convention attendees at the Best Western Plus in Augusta. The rate is \$70.00/night. To reserve your overnight room, please call 207-622-4751 and mention the Maine Municipal Association (MMA) group block. Rooms are available for reservation until September 18, 2012 on a first-come, first-served basis. The Best Western Plus is located within the Civic Center Complex and is within walking distance of the Augusta Civic Center. If requesting tax exemption, you will be asked to provide your tax exemption certificate and municipal payment (municipal credit card or check) at the time of check-in.

Attendee Registration Form



MMA Convention – Augusta Civic Center – October 3 & 4, 2012

One registrant per form (please photocopy for additional registrations)

Name of Municipality/Company/Agency:		First Time Attendee? <input type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address:		
Attendee Name:	Title:	
E-mail Address of Registrant:		
Telephone:	Fax:	

SPECIAL PROGRAMMING - for Wednesday October 3 and Thursday October 4

MMA Building Tour:

(Please check if you plan to attend)

Wednesday, October 3 (2:45-3:15 p.m.)

Right-To-Know Training:

(Please check if you plan to attend)

Thursday, October 4 (8:45-10:00 a.m.)

CONVENTION REGISTRATION FEES (For one or both days)		Cost
<input type="checkbox"/> MMA Members/Affiliate/Patron	Pre-Registration - <i>must be postmarked or received by 9-21-2012</i>	\$ 60.00
<input type="checkbox"/> MMA Members/Affiliate/Patron	Registration - <i>after 9-21-2012</i>	\$ 75.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Pre-Registration - <i>must be postmarked or received by 9-21-2012</i>	\$ 120.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Registration - <i>after 9-21-2012</i>	\$ 150.00
<input type="checkbox"/> Business Representative	Pre-Registration - <i>must be postmarked or received by 9-21-2012</i>	\$ 100.00
<input type="checkbox"/> Business Representative	Registration - <i>after 9-21-2012</i>	\$ 125.00
Registration Fee		\$

WEDNESDAY LUNCHEON-OCT 3	Location	Cost
Awards Luncheon (Buffet)	Civic Center	\$ 15.00
Wednesday Meal		\$

THURSDAY LUNCHEONS-OCT 4	Location	Cost
Networking Luncheon (Buffet)	Civic Center	\$ 15.00
Maine Chapter of American Public Works Association (MCAPWA)	Augusta Elks Lodge	\$ 17.00
Thursday Meal		\$

TOTAL (Registration Fee & Meals)	\$
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Signature: _____ Date: _____

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

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

Please make check payable to Maine Municipal Association

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

Please keep a copy of this form for your records.



Maine Municipal Association

LOCAL GOVERNMENT
begins with **YOU**

ANNUAL SEARCH

Nominees for the Maine Municipal Association's Most Prestigious Award

**Deadline for Receipt of Nominees – 4:30 p.m. on Friday, August 31, 2012.
Award will be presented at the MMA Awards Luncheon on Wednesday, October 3, 2012.**

Ethel N. Kelley MEMORIAL AWARD

**If you know a municipal elected or appointed official,
employee or volunteer who ...**

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

MMA wants to know about them! Please take this opportunity to nominate this individual and give MMA the opportunity to recognize their achievement and dedication.

THE NOMINATION PROCESS: Nomination Forms can be downloaded from the MMA website at www.memun.org. Please complete the Nomination Form and return it to MMA with up to five supporting letters. **The supporting letters are a critical part of the process.** Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts. ***Start thinking about your Nominee now!***

THE JUDGING: The panel of judges will consist of three MMA Past Presidents who will meet in mid to late September to make their selection. The award will be presented during the Awards Luncheon being held in conjunction with the MMA Annual Convention.



Portland City Attorney **Gary Wood** announced he will retire in September after serving Maine's largest city for 21 years. Wood said one of his best memories is the day the city outlawed workplace discrimination based on sexual orientation, which launched a successful statewide ban. Wood, 65, was praised by Mayor Michael Brennan for his distinguished career. Brennan said Portland officials will search nationally for Wood's successor.

Former Westbrook Police Chief **William Baker** was named the city's economic development director. He will replace **Keith Luke**, who resigned in December 2011. Baker, 57, who worked as Westbrook chief from 2007 to 2011, ended a 36-year local law enforcement career when he resigned to take a job with the FBI as an instructor. Baker's first job was in 1974 as patrolman in the town of Cumberland, Mass. In 1981, he was named chief in his hometown of Southborough, Mass.



David Gagnon recently retired at the age of 90 as Benton's elected treasurer and tax collector, a position he held for 23 years after retiring from the private sector.

Scott Higgins has been named Whitefield fire chief after serving as interim chief. His predecessor, **Tim Pellerin**, resigned in June. Higgins has worked for the department since 1993; he served as a firefighter for the town of Winthrop from 1979 to 1993.

Abbot Selectman **Corey Hill** resigned in a letter to the board on July 14 after serving the town for more than four years. Hill said he needed to spend more time focusing on his business. A special election was scheduled for Aug. 14 to replace him.

Howland Town Manager **Jane Jones** announced that she will retire on Nov. 2 and move to the Midwest. Her accomplishments include writing and winning more than \$1 million in grants to clean up and raze a tannery building in the middle of town that stood on prime

commercial land with direct access to the Maine interstate highway. Jones gave selectmen several months' notice to allow them time to find her replacement.



Peter Joseph Jr.

Freeport councilors selected **Peter Joseph Jr.** of Lincoln, N.H. to replace long-time Town Manager Dale Olmstead, Jr. The change will take effect in mid-September. The council was impressed with Joseph on numerous levels, but especially his experience working in a town that relies heavily on tourism, as does Freeport, home of L.L. Bean. Joseph served as Lincoln manager since 2008. Previously, he was employed as assistant town administrator of Petersborough, N.H. and worked as interim manager in New Hampshire and Massachusetts communities.

Topsham officials announced on July 19 that interim Police Chief **Christopher Lewis** was their pick to take the job permanently. A former lieutenant for a decade and a patrolman before that, Lewis moved from Florida to Maine in 1999. He and his wife, an Augusta native, decided to raise their family in northern New England rather than in Florida. Lewis, 40, called the promotion "a great honor."



Leanne Pinkham

Leanne Pinkham, Farmington town clerk for 13 years, has been hired as the new Bradford town manager. Her last day in Farmington was expected to be Aug. 10. Pinkham won election as Anson town clerk at the age of 19, and also worked as administrative assistant and secretary of Anson, in addition to her clerk work.

Orono Town Clerk **Wanda Thomas**, whose first election as voter overseer came in 1972, retired earlier this month. Thomas began her career in Orono in 1969 as deputy clerk and took

over full-time after then-clerk **Esther Willard** suffered a hip injury. Thomas worked with nine town managers, often serving as interim manager in between new administrators. [mc](#)

CLASSIFIED

FOR SALE by sealed bid: The Town of Monmouth has for sale by sealed bid, a 1999 GMC Top Kick, 8500 series dump truck. Included with the truck is a stainless steel hopper sander, dustpan plow and wing. Truck has 76,500 miles and is powered by a 3126 CAT engine. Winning bidder will not be able to take the truck until the new truck arrives, (possibly December.) Minimum bid - \$10,000. Bids must be in a sealed envelope marked "1999 Truck Bid". The deadline for bids is 08/21/12 at 1:00PM. No bids will be accepted after that time. Any questions should be directed to Herb Whittier at 933-2650 or 592-2324

JOB POSTING: Town of Islesboro - Title: Town Manager - Job Description: This is a full-time position to serve as the Town Manager for the Town. The Town Manager is the chief executive officer of the Town. In addition, the Town Manager serves as the Road Commissioner, Overseer of the Poor, Dark Harbor Waste Water Treatment Facility Administrator, Tax Collector, Treasurer, Airport Manager, Health Center Administrator, and Law Enforcement and Fire Department Administrator of the Town. A full job description is available at Town Office, 150 Main Road, Islesboro.

The Town offers a competitive salary and benefit package. A Town of Islesboro employment application, letter of introduction, and resume clearly marked "Town Manager Search" should be mailed in confidence to Craig Olson, Board of Selectmen Chairman, Town of Islesboro, P.O. Box 76, Islesboro, ME 04848 and must be received no later than Friday, August 24, 2012. E-mailed, faxed, or incomplete applications will not be considered. (The Town is an Equal Opportunity Employer.)

Alfred: The town prevailed in a dispute with county officials over whether building permits were needed when York County commissioners expanded the former county jail to accommodate the county's emergency management operation. County officials assumed they did not need permits when they began making renovations last fall, but agreed in July they had erred and agreed with the town to get the required permits.

Brunswick: The Department of the Navy donated 800 acres of land at its former base to the town for recreation trails and other outdoor projects. When the base reuse commission developed a master plan for the sprawling area, officials initially thought 1,500 acres would be conveyed for public use. Despite the reduction, which occurred for numerous reasons, town leaders said the land will provide myriad opportunities to improve and augment existing recreational efforts.

Dixfield: Incumbent Norine Clark was defeated by Hart Daley by a vote of 193-118 on the Select board. Scott Belskis won the seat vacated by Stephen Donahue, who did not seek re-election. Belskis received 140 votes. Janice Merrill received 91 votes.

Falmouth: The Town Council wants to ban future construction of so-called "big box" stores by amending zoning rules to limit most new or expanded commercial buildings to 30,000 square feet along the Route 1 business district. "There are a lot of small businesses that we cherish and that form the character of our town," Councilor Bonny Rodden said, in published reports. Councilors favor allowing grocery stores to be as large as 60,000 square feet.

Hallowell: The frozen fun so many people enjoyed at the city's former ice rink can begin again now that the \$4 million privately owned Ice Vault has opened for business. The Kennebec Ice Arena collapsed in March 2011 under the weight of tons of ice and snow. The city approved a TIF deal to help private investors build a new facility. Hundreds of people attended the grand opening in July, along with the owners and city

officials.

Madawaska: Owners of the Twin Rivers Paper Co. (formerly Fraser Paper) have asked the town for a tax abatement of \$130 million, compelling the town to operate on a monthly budget until the issue is resolved. The council last year granted the company a \$25 million abatement on its valuation, dropping the mill's value to \$170 million. But the company's latest request, if approved, would cost the border community so much in lost tax revenue "that would mean shut the doors, roll up the sidewalks and we are done here," said Selectman Chairman Don Chasse, according to published reports. Officials are working toward a compromise.

Milo: A special town meeting was held in July to formally accept a \$500,000 federal grant to help rebuild the community's scorched downtown, where a September 2008 arson fire destroyed multiple businesses and other buildings. The vote to accept the grant was 35-18.

Oxford: Town officials plan to develop new traffic restrictions on the road where the Oxford Casino is sited in order to prevent accidents. For years, trucks have used the road as a shortcut from one major artery to another, but town leaders said it is time to make changes considering the increase in traffic created by the casino. Meanwhile, a judge last month ruled that the state permitting process for the casino was invalid, but will allow the facility to remain open while a new permit is obtained.

Pownal: The towns of Pownal and Durham entered into an agreement to share the services of a joint Road Commissioner. At a joint meeting of selectmen from both towns, they agreed to have Pownal Road Commissioner Shawn Bennett serve in the same capacity for Durham. Bennett has served as Pownal's Road Commissioner for 10 years and was serving as Durham's interim road commissioner since last February. [mt.com](http://www.mt.com)

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*.

- **Bond Insurance.** The National League of Cities has sponsored a new bond insurance company, Build America Mutual Assurance. It represents a new entry into the municipal bond insurance marketplace.
- **Windham Resolution.** The Town of Windham adopted a resolution calling for a state-wide ban on the single-use plastic shopping bags and paper bags with less than 40 percent post-consumer recycled content.
- **Transportation Law Change.** The Maine Department of Transportation has notified municipalities about a law change that affects the registration and excise-tax collection for non-commercial, registered aircraft.

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Municipal Bulletin Board

RECORDS MANAGEMENT

The Maine Town & City Clerks' Association will hold a workshop on Records Management on Aug. 29 at the Seasons Event and Conference Center in Portland, featuring presentations by Kathy Montejo, City Clerk in Lewiston, and Patti Dubois, City Clerk in Waterville. The workshop begins with registration at 8:30 a.m. and will conclude at 4 p.m.

Among the topics to be covered: recordkeeping required by state statutes; records retention schedules; the state Freedom of Access Act; records preservation ideas; and, records management tips for an efficient office environment. The cost is \$50 for MTCCA members and \$60 for non-members.

ELECTED OFFICIALS: CARRABASSETT VALLEY

MMA officials will hold an Elected Officials Workshop on Aug. 30 at the Sugarloaf Mountain Resort in Carrabassett Valley. The workshop will run from 4:30 to 8:30 p.m. and include a light meal. Registration begins at 4 p.m.

The workshop is a "must" for both newly elected and veteran officials as it provides an update to legal requirements regarding: your rights as officials; open meeting requirements; conflicts of interest; liability issues; and, the Maine Freedom of Access law. Officials who attend the session meet the state's Right to Know training requirements and will receive certificates. A section on media relations and communications was added in 2010.

The in-classroom cost is \$40 for MMA members and \$80 for non-members. Registration is available through the MMA website at www.memun.org.

TITLE 21-A: PRESQUE ISLE

Kim McLaughlin, Town Clerk in Old Orchard Beach, and Julie Flynn, Deputy Secretary of State, will present a workshop on Title 21-A at the Presque Isle Inn & Convention Center on Sept. 5. The workshop will cover all aspects of administering state and federal elections at the municipal level.

Sponsored by the Maine Town & City Clerks' Association, the workshop

will begin with registration at 8:30 a.m. and end at 4 p.m. Cost is \$50 for MTCCA members and \$60 for non-members. Member attendees are encouraged to wear their name badges.

VOTER REGISTRATION: PRESQUE ISLE

The MTCCA will follow the Sept. 5 workshop with a day-long session on voter registration the next day, Sept. 6. Kim McLaughlin, Town Clerk in Old Orchard Beach, and Maine Deputy Secretary of State Julie Flynn will conduct this workshop as well. It will include a review of duties for registrars of voters and outline their tasks before, during and after Election Day.

Held at the Presque Isle Inn & Convention Center, the workshop starts with registration at 8:30 a.m. and ends at 4 p.m. The cost is \$50 for MTCCA members and \$60 for non-members.

MWWCA FALL CONVENTION

"Resources At Your Fingertips" is the theme for the 2012 Fall Convention of the Maine WasteWater Control Association, which will be held Sept. 12-14 at the Sugarloaf Mountain Resort in Carrabassett Valley.

The convention begins with a golf tournament on Wednesday, Sept. 12. Thursday and Friday feature 30 technical workshops and presentations, including topics such as: Industrial V-Belt Energy Recovery; Hazard Communication; Writing an Effective RFP; and, Intrinsic Safety. Costs to attend the convention vary based on how many days registrants will attend and what lodging accommodations are requested.

CLERKS NETWORKING DAY

The Maine Town & City Clerks' Association will hold its 17th Annual Networking Day and Business Meeting on Sept. 18 at the Waterville Elks Banquet & Conference Center. The event

will feature presentations on Practical Problem Solving Tips to Use With Customers; and, True Colors, featuring Abigail DiPasquale of the Maine Municipal Employees Health Trust.

A perennial highlight of the event is presentation of awards for Rookie of the Year, Deputy Clerk of the Year and Clerk of the Year. MTCCA also holds its annual business meeting on this day. Cost to attend is \$50 for MTCCA members and \$60 for non-members. It starts at 8 a.m. and concludes at 4 p.m. Attendees are encouraged to bring a sweater or light jacket.

TITLE 21-A: AUGUSTA

Patti Dubois, City Clerk in Waterville, and Julie Flynn, Deputy Secretary of State, will present a workshop on Title 21-A at the MMA Conference Center in Augusta on Sept. 11. The workshop will cover all aspects of administering state and federal elections at the municipal level.

Sponsored by the Maine Town & City Clerks' Association, the workshop will begin with registration at 8:30 a.m. and end at 4 p.m. Cost is \$50 for MTCCA members and \$60 for non-members. Member attendees are encouraged to wear their name badges.

VOTER REGISTRATION: AUGUSTA

The MTCCA will follow the Sept. 11 workshop with a day-long session on voter registration the next day, Sept. 12. Tracey Stevens, Town Clerk in Fairfield, and Maine Deputy Secretary of State Julie Flynn will conduct this workshop. It will include a review of duties for registrars of voters and outline their tasks before, during and after Election Day.

Held at the MMA Conference Center in Augusta, the workshop starts with registration at 8:30 a.m. and ends at 4 p.m. The cost is \$50 for MTCCA members and \$60 for non-members. 

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>

TIMBER THEFT

More often than not, the topics we write about here are inspired by actual inquiries to our Legal Services attorneys. The following question (edited for clarity) was submitted a couple of months ago.

Question: We just tax-acquired some forest land. The former owner told us he's going to go ahead and cut some timber on it anyway. Can he do this, and if not, what should we do?

Answer: If the tax lien has foreclosed, the town owns the property in fee simple, meaning the former owner has no remaining legal rights or interest in the property and absolutely no right to cut timber.

The forest products industry has a long and important history in this state, so Maine law treats the unauthorized taking or theft of timber very seriously. Not only is it a criminal offense (see 17-A M.R.S.A. § 353), it is also a special type of civil trespass (see 14 M.R.S.A. § 7552) for which, if the trespass was intentional or knowing, the landowner can recover *triple* damages and all professional costs for determining damages and proving the claim, including legal and expert witness fees as well as court costs, among other expenses. If the trespass was merely negligent or without fault, the landowner can still recover *double* damages and all costs.

If you believe the former owner (or anyone else for that matter) intends to cut timber on town-owned land, you should immediately notify them that any unauthorized taking of timber will be prosecuted to the fullest extent of the law, both civil and criminal.

If you find someone cutting timber on town-owned land without authority to do so, you should immediately order them to leave the premises and not return. If they refuse or do return, they can be prosecuted for criminal trespass (see 17-A M.R.S.A. § 402).

You may also want to consider posting the property with signs prohibiting trespassing in general or at least trespassing for the purpose of cutting or removing timber (again, see 17-A M.R.S.A. § 402).

Needless to say perhaps, the above

applies regardless of how a municipality may have acquired the land in question. It also applies to the unauthorized taking of any other products from the property, such as sand or gravel. (By R.P.F.)

TOO LATE FOR A TAX LIEN?

Question: More than one year has elapsed since real estate taxes were committed to our tax collector. Is it now too late for her to commence the tax lien process?

Answer: Unfortunately, yes. According to 36 M.R.S.A. § 942, after eight months but within one year following the date of the tax commitment, the tax collector may begin the

lien process by sending the person assessed a 30-day notice of lien. This is a legal prerequisite to all other steps in the lien process, and it must occur before the year following the tax commitment is out. If the 30-day notice is not sent within this one-year period, the statutory foreclosure process is no longer available to enforce the lien. (The collector may still sue to collect the tax, however, either in her own name or in the name of the municipality, see 36 M.R.S.A. §§ 1031, 1032).

But even if, for whatever reason, it is too late to begin the lien process, all is not lost. The tax is still due and payable, and collectable by suit as noted above. In addition, suit may not even

 MMA Municipal Calendar

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

SEPTEMBER 3 — (first Monday in September) — Labor Day — a legal holiday (4 MRSA §1051).

ON OR BEFORE SEPTEMBER 15 — Monthly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333 [22 MRSA §4311].

BETWEEN MAY 1 and OCTOBER 1 — Municipal officers may initiate process to close certain roads to winter maintenance [23 MRSA §2953]. For further information see MMA's Municipal Roads Manual.

BY OCTOBER 1 — Assessors should receive the municipality's proposed current state valuation from the State Tax Assessor. [36 MRSA §208].

ON OR BEFORE OCTOBER 15 — Monthly expenditure or quarterly 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].

OCTOBER — Registrars of voters shall accept registration prior to the November 6 election according to the time schedule for their population group [21-A MRSA §122(6)].

— The Registrar shall publish his/her time and hourly schedules in a newspaper having general circulation in the municipality at least 7 days before it becomes effective. In municipalities of 2,500 or less population, this publication is discretionary rather than compulsory [21-A MRSA §125].

— The hourly schedule for voter registration established by 21-A MRSA §122 may be changed by the municipal officers according to the needs of the municipality [21-A MRSA §122(8)].

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

BY NOVEMBER 1 — Any governmental subdivision holding tangible or intangible property presumed abandoned under 33 MRSA §1953 must make report to the Administrator of Abandoned Property of the State Treasury Department, pursuant to 33 MRSA §1958.

be necessary provided the municipal officers have given a “Section 906 Order.” This is a written order directing the tax collector and treasurer to apply all tax payments made on the property to the oldest outstanding bill regardless of the taxpayer’s instructions. For full details and a sample order, see “Tax Payments & Multiple Unpaid Bills,” *Maine Townsman*, “Legal Notes,” March 2003.

For the record, while failing to send a 30-day notice within the one-year period is fatal to the lien process, failing to send timely notice of impending foreclosure – between 45 and 30 days prior to the scheduled foreclosure – is not. Instead, foreclosure is merely postponed until 30 days after whenever notice is sent (see “Mortgage Holders & Property Tax Liens,” *Maine Townsman*, “Legal Notes,” November 2010).

For some tips on using small claims court to collect unpaid property taxes (both real and personal), see “Delinquent Taxes & Small Claims Court,” *Maine Townsman*, “Legal Notes,” October 2011.

For a detailed description of the tax lien process, including a graphic “timeline,” see MMA’s *Municipal Liens Manual*, available free to members at www.memun.org. (By R.P.F.)

SUBDIVISION ‘REGULATIONS’

Question: Our Planning Board adopted subdivision “regulations” some time ago, but they have never been enacted as an ordinance by our legislative body. Are they legally enforceable?

Answer: Yes, they are. State law of course requires proposed subdivisions to be reviewed and approved locally by the municipal reviewing authority (usually a planning board). In theory, this can be accomplished without benefit of an ordinance because the review criteria and various other requirements are set forth in the statute itself (see 30-A M.R.S.A. §§ 4401-4408). The law, however, is short on details such as what must be included in a subdivision application, and it is utterly silent on other matters such as infrastructure improvements

and performance guarantees. Thus, most municipalities find it helpful if not indispensable to supplement the statute with local provisions.

This can be done in either of two ways: “The municipal reviewing authority may, after a public hearing, adopt, amend or repeal additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body” (30-A M.R.S.A. § 4403(2)). In other words, subdivision regulations, with the full force and effect of law, can be adopted by the municipal reviewing authority (again, usually a planning board). These will govern until amended, repealed or replaced by regulations (in the form of an ordinance) adopted by the municipal legislative body (town meeting or town or city council).

This statutory grant of legislative authority to planning boards is limited to subdivision review – no analogous authority exists for any other subject. All other land use regulations may be imposed only by ordinance enacted by a municipality’s legislative body.

For a well-drafted set of model subdivision regulations by the Southern Maine Regional Planning Commission, go here: <http://www.smrpc.org/landuse/subord/subord.htm> (By R.P.F.)

FIREWORKS REVISITED

Now that Fourth of July celebrations are over and other summer festivities are winding down, some

municipalities are rethinking their options under the State’s new fireworks law that took effect on January 1, 2012 (see “The New Fireworks Law & The Municipal Option,” *Maine Townsman*, “Legal Notes,” August-September 2011).

To recap, the new law (8 M.R.S.A. § 223-A) legalizes the sale, use and possession of consumer fireworks, with certain restrictions, but gives municipalities the option, by ordinance, of further restricting or banning altogether the sale or use (but not the possession) of consumer fireworks within the municipality.

For municipalities interested in what other municipalities have done, there is probably no better resource than the Maine State Fire Marshal’s summary of municipal ordinances filed with that office. Go to <http://www.maine.gov/dps/fmo/fireworks/index.html> and click on “Municipal Restrictions and Prohibitions on Consumer Fireworks.” For actual copies of ordinances, contact the Fire Marshal’s office at 626-3873 or the municipality in question or see the sample fireworks ordinances posted in the ordinance collection on MMA’s website (www.memun.org).

Also, there will be an update on the new fireworks law and municipal experience with it at MMA’s 2012 annual convention this fall at the Augusta Civic Center. The panel discussion, featuring the Acting State Fire Marshal and several municipal fire chiefs, is scheduled for 10:30-11:45 a.m. on Thursday, October 4th. (By R.P.F.) 

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