

Maine Town & City

The magazine of the Maine Municipal Association

JANUARY 2023 | VOLUME 85 | ISSUE 1

Threats Facing Maine's Lobster Industry

What's in store for this billion dollar
heritage industry?



Also In This Issue:

Q&A with Elaine Aloes, MMA President
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Maine Town & City

JANUARY 2023 | VOLUME 85 | ISSUE 1

In this issue

THREATS FACING MAINE'S LOBSTER INDUSTRY.

Special to the Maine Town & City magazine, this article describes the challenges facing the Maine Lobstermen's Association as it works to prevent the demise and loss of a heritage industry, cultural icon, and economic driver.

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HEATING ASSISTANCE TOP PRIORITY.

State, municipal, and community leaders are seeking ways to supplement traditional heating assistance programs, which are being stretched thin. Wood banks, relief payments, warming shelters, and emergency efficiency improvements are all on the table.

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ADDRESSING MUNICIPAL WORKFORCE SHORTAGES.

As municipalities across Maine struggle to recruit and retain employees, communities are turning to less traditional strategies including shorter work weeks, training, and access to employee support systems.

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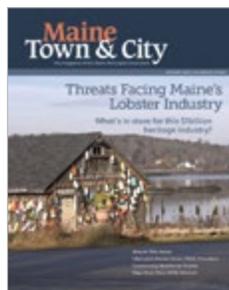
COMMUNITY RESILIENCE GRANTS.

In December, Governor Janet Mills announced \$2.9 million in grant awards to help communities become more resilient to the impacts of climate change. Collectively, Westport Island, Limestone, Lisbon and Fort Kent received over \$150,000 to create green space, study water supplies and upgrade solar arrays.

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ABOUT THE COVER

The buoy laden Fish House in Boothbay is a well-recognized and iconic landmark. (Photo by Rebecca Lambert, MMA)

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MAINE TOWN & CITY (ISSN 2578-4374) is published monthly, except in September, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Town & City, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$25 per year.

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Reaffirming MMA's Commitment to Local Government Service

By Catherine M. Conlow/Executive Director



As I look to the fresh start that accompanies a new year, I am naturally inclined to reflect on the accomplishments of 2022. Despite the pandemic and social unrest that often accompanies the fear of the unknown, Maine municipalities became more committed than ever to helping their communities implement the changes necessary to thrive. The desire to support the evolution of local government service also influenced the MMA Executive Committee's decision-making process, which was largely focused on renewing the Association's commitment to supporting local government leaders and those who live, work, and depend on municipal services. With an eye toward embracing change, in March of 2022, the Executive Committee amended and affirmed MMA's Mission and Core Beliefs to "support excellence in Maine's municipalities by providing important services and advocating for their common interests."

Fundamental to our overall mission is the belief that MMA is an extension of our municipalities and supports that work by providing vital services in areas that require highly technical expertise. It is with this mission in mind, I share the ways in which MMA has used its core beliefs to connect with our members.

Local Governance. Our first belief and the one that encompasses all our services is MMA's commitment to the autonomy of democratic local government and the importance of strong local government to provide essential services. MMA provides several direct services that support local government, including training, legal services, advocacy, health insurance, workers' compensation, and property and casualty insurance programs. This last year, however, we experienced, via the adoption of several new state statutes, how a shifting state landscape alters the autonomy of local control. Through legislation focused on housing, state lawmakers sought to erode local land use controls by mandating that all communities expand housing

as prescribed in law. In essence, it diluted the power of municipal zoning ordinances adopted by councils and at town meetings to regulate housing in their communities. Expansion of housing, while a noble goal that we support, looks different in every community. Municipalities have spent decades developing infrastructure, schools, and community services

based on current development and zoning. The ability of our member communities to respond to expansive new housing regulations so quickly, regardless of community size, complexity, and location can be enormously challenging.

Our belief and continued commitment to protecting local control stems from Maine's deep-seated history of authorizing and trusting democratically elected local governments to make decisions that help shape their communities.

Leadership. Our second core belief is that MMA relies on the accessibility and accountability of municipal officials. Managing local governments can be a tricky business that is mired in rules and regulations. Instilled in our core beliefs is MMA's support of municipal officials as they undertake these challenging positions. Training and communications are how we continue to ensure that municipal officials have the tools necessary to excel in their careers.

This year, our common interest across municipalities was the delivery of ARPA funds in a manner that was transparent and met federal requirements. To that end, MMA staff was tasked with digging into the regulatory complexities that accompany receipt of federal funding and providing the technical assistance to municipalities necessary to implement ARPA funding requirements. Specifically, our advocacy and legal services staff studied the requirements and provided training and support services to municipalities as they worked within their communities to develop plans for the investment of these one-time revenues. Our

commitment to working with members to provide ARPA support resulted in some of the better outcomes nationwide.

Collaboration. Central to our core beliefs is that MMA values and supports opportunities for collaboration and partnerships among municipalities, public organizations, and private entities. While we support these collaborations, MMA recognizes that each municipality is unique, and partnerships should be formed based on the needs of a particular area and region. The work of our municipal members throughout the pandemic demonstrated their strong commitment to partnerships that improved the wellbeing of their communities and regions.

MMA too has developed collaborations and partnerships with other agencies to deliver services to municipalities. In 2022, MMA staff worked with the Governor's Office to ensure access to climate action funds. Additionally, we continue to strengthen our partnerships with educational institutions to improve training and municipal employee development. Partnerships like those with Thomas College that offer educational and career advancement programs at reduced costs for municipal members are but one example.

Diversity, Equity, and Inclusion. In 2022, MMA's Executive Committee explicitly included in MMA's core beliefs a commitment to implementing programs and services that support diversity, equity, and inclusion, with the understanding that the process may be implemented differently across Maine. Specifically, the Executive Committee wants to ensure that the Association is welcoming to diverse voices and that the decisions made consider the broader perspectives of our individual members and communities.

As always, our commitment to members begins with assessing and evaluating the way in which the Association delivers programs and services. In 2022, MMA President James Bennett and the Executive Committee assembled a group of diverse members to look at the protocols used to nominate the Association's officers to ensure the process provides an opportunity for all voices to serve. At the same time, the Executive Committee empowered staff to look internally at policies and hiring protocols. Only a start, the goal is to ensure that MMA is best able to serve the needs of municipal officials from different backgrounds and perspectives.

Fiscal Integrity. Another of MMA's guiding principles is based around financial accountability for itself and its member municipalities. Like many of our members, every year MMA embarks on a collaborative

budget process that includes the management team and Executive Committee. The budget is built around the goals established by the 12-member Executive Committee, which in 2022, focused on the continued support for our core services, optimization and enhancement of our technology's security, and expansion of educational services.

Additionally, like our members MMA is required to complete an annual audit. This year, MMA completed a "request for proposals" for auditing services. A selection committee made up of members of the Executive Committee, Health Trust Board, Property & Casualty Board, Workers' Compensation Board, and staff recommended that the contract be awarded to Runyon, Kersteen, and Ouellette (RKO). Having a sound audit completed by a well-known professional auditing firm ensures that financial resources are invested in ways that benefit our members.

Excellence in Service. Finally, central to MMA is the belief in providing quality services to our members. Whether it is legal services, advocacy, training or insurance, MMA prides itself on delivering high quality services that are tailored to meet the specific needs of our municipal members. Our goal with pooled resources is to ensure that we provide the technical skills and expertise to assist local governments as they tackle complicated issues. As a resource for our members, MMA embarked on a large project this year to improve and expand our technical capabilities and on-line service points. A new website to be launched in the spring of 2023 will offer a much better user experience and provide members with the opportunity to file service requests, access training, seek information, and access online transactions easily.

These are but a few areas that have brought focus to our Mission and Core Beliefs. We are proud of the work that we do and the members that we serve. We look forward to continuing that service in 2023. 📈

OUR MISSION

The mission of the Maine Municipal Association is to support excellence in Maine's municipalities by providing important services and advocating for their common interests.

Threats Facing Maine's Lobster Industry

By Melissa Waterman

Despite successful efforts to protect North Atlantic right whales, for some environmental groups, it still isn't enough.

Maine lobstermen, and the \$1 billion industry that depends on them, are facing unprecedented uncertainty in the new year. Families along the coast worry that a centuries-old fishery long regarded as an example of sustainability could vanish within a few short years. The reason: a suite of federal regulations designed to protect the endangered North Atlantic right whale, whose population has shrunk dramatically since 2010.

The ramifications of these regulations threaten to dismantle a major economic sector which keeps coastal towns like Cutler, Stonington, and Vinalhaven alive and harm Maine's regional economic centers. Because every Maine lobster boat is owned and operated by an individual lobsterman, the dollars earned by these men and women flow into their local grocery stores, restaurants, school systems, and other entities. But the industry's demise would have profound effects on our state's economy, on hospitality and tourism, and on communities throughout the state.

What has happened to cause this? What are the Maine Lobstermen's Association (MLA) and its allies doing to prevent the demise of the state's lobster fishery? And how can you help protect Maine's lobstering heritage?

Background

Right whales have been protected under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) for decades. In 1998, the federal National Marine Fisheries Service (NMFS) organized a coalition of federal and state agencies and private fishery and environmental organizations to help develop a plan to protect right whales

from unintentional harm from commercial fisheries. The plan has required fishermen from Maine to Florida to modify their fishing gear to help prevent whale entanglement and minimize injury should an entanglement occur.

Since the plan was first implemented, Maine lobstermen have made multiple changes to their fishing techniques. Because right whales could get tangled in rope, lobstermen have removed more than 30,000 miles of rope from the water by replacing rope that floats between traps on bottom with rope that sinks, removing buoy lines by fishing more traps on each line, and fishing sinking line below the buoy to protect whales feeding at the surface.



Photo by Maine Lobster Marketing Collaborative

The remaining buoy lines have been weakened to ensure that if a whale swims into a line, it can break free. In addition, Maine lobstermen annually remove all gear from a large area of the ocean and uniquely mark all buoy lines.

And it works. Over the course of 20 years, the right whale population doubled to approximately 483 whales

About the Author: Melissa Waterman of Owls Head, Maine is communications coordinator for the Maine Lobstermen's Association and editor of its monthly publication Landings.

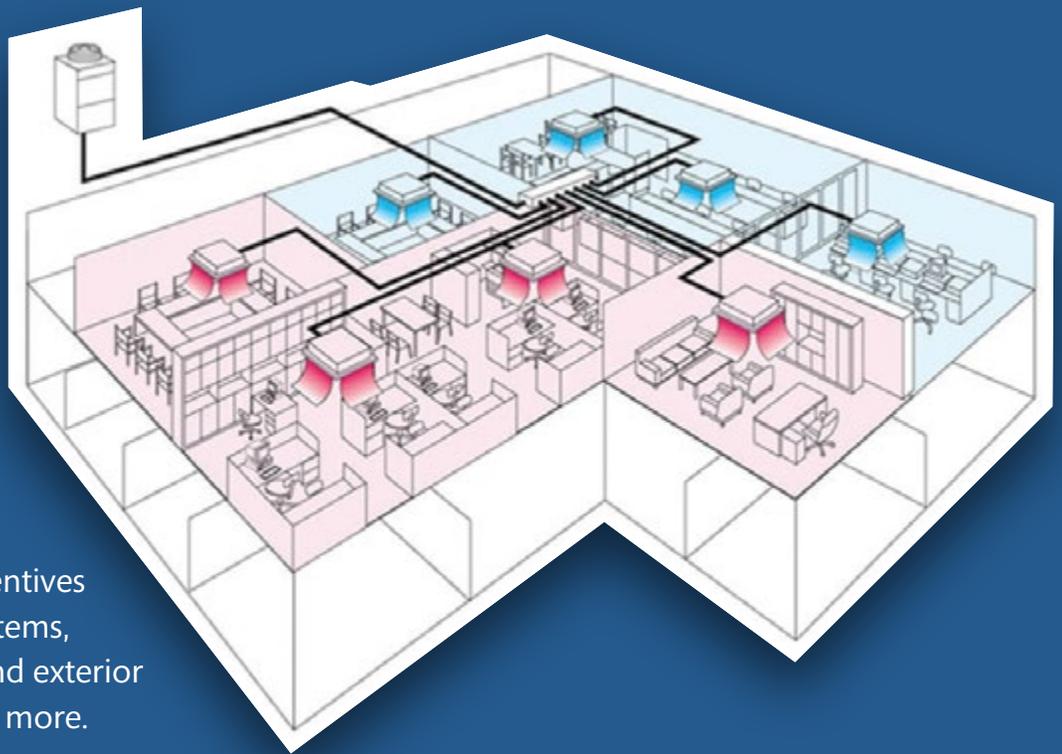
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Photo by Maine Lobster Marketing Collaborative

as of 2010. The last known entanglement of a right whale in Maine lobster gear took place in 2004 and that whale survived. In fact, there has never been a documented right whale death attributed to Maine lobster gear.

However, in recent years, ocean conditions have changed dramatically, with temperatures in the Gulf of Maine warming rapidly in the last two decades. While this, combined with the lobstermen's conservation practices, has resulted in historic catches from lobstermen, right whales have not been so fortunate.

As the Gulf's temperatures have risen, certain marine species have exited the region. Key among them is right whale's favorite food, a tiny cold-water species of copepod, *Calanus finmarchicus*. Copepods are the bread-and-butter of the marine food web. Right whales feast on these copepods because its high fat content powers its lengthy migration from Canada in the summer to Florida during the winter months. Until recently, the Gulf of Maine was bursting with *Calanus finmarchicus*. But as the Gulf warmed, the copepods retreated to cooler waters.

By 2010, hungry right whales began to follow the copepods into the unregulated waters of the Gulf of St. Lawrence in Canada, leaving their previous spring and summer grounds in the Gulf of Maine. Researchers now find more than 40% of the known right whale population in the Gulf of St. Lawrence each year. Individual whales now return every year and stay for up to five months feeding and socializing.

As right whales transitioned into this new Canadian habitat, they found themselves in waters that lacked the safety protections that were in place in U.S. waters. The results were devastating. In 2017, twelve right whales died in Canadian waters, followed by ten more in

2019. Necropsies of the whales showed that the majority examined died from vessel collisions and entanglement in Canadian snow crab gear.

As right whales struggled to find a new stable food source, the number of right whale calves born each year declined, reaching a historic low in 2018 when no calves were born. Fortunately, as right whales have found stable food sources, calving rates have rebounded with 20 born in 2021.

Enter the environmental organizations and the court

The tenuous state of the right whale population prompted four national environmental organizations to file suit against NMFS in 2018, arguing that the agency was not complying with the ESA or the MMPA. The plaintiffs sought to force NMFS to require the lobster fishery to do more to protect right whales. The Maine Lobstermen's Association intervened in the case arguing that Maine's lobster fishery is not driving the right whale decline and

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the data do not support requiring the lobster industry to make steep risk reductions.

The court required NMFS to reassess the impacts of the lobster fishery, as required under the ESA, in 2021. The agency determined that the lobster fishery could continue to operate only if it implemented a phased in 98% risk reduction over ten years. To reach that goal, however, the Maine lobster fishery would largely be dismantled.

The first phase of this plan, implemented in 2022, included an immediate 60% risk reduction that required Maine lobstermen to further remove rope from the water and modify remaining gear. In addition, a large annual offshore area was closed to lobstering from October through January, a severe economic blow to the lobstermen who fish there.

Still, extreme environmental organizations were not satisfied and went back to court asking for more stringent risk reduction measures to be instituted. In November 2022, the court gave NMFS until the end of 2024 to implement deep cutting risk reductions.

The MLA has been a vigilant participant in the federal regulatory process, seeking a management program that addresses the risk actually posed by the Maine lobster fishery, rather than holding the fishery accountable for harm to right whales occurring in waters outside the Gulf of Maine. Instead, NMFS pushed forward with inflated risk reduction estimates for the Maine lobster fishery resulting from an incomplete computer model.

The lobster industry fights back

After exhausting all other options, in September 2021, the MLA filed a legal case of its own against NMFS. The MLA lawsuit challenges the arbitrary fashion in which NMFS treated science in crafting its draconian risk reduction plan for the lobster fishery. MLA also objects to NMFS's unsupported finding that the lobster fishery is harming right whales and contends that NMFS has grossly overestimated the lobster fishery's risk to right whales. The MLA's lawsuit describes how NMFS cherry-picked the science, often using unsupported assumptions rather than analyzing scenarios that are reasonably certain to occur, to justify its mandate for Maine's lobster fishery to reduce its already minimal risk to right whales by 98%. In addition, the MLA argues that NMFS also wholly neglected mandatory legal requirements to assess the economic and social costs of its actions.

In September 2022, the U.S. District Court of Washington, D.C. ruled against the MLA in an opinion that did not rule on the substance of MLA's claims about NMFS's misuse of the science, and instead, simply deferred to NMFS on all counts. Unfortunately, the validity of the MLA's concerns was not addressed. This meant that the lobster fishery would be required to implement the next round of deep cuts by the end of 2024. Recent congressional action, however, has moved that deadline to 2028 even as MLA's lawsuit proceeds.

The MLA has hired Paul Clement, former U.S. Solicitor General and renowned Supreme Court litigator, to repre-



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sent the organization in an appeal of the court ruling. Clement promptly filed, and was granted, a request for an expedited appeal of the court's decision. In granting the motion, the appeals court laid out a timeline that requires all briefs to be submitted by January 10, 2023, with oral arguments set for late February. Clement has pledged to petition the Supreme Court to review the MLA's case if the appeal is not successful.

The legal battle is costly. That is why the Maine Lobstermen's Association launched its "Save Maine Lobstermen" campaign in late 2021 with a goal of raising \$10 million over three years. In addition to supporting MLA's legal efforts to challenge federal regulations through lawsuits and regulatory processes, this funding will also support scientific research, development of innovative gear solutions, and education.

To date, several municipalities have contributed to the fund including Kittery, York, Cranberry Isles, South Thomaston, Long Island, Tremont, Georgetown, Vinalhaven, Stonington, Machiasport, Friendship, Ellsworth, Boothbay, and Jonesport. MLA is asking other communities all around the state to stand with it as it works to protect a future for our children that includes a proud, vibrant lobster industry.

The Maine lobster fishery is in a battle for its life. If the lobster fishery is wiped out, Maine will lose its lobstering heritage, and along with it, a cultural icon and economic driver that will be felt by all Mainers. 🏠

The Solution

The MLA is engaged in a four-prong strategy to Save Maine Lobstermen AND right whales.

1. Legal and Policy

The MLA is suing the federal government to stop the 10-year whale plan that will decimate Maine's lobster industry. MLA has asked the court to fix the plan using accurate science so that we can save right whales without sacrificing the lobster fishery.

2. Science and Data

The MLA is engaging with scientific experts to ensure that the most up to date, cutting-edge science is the basis of any right whale conservation plan. This includes use of state-of-the-art modelling and objective research that will guide effective management decisions.

3. Conservation

The MLA is working with Maine lobstermen to continue efforts to develop innovative gear solutions that protect right whales and support the continuation of Maine's lobstering heritage.

4. Communications

MLA is building support to ensure the community understands that Maine's lobstering heritage is at risk and may disappear forever, erasing generations of locally-owned and operated fishing businesses and the economic engine of Maine's coastal communities.

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Training, community involvement priorities for new MMA president

By Liz Mockler



Elaine Aloes

Even after more than 30 years, there's never a dull day for Elaine Aloes, Solon first selectman and the new president of the Maine Municipal Association.

Aloes is a fervent booster of MMA, but particularly its numerous training classes and seminars that she thinks are imperative to successful municipal governance. She has attended countless training sessions over the decades to keep up with changes in everything from roadwork and school funding to emergency services.

As the new president, Aloes hopes to encourage staff from both small and large communities to always be looking for training opportunities – even cross-training staff where possible and effective.

Aloes loves her small town of 1,054 in Somerset County and hopes to also focus this year on finding more ways to get the community involved in the municipality.

“Without our local citizens running for office, serving on our boards and committees, serving as our first responders, and working for our cities and towns, local government will struggle to provide for its citizens,” Aloes said.

She is a staunch proponent of local control and favors a local option sales tax for municipalities. She thinks close contact with town residents is the key to keeping people informed so they understand a policy or project.

Aloes takes questions in an email exchange about her priorities in her new position and what she hopes the new year will bring.

Q What has kept you so active and involved in local government for so long?

When I was first elected as a selectman in Solon in 1990, I really didn't know what I was getting into. But I wanted to serve my community. I was fortunate to have an experienced selectman on our board who valued the Maine Municipal Association and the services and train-

ing it provides to the municipalities in our state. That has helped me to serve my town better. I have served on many committees and have taken a lot of training classes. I even went to workshops put on by Maine Local Roads and was awarded their Roads Scholar Certificate.

I enjoy the challenge of being a selectman in a small town without a town manager or administrative assistant. In

Solon, the selectmen do the administrative work, all the assessing work, and the General Assistance.

So there rarely is a dull day and I am still enjoying it all. My main goal over the years has been to provide the needed services to our citizens, but to also be mindful of the cost of those services to our taxpayers.

Q Thinking of both large and small communities, what are your prime goals as MMA president?

One of my goals is promoting the need for training for municipal officials and employees. Small rural towns usually have only one or two people working in the town office. They often hold multiple positions and there are no other people in the office they can learn from on how to do their job correctly. It is also important for the larger municipalities. Some might have more people in their office who can train them but that doesn't mean they are being trained properly and with up-to-date information.

New employees and experienced staff need to attend the training classes to make sure they are doing their jobs correctly. Because if their jobs are done incorrectly, it can be costly to their town.

We also need to put an emphasis on the value of community involvement. There is a problem getting people to run for office and to serve on our various boards and committees. We all know that younger people with families have a lot going on in their lives, but it is important to get the younger people to volunteer. There is a lot of knowledge the older ones have that needs to be passed on to the next generations.

About the Author: Liz Mockler is a freelance writer from Caribou and regular contributor to Maine Town & City, lizmockler@hotmail.com.



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Q How will you try to accomplish your goals?

MMA is in the process of updating its training methods and offerings. The shutdowns caused by COVID got everyone used to remote meetings and training. In-person training is still the best way as you are more involved with the training and get to meet and talk to people from other towns.

However, it is much easier to attend remote training sessions and watch pre-recorded webinars than to travel to a training session, especially if you are in the more remote areas. You don't have the travel time and cost and you can watch pre-recorded training when it is convenient to do so.

It is difficult and inconvenient to our citizens to close our town offices several times a year so the staff can go to training. The downside of the pre-recorded sessions is that you cannot ask the speakers questions. The Executive Committee and MMA staff are looking at creating certification programs for various municipal positions. If you take certain training classes, you will be awarded a certificate much like Maine Local Roads does with their Roads Scholar program.

Improving community involvement is always an issue. In the July 2022 issue of the Maine Town & City magazine there was a great article on community engagement. MMA and the municipalities need to promote community involvement. The municipalities need to share their ideas and what is working in their towns. MMA can provide webinars on what is working for the towns.



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Q What is the most important responsibility for a new president?

The most important responsibility for the president of MMA is to promote MMA and all the programs it provides to the municipalities in Maine. As part of my inaugural speech at the MMA Convention in October, I highlighted what an asset MMA is to all of Maine. It provides training for our municipal officials and employees so they can do their jobs properly. They assist the various affiliate groups with their training programs. They advocate for us at the Legislature during each legislative session and on related legislative matters between sessions. They also communicate with Maine's congressional delegation when there are proposals before Congress that would impact municipal government in Maine.

They have a direct legal assistance program for us with written and telephone advisory opinions and they write our manuals and information packets, including updating the manual when laws change. They provide us with property and casualty insurance, health insurance, workers' compensation insurance, and unemployment insurance.

They offer us a wide variety of information sources including the Maine Town & City magazine and the MMA This Month electronic newsletter. They answer our questions on a full range of human resources and labor relations issues. I am very proud of this organization and its employees that work hard for all of our municipalities.

Q Are there challenges for small towns compared to larger ones?

In the early 2000s I was part of a committee that was made up of urban communities and rural communities. We discussed the issues facing small and larger towns. Both small towns and large towns have challenges. The common challenge is to provide the needed services and keep our roads and our citizens safe while being mindful of the tax burden on our property taxpayers.

The challenges for small towns are a tax base mostly reliant on residential property; the need to travel to the larger communities for supplies, services, and work; and



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the longer response time for fire, law enforcement, and ambulance service. Small towns can't afford to have a full-time fire department, ambulance service, or police department. They have a limited commercial tax base so most of the tax burden is on the residential property owner. They also usually have a lot of land in the tree growth program. In Solon about half of our land is in tree growth and the state sets the tree growth rates which are 1/5 of our extra acreage rates.

Larger towns have more commercial businesses that help take the tax burden off the residential property owner, but they also have more tax-exempt property like hospitals and colleges. They have the cost of full-time fire, EMT, and police departments. Their citizens expect a lot more services than the small towns provide their citizens. They have people from other towns traveling to their towns for work, shopping, medical care, and school so they have more out of town citizens using their services.

Q How can the state help Maine cities and towns reach their goals?

The state can help us by not passing laws and rules that erode our Home Rule Authority. We are not a "one rule fits all" state. Different parts of the state and different size municipalities have different needs. The state should also not decrease the amount of revenue it sends

to the towns and schools. When they do that, we must either scale back on services or raise property taxes to cover the lost revenue. The state should be sharing a portion of the tax revenue from marijuana sales with the host communities. A local option sales tax is an idea that many municipalities have wanted for a long time, but the legislature has never approved one. These will help our citizens by making our municipalities not as reliant on property tax only.

Q What is the hardest change municipalities were forced to make over the past decade?

The fear and the shutdowns caused by the COVID 19 Virus in 2020 and 2021 greatly impacted our communities and our citizens. Many municipal offices shut down totally for a while. Other municipalities adopted other options to serve their citizens. Some by limiting service to one person at a time and others by installing drive up windows. We still had to maintain our roads and public property and keep our water, sewer, and transfer stations operating. Our first responders had to find ways to do their jobs but keep themselves safe. We had to adapt to Zoom meetings to conduct town, county, and school meetings. Our children suffered the most when the schools closed and went to remote learning for so long and then having to wear masks in school when they did

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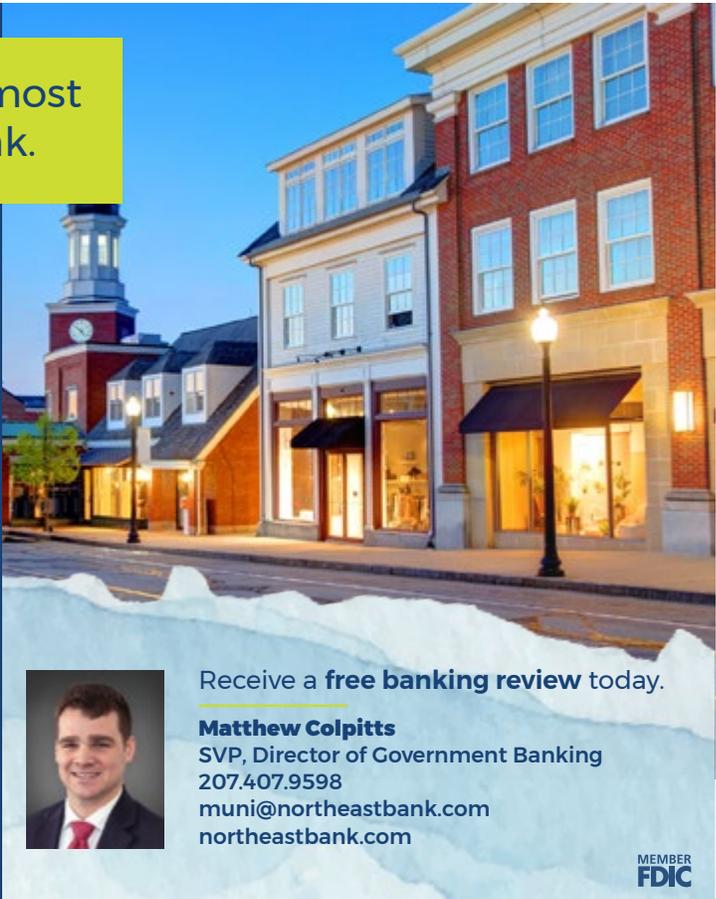
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reopen. The businesses in our municipalities struggled with the forced shutdowns, occupancy limits, social distancing, and mask requirements. Some businesses never reopened. Law enforcement agencies were required to enforce these rules and that took time away from their other needed work.

Q Do you think Maine cities and towns are doing enough to prepare for the future – and current – effects of climate change?

The earth's climate has constantly changed since it was formed. It has experienced warming and cooling. So, what is the correct climate for the earth? In the 1970s we were told a new ice age was coming by year 2000. It never came. So, did we do too much to "fix" the earth because in the 2000s we were warned of global warming? We were told we may have only 10 years left to save the planet from turning into a total frying pan. That didn't happen either and now it is "climate change," which covers both. We all know Mother Nature has a mind of her own. Across the world there have always been hurricanes, tornadoes, droughts, floods, blizzards, heavy rain, high winds, heat waves, and cold snaps. This will never change. However, ocean front communities do need to do what they can to protect their coastlines from storm erosion and over development. Communities with shoreland also need to protect their shoreland from over development. We all

need to be mindful of our environment, protect our resources, and recycle as much as we can. But other than that, you just deal with whatever Mother Nature gives you because she will always throw you a curve ball. And human beings do adapt to their environment. Humans live along the equator and from the equator to the Arctic and to Antarctica.

Q Do you favor continued consolidation of services between or among municipalities, such as code enforcement or property assessment?

If consolidation of services will be beneficial and cost effective for towns, they will do it on their own. I don't believe consolidation should be forced on the municipalities. School consolidation was forced on us by the state and it caused a lot of anger and disagreements. Most towns have mutual aid agreements with nearby towns for firefighting. This is something our fire departments have done on their own and it is working well. A lot of the smaller municipalities share code enforcement officers, animal control officers, plumbing inspectors, property assessment firms, transfer stations, and ambulance services. A few even share town managers. Some are starting to share public works departments and/or equipment. If the labor shortage continues and the cost of labor, materials, and equipment continue to rise more



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municipalities will look to sharing with their neighbors. Let the municipalities decide on what is best for them.

Q Do you have any advice for new select board members and councilors?

My advice for new select board members and councilors is to read MMA’s Municipal Officers Manual. Your town should have a copy of it and, if not, MMA has it and a lot of other manuals available on their website. Visit the MMA website. It has a lot of valuable and informative information on it. Contact MMA to get your login information. You should also attend as many of the workshops and trainings as you can. Even attend some of the basic training for the other municipal officials. It will help you understand your job and their jobs better. Don’t be afraid to ask questions and to make suggestions. Just because it is the way things have always been done doesn’t mean there might not be a better way to do it. And if a citizen asks you a question you don’t know the answer to, tell them you are not sure of the answer but will check on it and get back to them. And then make sure you get back to them. Basically, just learn as much as you can and be honest with people. And enjoy it. 🏔️



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the Municipal RISK MANAGER

JANUARY 2023

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

Reasons to Celebrate 2023

Risk Management Services wants to recognize and celebrate the 45th Anniversary of the MMA Workers' Compensation Fund and the Unemployment Compensation Fund. Partnerships such as these are a true example of the success that Maine communities can achieve as we band together for the betterment of us all.

The Workers' Compensation Fund is apprised of 583 Maine Members that have united to form a self-funded program designed to meet statutory obligation while reducing exposures through:

- Implementation of risk management principles
- Free training programs
- Active claims management
- Mitigation and resolution assistance
- Nurse case management
- Grants and scholarships



The Unemployment Compensation Fund was created in 1978, at the request of MMA Members, to assist in meeting obligations under the Employment Security Act in an efficient and cost-effective manner. The Unemployment Compensation Fund has 247 members that created a fund that assists with:

- Creating budgetary stability with fixed annual contributions.
- Simplification and assistance with communications and reporting claims administration.
- Return of Dividends and Excess Balances – Based on actuary consulting, members receive dividends, interest, and excess balance returns.
- Technical Guidance – MMA team members are available to assist with fact findings, appeals, wage reports and wage audits.



We thank you for your dedication and partnership and look forward to our future endeavors. If you would like further information on the Unemployment Fund or the Workers' Compensation, please contact us by email or phone at:

Email: rmsunderwriting@memun.org

Phone: 1-800-590-5583

Planning Prevents Winter's Destruction

The first sign of a problem was when town employees spied a crack in one of the salt shed's concrete walls. The Winter of 2011 was looking like one of those traditional Maine winters with a triple header of major snowstorms in late-December, mid-January, and the Groundhog Day Blizzard only a few days later. That last storm had brought another 8-14 inches of snow to the area and was most likely the proverbial straw that broke the camel's back. . . or in this case the salt shed's concrete wall.

Employees quickly formulated a plan to remove the snow on the roof, but just a few hours later the salt shed collapsed. A later investigation determined the weight of the snow and ice on the sides of the salt shed had led to the building's destruction.

The loss of the \$240,000 salt shed illustrates all too well that winters in Maine are not always like those picturesque Currier and Ives lithographs of snow gently falling on to a rural farmhouse.

Sometimes . . . oftentimes . . . winters can be quite destructive to properties. It really isn't so surprising that we see several claims related to winter weather here in Maine. The Pine Tree State ranks among the second coldest State in the U.S. and is among the top 10 states in terms of total amount of snow. Between 1950-2021, Maine was placed on four of the costliest winter time events paid out by insurance



continued on page 21

Helping Employees Recover Occupationally (HERO Program)

A successful recovery from a workplace injury is the fundamental purpose for the workers' compensation program. It takes a collaborative effort on both the employers' and employees' part to transition back into a meaningful role at your place of business. In addition to these efforts, it is essential to coordinate a plan of care with knowledgeable occupational providers. Maine Municipal Association's Workers' Compensation Fund team can bridge the communication gap that may occur between all parties on a claim.



Safety has worked together with our Workers' Compensation team, to present the HERO presentation for various departments through the years. Director of Occupational Health and Safety, Lynne Gaudette says:

"The City of Portland has taken advantage of Maine Municipal Association's HERO training for almost 5 years. It is a great way to introduce supervisors and HR professionals to the sometimes confusing and challenging world of Workers' Compensation. It provides a step-by-step guideline:

- What to do when an employee first gives notice of an injury.
- Time critical responsibilities.
- Importance of 'stay at work' and 'return to work'.
- And more.

Maine Municipal Association (MMA) is a member service organization serving only Maine municipalities and governmental agencies across the state. It is the mission of MMA Risk Management Services Workers' Compensation staff to provide the essential tools and services to the membership, yielding the most positive results in claims management. One of the many tools our staff can offer is presenting our Helping Employees Recover Occupationally (HERO) program to your supervisory team. The HERO training is geared towards department heads, supervisors, and managers.

A HERO training will cover:

- Expectations of employers for a reported work-related injury.
- What constitutes notice of an injury to an employer.
- What the workers' compensation team does after a claim is reported.
- What consists of lost time from work.
- Penalties for late reporting.
- Importance of using preferred medical providers.
- The dispute resolution process for denied claims.
- Effective return to work techniques and tools.
- How the membership can assist in controlling claims costs.

The City of Portland Department of Occupational Health and

It provides a look 'behind the curtain' for an understanding of how our MMA Workers' Compensation Claims team works with the employer, the employee, and medical professionals to resolve the injury as quickly as possible.

And as important as everything else, it's easily adaptable to address employer-specific protocols.

Thank you, MMA, for providing this tool to help assure that we minimize the impact of employee injuries for both the employee and the employer!"

To schedule a HERO training for your staff, please have your workers' compensation point of contact reach out to their dedicated Risk Management Services Workers' Compensation Fund claims representative. The workers' compensation representative will coordinate the training and present either in person or virtually, whichever works best your organization. Our Workers' Compensation team is ready to assist the membership in providing the best tools for success when it comes to claims management. Please feel free to reach out to your representative for further questions on this program or to schedule a HERO presentation for your training needs. 🏠

MMA Risk Management Services is happy to welcome its newest members, the:

**Town of Mercer joined the Property & Casualty Pool and Workers' Compensation Fund
&**

Town of Lisbon joined the Workers' Compensation Fund

We thank our dedicated members for their continued partnership.

carriers lists – and secured a spot in the second- and third-highest events with the 1993 March Blizzard and 2015 February Storm, respectively.

If there is any real shock, it's that Maine is not one of the top five states for filing insurance claims related to winter weather events. Perhaps it is because with adversity comes experience and Mainers have learned the various tips and tricks to get through the worse that Mother Nature can throw at us . . . along with some help from modern building construction and technology.

FROZEN PIPES

Frozen pipes conjure up a nightmare scenario in many folks' minds. The thought of having to deal with gallons of water flowing unchecked, flooding a building and possibly ruining floors and ceilings is enough to send a shiver up the spine. While primarily



an issue for homeowners, one Cumberland County city found out the hard way that municipalities can also be affected when the city hall's heating system froze up, bursting a water line which resulted in significant damage in February 2022.

With 18% of all water damage claims tied to frozen pipes and the typical cost to remediate the damage being around \$10,000, it behooves everyone to take the time to think in terms of prevention.

- Drain and close any outside faucets or hose bibs. For added protection, consider an insulated cap.
- Insulate pipes, especially in an unheated space such as a basement.
- It may be necessary to use UL- or FM-approved heat tape on pipes.
- Consider a low temperature alarm system which will send an alarm if a building's heat falls below a set temperature.

ICE DAMS

While many newly-built buildings no longer have to contend with ice dams, members with older buildings without enough insulation or ventilation may have cause to worry. Ice dams form when snow on a roof begins to melt and trickles down until it hits a colder area (such as the eave) where it re-freezes as ice. Over time the ice can build up and form a dam which can lead to additional melting snow backing up until it gets under the shingles and begins dripping inside the building.

Long term solutions to preventing ice dams include insuring there is adequate insulation in the attic, sealing off any penetrations to keep warm air from entering the attic and keeping the attic cool with proper ventilation. In some cases it may be necessary to install heating tape along the eaves.

Avoid the temptation to take a hatchet or ax to the ice if faced with an ice dam. A better solution is to fill an old sock with salt and place it on the roof over the ice dam. In short order the salt will "cut" a channel through the ice dam, allowing it to drain.

WIND DAMAGE

When most folks think of winter weather causing damage to their property chances are "wind damage" is not the first thought that leaps to mind and yet nearly 1 in 35 insured residential claims are tied to wind or hail damage. In the winter, winds tend to be more intense.

Here in Maine wind storms in the past few years have been a particular challenge with high winds taking out trees and large branches which has resulted in extended power outages and damage to buildings and vehicles. While not a winter-time storm per se, the "Halloween Wind Storm" on October 30, 2017 managed to leave nearly half a million Mainers without power.

- Inspect your facilities for loose shingles, siding or clapboards which could tear off in high winds, exposing your building to more damage.
- Trim any nearby trees with dead branches or branches close to any structures.

COLLAPSED ROOFS

Without a doubt one of the most destructive aspects of winter can be the sheer weight of the snow and ice on a structure. How much weight a roof can bear before it collapses into a pile of tinder depends on many factors including the pitch, size, shape and type of roof material and construction, along with how windy it is and the type of snow on the roof.

If you've been through at least one Maine winter and have had to shovel off your vehicle after a snowstorm you already know fresh-fallen, powdery snow weighs significantly less than wet, water-laden snow. There are a bunch of formulas online for figuring out the snow load on a roof, but in general, experts recommend removing the snow if there is two feet or more on a newer, steeper pitched roof or at one foot if the snow is on an older or flat roof. Obviously, one should still consider the type of snow and any future snow (or ice or rain) in the near forecast before deciding whether to invest the time and energy in removing the snow.

While a steeply-pitched metal hip or gable roof often poses little problem in shedding the snow, the resulting "avalanche" of snow and ice as it builds up and then cascades to the ground in one fell swoop can pose another problem if there are vehicles or a second roof which the snow crashes on to . . . not to mention the potential of injury to people. Consider snow guards or diverters which allow the snow to fall off in a more controlled manner.

Winter is here and it's usually a pretty good bet at some point your community will see at least one significant snowfall. Take the time now to think about property preservation. If you have any questions about what your policy covers in terms of wintertime damage please contact your personal underwriter. 🏠

NEW ONLINE VIRTUAL DRIVER TRAINING TOOL



MMA Risk Management Services is pleased to offer an **ONLINE VIRTUAL DRIVER TRAINING TOOL** exclusively to members of the MMA Workers' Compensation Fund at no cost! The training is being provided through a partnership between MMA Risk Management Services, Safety National and On Q Safety. On Q Safety, has developed an interactive, mobile friendly and task-based training that prioritizes defensive driving education in your organization that will ultimately help your drivers reduce accidents and protect employees and vehicles.

The three courses focus on police, fire, and municipal defensive drivers, and are designed to change driving behavior through sound decision making. The training meets or exceeds NHTSA, IACP, IADLEST, ALERT and other certification standards. This training restores forgotten technical driving skills as well as it supplements and / or replaces more expensive live individual and group training.

To enroll in this free training, go to the MMA Website <https://www.memun.org/Insurance-Services/Risk-Management-Services/Loss-Control> 

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The MMA Workers' Compensation Fund Board values your commitment to the Fund and thanks you for your continued participation. If you have questions about your coverage or billing, please call the Underwriting Department at 1-800-590-5583 or contact us by email at rmsunderwriting@memun.org 

Online University Expands to Offer Business Courses

The Online University provides members the ability to educate employees on critical safety and health and liability topics. The Online University has courses that are beneficial for all municipal departments, and we are happy to share that more courses have been added.

The Online University now offers a library of 100 business courses designed to assist you with the professional development of your employees. The new business suite provides four educational program tracks:

- Business Skills
- Diversity & Inclusion
- Employment Liability
- Leadership & Management

We are excited to offer this educational opportunity for members of the MMA Workers Compensation Fund and Property & Casualty Pool, and we recommend that you explore the library by taking Succession Planning and/or Excelling as a Manager/Supervisor.

For more information or to become a local administrator, please contact us at, 1-800-590-5583, or by email: rmslosscontrol@memun.org or visit www.memun.org 



The Municipal Risk Manager

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

Publisher: Risk Management Services;
Editor: Marcus Ballou
Layout Designer: Sue Bourdon

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Heating Assistance Top Priority

By Stephanie Bouchard

As temperatures dip and energy costs rise, it's all hands on deck as state, municipal and community leaders implement programs to keep Maine residents warm and safe.

Senator Collins visits with staff at ACAP.

Even as the heating season was ending last year, Maine’s municipal leaders and community action groups were looking ahead to this heating season because fuel and electricity costs were blowing up.

Those costs didn’t get any better as this heating season began; in fact, heating fuel prices hit new highs, ramping up concern that some among the state’s most vulnerable may not survive this winter and that even those who have been able to cover heating costs in the past may not be able to do so.

Now, as the state is in the heart of the heating season, how are things going and what options are on the table to help residents struggling with this season’s heating and energy bills?

Desperate calls for help

Unsurprisingly, heating assistance programs are swamped with requests for aid, in part because more people who, in the past, have figured out a way to get by, are having to turn to those assistance programs this season.

At the beginning of December, the Low-Income Home Energy Assistance Program (LIHEAP) had 18% more applicants than at the same time the previous year, said Daniel Brennan, director of MaineHousing.

While LIHEAP received \$10 million more in funding this heating season than in 2021, and Brennan anticipated there’d be enough funds to help all applicants, “We are

providing a less effective benefit,” he said. Because of record-high fuel costs, the buying power of the benefits people receive doesn’t go as far.

In Aroostook County, Jason Parent, executive director/CEO of Aroostook County Action Program (ACAP), said they are seeing a dramatic uptick in the number of individuals who are reaching out both for traditional fuel assistance as well as for emergency fuel assistance.

By the end of December, ACAP had 715 more applicants than it had at the same point in the previous season, Parent said. In any given week, there’s a backlog of over a hundred calls on the emergency fuel assistance line, and even more so over the holiday weekends.

The ACAP team processes these calls in the order they come in, Parent said, and an issue they’ve run into is panicked people calling for fuel assistance saying they are in a fuel emergency (meaning they have less than 1/8 of a tank of fuel left), when they are not. Triaging calls like that make it more difficult to attend quickly to those people who are truly in danger of running out of fuel, or who already have no fuel, he said.

The ACAP team is particularly concerned for households on the fringe, he said – those who don’t qualify for the low-income assistance programs but are being squeezed by current economic conditions and heating expense. “We’re really concerned right now because our only recourse for those households who are calling us . . . is an emergency fuel fund that we have (funded) through a telethon, and other small fundraisers that we do, that is rapidly depleting,” he said.

About the Author: Stephanie Bouchard is a freelance writer from Nobleboro and regular contributor to Maine Town & City, stephanie@stephaniebouchard.net.



Daniel Brennan



Jason Parent

Daniel Brennan urges municipal leaders to let their community members know about the tips and resources that are posted on the Governor’s Energy Office and on the Efficiency Maine website (see Resources section for addresses). “There’s a lot of education that we can get out to people,” he said, including advice on home weatherization and links to weatherization and energy rebates. Some of those tips are in a downloadable format to make it easy for towns and cities to print and post and/or distribute them to residents.

Some communities are actively supporting options that don’t offer financial resources to residents but can provide help in other ways. For example:

As of the first week of the new year, help for those households is on the horizon.

Assistance infusion on the way

When the state legislature convened for its first business of 2023, the most important issue that went to immediate vote was LD 3, an emergency bill providing \$473 million in heating and energy relief. A similar bill, printed as LD 1, had been brought to a vote in December 2022 but didn’t pass when it failed to get enough votes in the Senate, where a handful of legislators argued for a public hearing first.

That public hearing took place just before Christmas, and a vote on the emergency bill was scheduled to be taken up first thing when the legislature reconvened on Jan. 4. On the appointed day, the bill passed in both the House and Senate and was immediately signed by Gov. Janet Mills.

The emergency bill authorizes the state to send \$450 payments to approximately 880,000 income-eligible Mainers directly. According to a story in the Portland Press Herald, Kirsten Figueroa, the state’s commissioner of the Department of Administrative and Financial Affairs, said the state will begin sending the \$450 payments to Mainers by the end of January. All payments should be sent to qualifying Mainers by the end of March.

The bill also provides an additional \$40 million to LIHEAP; \$10 million in emergency heating assistance for households that don’t qualify for LIHEAP; and \$21 million for housing assistance.

Communities taking action

The additional assistance is a welcome relief, but not a panacea. Community action and energy assistance programs and municipal leaders know that being proactive on the ground is still necessary.

- Like many communities, the town of Brunswick is referring its residents with an emergency need for heating assistance to their general assistance office and to contact community action agencies to enroll in heating assistance programs, said Christine Adamowicz, Brunswick’s economic development project manager. But the town council has also authorized its Housing Committee to fundraise for The Gathering Place, a local daytime shelter, to be able to extend its hours.
- ACAP, in cooperation with Homeless Services of Aroostook and several towns, has coordinated a warming shelter overflow program, said Jason Parent. Homeless Services of Aroostook operates the only publicly accessible homeless shelter in the county. Its warming shelter provides space for homeless people or those without sufficient (or any) heat a place to be during the day to stay warm. If the homeless shelter exceeds capacity, ACAP’s Hope and Prosperity Resource Center is prepared to take in overflow, said Jason Parent. “We worked with the governor’s office and with the fire marshal’s office to develop and devise a plan that’s allowing us to proceed with this overflow warming shelter even though we don’t have a facility that would’ve otherwise been able to host this,” he said. “It’s been a great effort.”
- Several nonprofit wood banks provide firewood to those in need in their communities, said Jessica Leahy, professor of forestry at the University of Maine and the project leader of the National Wood Bank Project, and while municipalities may not want to run a wood bank themselves, there are other ways they can support one in their communities, she said. They can work with their insurer and legal departments to arrange a way that municipal property

could be the homebase for a wood bank. They can be a resource for people who want to start up a wood bank in their community, by having information about wood banks available or connecting interested parties to each other. Towns and cities can get the word out about local wood banks to inform residents that a wood bank is a source of firewood that's available in their community. Municipalities can also be the facilitator of a community conversation about whether or not a wood bank would be a helpful resource in their community. Leahy has maps of the state that pinpoint which communities may get more benefit from having a wood bank. The maps are based on census data tracking the percentage of people in each municipality who heat with wood and combines that information with economic security measures. For more information, contact her at 581-2980 or jessica.leahy@maine.edu.

Municipal leaders and those involved in heating and energy assistance programs recognize that that costs of heating and energy are volatile and unpredictable, so they are thinking ahead to the heating seasons to come. ACAP, for example, will continue to fundraise through its annual telethon and to work with local partners to create additional supports for those in need, but is also working to bring WindowDressers, a Rockland-based nonprofit, to the county, to build and install low-cost insulating window inserts. 🏡

Resources:

Governor's Energy Office:
<https://www.maine.gov/energy/>

Efficiency Maine:
<https://www.energymaine.com>

Alliance for Green Heat's wood banks resource guide:
<https://www.firewoodbanks.org>

University of Maine's guide to starting and running a community wood bank:
https://digitalcommons.library.umaine.edu/sfr_studentpub/1/

WindowDressers:
<https://windowdressers.org>

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Addressing Municipal Workforce Shortages

By Janine Pineo

Flexible schedules, training, and employee support systems are key elements of a successful recruitment and retention strategy.

The fraught months before the November 2022 election took a toll on Exeter's new town manager.

"I was a one-man show for about seven weeks," said Dawn LePage. "Many, many tears were shed during that time."

In the normal course of things, the Penobscot County town would have a clerk in addition to the manager. But the clerk left in late July because of the election, LePage said, and the new hire did not work out and was let go after Labor Day.

"From the beginning of September until October 27th, I was doing it all alone while trying to learn elections as well," she said, adding that office hours were not shortened during that time.

Across Maine, help wanted signs have become a ubiquitous symbol of the state's employment situation. The trends that have hit Maine's private sector hard since the start of the pandemic in early 2020 have not left unscathed its municipalities, which are now scrambling to find ways to compete with rising hourly pay under budgets dictated by taxes levied on residents, even as officials try to maintain services needed and expected in their communities.

"We've been so complacent on wages and benefits," said Jim Gardner, Easton town manager and past president of the Maine Municipal Association Executive Committee. "To compete with the outside, we're just not doing it."

Biddeford City Manager Jim Bennett said municipalities can't compete with the private sector from a financial standpoint by throwing money at the problem because officials can't raise taxes high enough to cover the cost of increased wages.

"We're going to do everything we can to be competitive," he said, adding that a municipality cannot be highest at everything in the marketplace. "Cash is a temporary motivator."

Even before 2020, municipalities were facing empty positions across departments, from code enforcement to assessing to seasonal workers and beyond. Regionalization was a common buzzword as municipalities explored ways to band together to provide services – such as transfer stations – and share not only costs but also

employees.

With Maine continuing to hold its spot as the oldest in the country, the state's aging population is a contributing factor in the entire workforce but is magnified in the public sector. Data from the U.S. Census Bureau show that jobs held in Maine state and local government reflects the aging of the baby boomer generation. In 2021, 36 percent of the jobs in state and local government were held by people 55 and older: 26 percent ages 55 to 64 and 10 percent 65 and older. The percentage in the private sector was markedly lower at 26 percent.

Maine Town & City spoke with a number of municipal officials about approaches they are taking to address wages, benefits and retaining the employees they already have as they navigate the challenging employment landscape.

Four-day weeks

The four-day workweek is now a reality for a number of employees in both Biddeford and Orono.

"We were pretty wedded to the five-day workweek prior to the pandemic," said Sophie Wilson, Orono town manager. For a time, the office was shut down entirely to the public before moving to appointment only. When that ended in May 2021, the town adopted the four-day week.

The move "increased staff morale quite a bit," she said. "It was a no-brainer for the council."

It also has affected recruiting and retention, Wilson said, because people want to work that sort of schedule. She has seen the candidate pool improve, with applicants willing to travel farther for a four-day schedule. The expansion in recruiting was an unexpected effect, she said.

"We don't pay the most," she said, so the town has to try to balance that reality with other things to appeal to prospective employees.

Biddeford has found it, too, has much more interest in its open positions since it began a four-day week for City Hall staff. City Manager Bennett said previously the city would receive 40 to 50 applicants for an open front-counter position. The last job opening attracted 350 applicants.

Bennett said they narrowed it down to 40 well-qualified individuals to consider before hiring a person who would not have taken the job but for the four-day work-week.

Biddeford, which started its new hours in June after the council endorsed the plan in May, is now ironing out details with its Public Works department for a four-day week. The biggest issue, he said, is how to provide service, such as trash.

“Morale is high. Productivity is up,” Bennett said. “We’ve had virtually no pushback from the public.”

It is a balancing act, however, because a change in one place can disrupt routines elsewhere. He pointed to childcare as an example, saying, “We don’t want the schedule issue to drive people away.”

Neither has Orono seen much blowback from residents on the change. “Ultimately, our job is to serve the community,” Wilson said, and that means if the need is there to change the hours to something else, they will.

‘Floating clerks’

One idea sent up by two clerks in Oxford and Somerset counties addressed the quandary faced in small towns when they lose an employee, be it the town clerk or a deputy.

“I have always thought it would be a great resource if there were a ‘floating clerk’ service where towns who need temporary office coverage could contact a trained clerk to work as a subcontractor,” said Denise Stetkis, Canaan town clerk and vice president of the Somerset County Clerks Association.

“We are a town of about 2,300 people,” she said. “Currently we have two full-time office employees and one part-time deputy.”

The situation Stetkis outlines is one mirrored across municipalities of all sizes: part-time hours, lack of benefits and flexibility over availability.

“It has always been a struggle to find a part-time deputy who will work the hours we require,” she said, “16 hours plus coverage for vacation and sick time. Our selectmen do not agree on having a third full-time employee, and we struggle to convince them to offer at least 20 hours for a part-time position. We usually end up with a less than ideal individual because we have a small pool of applicants that apply due to the lack of hours and no health benefits.”

Canaan has had three deputy clerks since 2019, one departing for a job in another municipality offering full-time hours and benefits. “It would be great if there was a resource of part-time counter workers that would like more hours in another town,” Stetkis said. “The issue



that may happen with that is sharing a deputy with another town, you run the risk of losing them to that town.”

Lianne Bedard, Hartford town clerk, straight up said she was available to be on call for towns with a staff shortage. Her office is open three and a half days each week, giving her the flexibility to fill in where there’s a need.

“The last couple of years have been hard on town clerks,” Bedard said. She said there might be some hurdles to address, such as being an agent for a different town with motor vehicle registrations. But she has helped out neighboring towns with motor vehicle registration, and Hartford has an agreement in place since June 2021 with Sumner to share motor vehicle registration services.

About the Author: Janine Pineo is a freelance writer from Hudson and regular contributor to Maine Town & City, jepineo@gmail.com.

Stetkis also said training new hires is a challenge, particularly motor vehicles because the Bureau of Motor Vehicles training doesn't include the TRIO/Harris electronic process.

The part-time dilemma

In Scarborough, one of the longtime trouble spots is part-time employees. Community Services Director Todd Souza describes his department as a "catch-all" that includes not only before- and after- school programs, but also parks and grounds, the town's cable station and U.S. passports.

Souza says while his full-time staff can handle the pressure and is willing to flex when there is a need, it is difficult to cover odd shifts, such as the two to three hours after school daily. There is a definite need for the childcare, he said. "We turn away 100 people a year, easy. We don't have the space and the staff."

Even before 2020, part time was struggling, Souza said. "We found we could not hire part-time, seasonal staff." The same applied to the after-school program. "Part time is still sketchy."

Souza said the town has had to adjust in different ways, such as in hiring 15- to 18-year-olds for summer camp. It also has added incentives, including adding bonuses to the childcare program for number of shifts worked.

Schedule flexibility has had to be adjusted, too, on commitment to number of days and hours. It means you need more employees to cover, Souza said. "It actually costs more."

Bath Parks and Recreation Director Steve Balboni also can't find enough people to staff maintenance for the Parks and Cemeteries division. "We still get the job done, but there is certainly a longer time that it takes," he said.

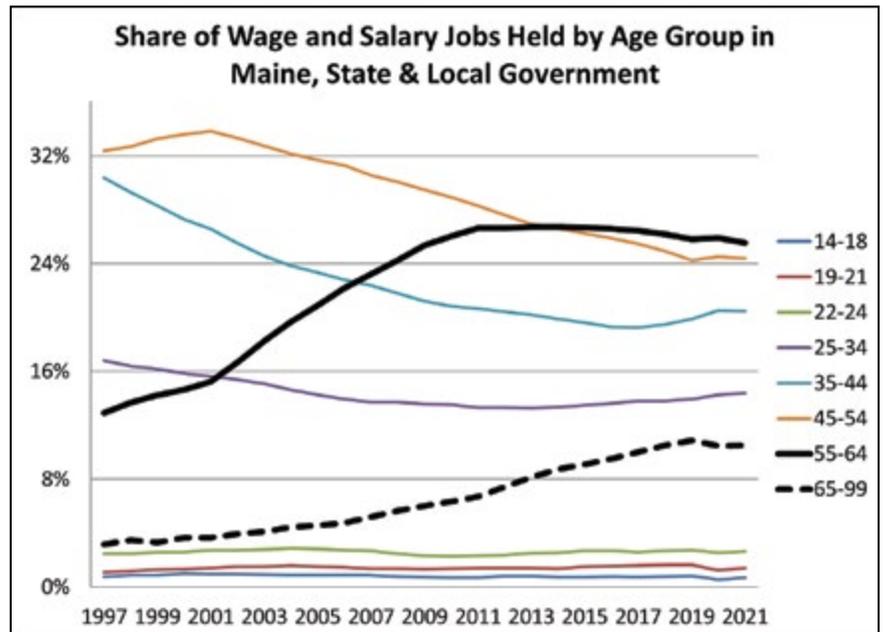
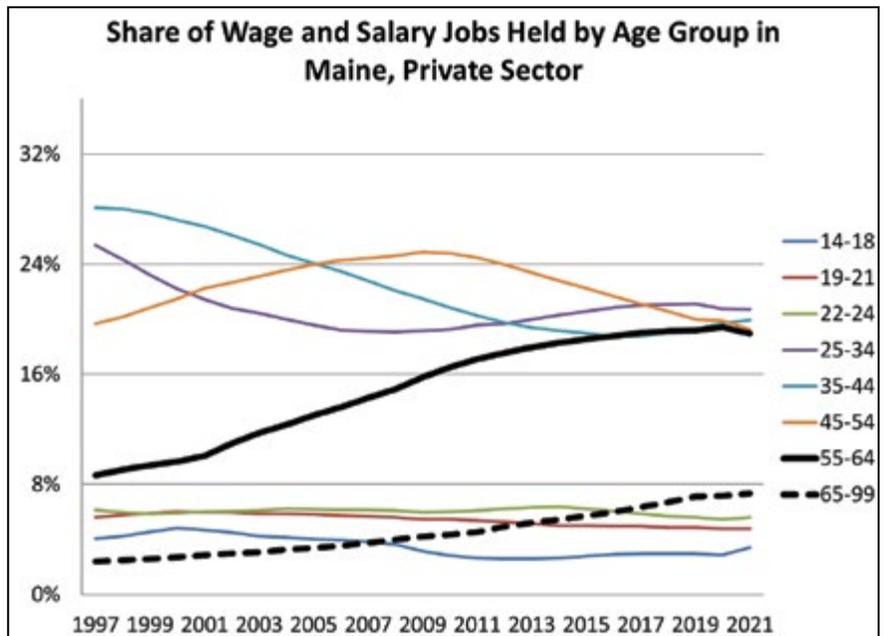
"What I find in the parks and recreation field is that we all do everything we can to keep providing services to our citizens," Balboni said. "Here in Bath, it means current staff take on more than what is in their job description. For example, as we went over a year without an arborist, I had to respond to citizen requests and subcontract out the work that normally would be done in house."

The education pipeline

Finding trained, qualified individuals for critical roles has plagued Lincoln for at least a couple of years, said Town Manager Rick Bronson.

"Like many, our police department remains almost eternally short on staff," he said. "We have not been able to meet what we call full staff for more than two years. Currently we would, if we could, hire as many as six more immediately."

Bronson points to a bottleneck at the Maine Criminal Justice Academy, saying that until it runs at a sufficient scale, "we will never get back to full staff." And he asks these questions: "... Is it too difficult for putting simple primary responders on the street? Are the citizens better off to get a potentially lesser responder but at least



get some response or better off to wait, sometimes for extended periods to get a more trained officer, if in fact any?"

Lincoln also is struggling to have a full staff of EMS professionals. Bronson again points to the need for more schools across the state, as well as whether standards are set too high, which hobbles the ability to have enough staff to make timely responses.

Easton Town Manager Gardner weighed in on education, saying that the University of Maine's Master of Public Administration program was a pipeline. The program was eliminated from the school's offerings in June 2012 due to low enrollment.

The path to municipal employment needs to be in some type of curriculum, Gardner said. "We've got to start branching out."

Included in that discussion must be benefits and not just health insurance. "Try to find the thing that matters to the younger generation," he said.

Attention to retention

"What is meaningful? Is it just the pay?" asked Gardner.

"Employees, they want to feel like they're making a difference," Biddeford's Bennett said. "Rethink the relationship with our employees. It's a different relationship than throwing a bonus at somebody."

He added, "This issue is not going to go away."

Biddeford has focused on mental health, for example, and providing services to all employees, including an app the city pays for that gets an employee a virtual appointment with a specialist in three days or less. "Just recognize that those issues are so much more important," he said.

The city also gave surprise bonuses to non-union employees in December and raises of three percent, although five percent was budgeted. However, Bennett said, he reserved the right to increase wages at a later date if necessary. "Nobody complained," he said.

Orono's Wilson said that staff is dealing with much more now, specifically the way socially acceptable behavior has changed, putting employees in front of aggressive residents.

It takes a toll, she said. "It's changed the dynamic."

When staff asks to change from a less public-facing role, she said that has to be a factor.

It's about "caring about employees," Bennett said, "making an investment in employees." ▲

Meeting Municipal Training & Education Needs – A Series.



RECRUITING



TRAINING



RESEARCH

The future of Maine's municipal workforce represents a set of multi-faceted challenges that command multi-faceted solutions. Maine's towns and cities are collectively grappling with the ongoing pandemic, effects of inflation, and demographic changes in the state, which present questions around recruiting and retaining employees; educating and training their incumbent workforce for the changing nature of municipal government; and staying up-to-date on emerging educational needs.

However, there is a silver lining. Through it all, MMA members are exploring and embracing innovative strategies and resources for workforce development. In 2023, the Association will be highlighting these efforts, as well as new initiatives in development and currently in use by members, partners, and MMA to meet workforce development needs through the publication of six articles throughout the year.

The first installment of the "Meeting Municipal Training & Education Needs" series will be published in the March edition of the magazine and focus on the resources and funds available to support workforce development and training.

Maine Town and City Managers Association
Professional Managers and Running for Elected Office

DID YOU KNOW? There are 297 local governments in Maine that hire a professional manager to run the day-to-day affairs of their organization. Of these, 54% have a professional manager that has chosen to adhere to a set of ethics stricter than Maine law, by belonging to the Maine Town, City and County Management Association (MTCMA).

In recent years, some elected officials in Maine have asked their managers to run for office at the county or state-level, or to wade into local or regional political matters. These requests put a manager in a precarious position and ignores the reason for professional, non-political management of a community in the first place.

As a whole, professional managers are responsible to all members of the elected governing body, regardless of their political leanings or affiliations. When a manager engages in public political activity, they risk eroding the foundation of trust needed to perform effectively. Their actions, decisions, and guidance can be, or perceived to be, altered by politics-based strategies intended to support the manager's political candidacy, party, or political ideology. Will roads be paved based on which areas of the

community the manager received political support from? Will allocation of municipal resources favor those who support the manager's candidacy? Even if the manager works in one community and serves as an elected official in another, the challenges remain. Will a manager hesitate to give guidance or act on a matter in their work community if it could contradict their political platform in their home community?

Perhaps the answer to these questions is no, but the mere perception of the possibility can erode the trust and effectiveness of a professional manager. The prospect of reconciling their actions as a professional manager (beholden to other elected officials), and their own position as a candidate/ elected official/political actor, places a professional manager in a mutually conflicting or dependent situation; a Catch-22.

For more information about professional municipal and county management visit <https://www.mtcma.org/>



MTCMA
Maine Town, City and County Management Association
 A State Affiliate of **ICMA**

Correction. In the "Municipal election results from November" article published in the December 2022 edition of the *Maine Town & City*, it was incorrectly reported that incumbent Kittery Town Councilor, Mary Gibbons-Stevens defeated a challenger. Councilor Gibbons-Stevens ran unopposed, as did newcomer, Celestyne Bragg.

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Community Resilience Partnership Grants

By Betty Adams

By recognizing the diverse challenges facing municipalities, the program provides the resources necessary to implement community-generated solutions.

Loring Solar 2 (submitted photo)

Westport Island – a Lincoln County town surrounded by brackish water – will study how climate change and development affect the shared aquifer that supplies water to residents’ wells.

The Town of Limestone will continue work on upgrading a solar array aimed at supplying the power needs of the municipal building as well as the Maine School of Science and Mathematics.

And a leveled mill site in the Lisbon Falls area of Lisbon will be transformed into a waterfront park capable of hosting various festivals and – hopefully – bringing an economic windfall to local businesses.

Those three communities are among the 91 municipalities and related groups receiving grants from the Community Resilience Partnership program run by the Governor’s Office of Policy Innovation and the Future.

According to its website, the Partnership program “assists communities to reduce carbon emissions, transition to clean energy, and become more resilient to climate change effects such as extreme weather, flooding, rising sea levels, public health impacts, and more.”

Gov. Janet Mills announced \$2.9 million in grant awards on Dec. 1, 2022, in the second of three rounds of awards; the next is scheduled for March 2023.

To qualify to apply, municipalities and Tribal governments first must join the partnership, and then they can seek individual grants of up to \$50,000. Regional coalitions can ask for up to \$125,000.

The Town of Westport Island will use its \$48,500 award to update a survey of water and wells performed two decades ago to determine if there are problems and how much future development can be supported. The island, which is about 10 miles long and a mile wide, sits in the Sheepscot River Estuary and is also touched by the Sasanoa and Back rivers. It has neither a municipal water supply nor a municipal wastewater treatment system.

Jeffery Tarbox, chair of Westport Island Select Board, said the town’s Conservation Commission spearheaded the grant effort.

“Everybody on the island (which has 700 full-time res-

idents) relies on wells to get their potable water,” said Commission Chair Richard Tucker. “We’re basically a rock, so the only way to get potable water is to drill down through the rock.” The problem then is that the rainwater which recharges the source must seep down through the rock, an inefficient process.

“During last summer’s drought, people were running out of water, and some had less than perfect water quality. It’s a concern.”

Then there’s development pressure, particularly from people who want to build homes on the island. “They all need water,” Tarbox said.

The grant-funded study will include sending questionnaires to all the residents asking about their experience with their wells; it will measure water elevation in wells and salinity levels and see how they respond to the various times of the year and amounts of rainfall.

Tucker said the hope is that the study can help the town determine a reasonable level of development.

In Aroostook County, Limestone’s Solar Project Committee, which was formed in late December 2021, received its second resilience award of \$50,000 and will use it to improve the operational efficiency of an existing solar array it purchased earlier.

The inspiration came from the success of a solar project done by the Limestone Water & Sewer District, said Chuck Kelley, who is chairperson of the Solar Project Committee as well as a trustee of the water and sewer district.

The Solar Project Committee sought the first grant, which was awarded in March 2022, to help purchase two existing solar arrays from the Maine Power Company. Loring Solar I is a 45-kW fixed array that became operational in 2013; the other, 180-kW Loring Solar II, has dual axis trackers that follow the sun. Those solar farms are located at the former Loring Air Force Base.

“It was an existing system already in operation,” Kelley said. “We knew there were some issues and maintenance problems to be addressed.”

At a March 2022 town meeting, residents voted overwhelmingly to approve up to \$475,000 to buy and repair that equipment. Then the town signed a temporary agreement with the Maine School of Science and Math-

Betty Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsbetty00@gmail.com.

ematics to provide it with power, leased the land from the Loring Development Authority for 23 years, and in July 2022 signed a “Commercial or Industrial” Net Energy Billing Tariff Rate Agreement with Versant Power.

Kelley said that agreement, which is permitted under a 2019 state law, was the key element in the deal, and a projection that accounts for the solar energy production as well as the municipal building and the magnet school power usage, shows an estimated seven-year payback.

There’s an educational benefit as well, in particular for students in the electrical construction and maintenance program at Northern Maine Community College in Presque Isle. Kelley has been an instructor there in the trade and technical occupations department, planned to retire from that post February 1, 2023. Some of the college students helped with the assessment of the solar arrays. “It’s an opportunity for them to learn about the inner workings of solar projects,” he said, citing a boom in demand for solar.

Kelley, who also owns Kelley’s Industrial Electronics in Limestone, noted that geography plays a role in the collection of solar energy.

“What makes northern Maine a little more efficient than other parts of the state is the winter,” Kelley explained. “We have reflection off the snow that helps the solar panels be more efficient and cold weather helps them become more efficient. As they get hot, cold air helps them cool off. It’s a small gain but it’s a gain.” March and April tend to be good months for producing solar energy, he added.



Ross Cunningham

At Main and Canal streets in Lisbon Falls, a four-acre plot that was the former home of the Worumbo Mill along the Androscoggin River will be converted into a waterfront park with the award from the Community Resilience Partnership program.

“This was a perfect fit for us,” said Ross Cunningham, Lisbon’s economic and community development director. “The grant money was con-

venient, and we’re interested in being part of the partnership and doing what we can do to make sure Lisbon is better prepared for the future, be it climate change or societal change.”

The property was acquired by the town in 2019 after the owner had torn down the former mill building. Cunningham said the Worumbo Mill, which produced woollens, had been a key employer for the town for many years until it burned in the mid-1980s.

He said there had been a community discussion about what to do with the property, taking into account the need for downtown parking.

However, after a time lapse partially due to the pandemic and a change in leadership at the town office, things changed.

The Maine Blues Festival had relocated to the site from Naples. And while making a presentation to the town council, Cunningham noted that every business in town reported having the best day they ever had during the festival, which is held annually during Father’s Day weekend.

This sparked the idea that the space could be used as “a substantial economic driver, not every weekend, but

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several times a month,” Cunningham said, adding that it would be used as a community green space when there was no special event taking place.

“We’re working with a nonprofit in an effort to be as community-based as possible. The Friends of Worumbo will be essentially managing the site. One of our major goals is to develop a site that does not require a drain on the taxpayers, so it would be self-sustaining.”

The bulk of the grant money will be used to remove the pavement and lay down four inches of loam to create three acres of grass in the open area. There is also a section for parking. The fourth acre is wooded land. The grant also will fund installation of 15 solar powered LED lamps as well as the planting of native trees and shrubs.

The town’s website includes a “Worumba Waterfront” project page, and notes that “The site is positioned to become a true gem of Lisbon.”

An announcement from the governor’s office lists additional communities and tribal governments who received grants.

Among them is Fort Kent, which received a \$50,000 grant to do a Highland Avenue Comprehensive Drainage Analysis, including “culvert and storm drain mapping and inventory; precipitation and flood modeling and climate projections; planning and cost estimates.”

In that announcement, Cindy Bouley, community relations officer for the Town of Fort Kent, noted, “These studies will better position the town to apply for future grants to upgrade our failing systems and increase our capacity to with-

stand climate change, mitigate the potential adverse effects of heavy rainfall, and increase the safety of our residents.”

Other communities banded together to seek a grant. For instance, the towns of Freeport and Yarmouth received \$121,388 to “hire a shared full-time sustainability coordinator to support climate action planning and sustainability programs; continue vulnerability assessments.”

A full list of the Fall 2022 Community Action Grant recipients is available on the website of the Governor’s Office of Policy Innovation and the Future: <https://www.maine.gov/future/climate/community-resilience-partnership>. 🏡

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Mike represents towns in contract disputes and other general litigation, land use enforcement actions, Rule 80B appeals to Superior Court and he has participated in several appeals to the Law Court. Mike was recently recognized as a Lawyer of the Year by The Best Lawyers in America® for land use and zoning law. Mike has been recognized for his general litigation practice by New England Super Lawyers.

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TRAINING CALENDAR

Maine Municipal Association & Affiliates

FEBRUARY

2/7-8	Tues.-Wed.	MTCCA Title 30A - Town Meeting & Local Election Law*	Zoom Webinar
2/9	Thurs.	MEGFOA Winter Training Webinar*	Zoom Webinar
2/14	Tues.	MWDA GA Basics*	Zoom Webinar
2/15	Wed.	MBOIA Northern Chapter Fuel Fired Equipment and Installation Training*	Brewer Auditorium
2/15	Wed.	MMA Entry-Level Driver Training and New Options for CDL Training Information Session with Maine BMV*	Zoom Meeting
2/16	Thurs.	MMA Planning Board/Boards of Appeal*	Zoom Webinar
2/16	Thurs.	MFCA Legislative Breakfast*	Augusta - Senator Inn

MARCH

3/7	Tues.	MMA Understanding the Freedom of Access Act*	Zoom Webinar
3/9	Thurs.	MBOIA March Membership Meeting & Training	Portland - Clarion Inn
3/14	Tues.	MWDA Advanced GA	Zoom Webinar
3/22	Wed.	MFCA Annual Membership Meeting	Newry - Sunday River Ski Resort
3/23-24	Thurs.-Fri.	MFCA Professional Development Conference	Newry - Sunday River Ski Resort
3/24	Fri.	MTCMA 43rd Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn
3/28 & 29	Tues.-Wed.	MTCCA Vital Records* Day 1 (Full Day): Day 2 (half day):	Augusta - MMA Zoom Webinar
3/29	Wed.	MMA Developing Solutions on Hotly Contested Issues	South Portland - DoubleTree by Hilton
3/30	Thurs.	MMTCTA Preparing for an Audit	Augusta - MMA

APRIL

4/4	Tues.	MMA Diversity, Equity, and Inclusion Immersion Workshop	Augusta - MMA
4/6	Thurs.	MMA Mental Health First Aid	Augusta - MMA
4/6	Thurs.	MCAPWA Annual Spring Meeting	Augusta Civic Center
4/11	Tues.	MMTCTA Tax Liens Workshop	Augusta - MMA
4/19	Wed.	MMTCTA Basic Excise Workshop	Augusta - MMA
4/21	Fri.	MTCCA MAAO Northern Maine Spring Training	Zoom Webinar & Caribou - Northern Maine Development Commission
4/24-25	Mon.-Tues.	MCAPWA Supervisory Leadership in Public Works Program - Part I	Fairfield - MDOT Training Center
4/24-25	Mon.-Tues.	MWDA Spring Training Seminar	Bangor - Hilton Garden Inn
4/26	Wed.	MMA Elected Officials Workshop	Kittery - Kittery Community Center
4/27	Thurs.	NAMI De-Escalation Training Workshop	Waterville - Waterville Elks & Banquet Center
4/28	Fri.	MMA Basic Municipal Budgeting	Augusta - MMA with Zoom webinar

* Registration is currently open for these events. Check our website for details.

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PEOPLE

Melanie Alexander has been hired as Lisbon assistant town manager, a new position for the town of 9,000 that abuts the City of Lewiston. After an exhaustive search, the town council chose Alexander for her experience, skills, and qualifications. Alexander holds a bachelor's degree in social work from Franklin Pierce University in New Hampshire. She has served on the Maine Welfare Directors Association board as a former Belgrade assistant town manager. She is certified as a town clerk, treasurer, tax collector and General Assistance administrator.



Rachel Bizarro

The Bristol Select Board has hired **Rachel Bizarro** as town administrator. Bizarro worked her way up from deputy town clerk to the top job in 14 years. She is a Damariscotta native who grew up in Bristol. Bizarro earned a bachelor's degree in biology from the University of Central Florida, studying marine life. That background has served her well as a member of the town's shellfish and harbor committee for the past dozen years.

Michael Boucher, the former elected Hancock County treasurer, has joined the Southwest Harbor Police Department as a full-time officer. Boucher has worked for eight Maine police departments since 2011, and most recently for the town of Dexter. He has worked as a corrections officer for both Hancock and Washington counties. A Franklin resident, he will attend the 18-week police training course at the Maine Criminal Justice Academy.

David Caron Sr., a longtime former Mars Hill town councilor, died December 1 at the age of 72. Caron was certified as a medical technician, specializing as a Trauma One Medical Specialist, in the National Guard. His medical training made him a pivotal founder of the Mars Hill Ambulance Service. As a certified paramedic, Caron traveled throughout Aroostook County to train and teach students. Caron also served for 20 years on the board of the Northern Maine Regional Planning Commission, now known as the Northern Maine Development Commission.

Scarborough officials recognized police administrative assistant **Cathy Chandler** last month for 40 years of service to the town. Chandler joined the police department in 1981 as a reserve officer assigned to beach patrol, and then moved to the dispatch center. In 1997 Chandler was named full-time records clerk and, two years later, was chosen as the chief's administrative assistant.



Chris Gardner

The executive director of the Eastport Port Authority, **Chris Gardner**, will step down to take a job in the private sector in Presque Isle. Gardner has directed the port for more than 15 years. As port authority chief, Gardner supervised the exportation of millions of tons of paper from the Woodland Pulp mill in Baileyville, as well as myriad other goods – including cattle. The port was established by Maine law in

1977 and is a division of the Maine Department of Transportation.

Joseph Guyotte retired in late December after 60 years of service to the Piscataquis County town of Dover-Foxcroft. He started as a reserve firefighter in 1964 and has served as fire chief for the last 38 years. Deputy Chief **Brian Gaudet** will succeed Guyotte.

Camden Deputy Town Clerk **Elizabeth Lowe** has been hired by Rockport to serve as town clerk, effective December 19. She replaces longtime clerk **Linda Greenlaw**, whose retirement date was January 5. Lowe worked as deputy clerk in Camden for six years, including as tax collector and the town's state motor vehicle agent. Greenlaw worked for the town for 26 years, all but the first 18 months as deputy clerk. A celebration to honor Greenlaw is being planned for this winter.

Aaron Miller has been named Vassalboro town manager, effective December 27, following a nationwide search. Miller resigned his position as Livermore administrative assistant to take the job. Miller worked as assistant to the Whitefield



Mary Sabins

Select Board for six years before taking the Livermore job in August 2020. Miller replaces **Mary Sabins**, who retired this month after serving 11 years as town manager. Sabins, 2019 president of the Maine Municipal Association, has worked in various positions for the towns of Chelsea, Hope, Union, and Windsor over her career.



Vicente Morris

Veteran Augusta police officer **Vicente Morris** was named Pittsfield police chief last month, effective immediately. Morris retired earlier this year, ending his 21-year run that included work as patrolman through tactical team commander. Morris served nine years in the U.S. Army as a medic before starting his law enforcement career. He replaces **Harold "Pete" Bickmore**, who retired this fall after five years as chief.



Bill Thompson

Longtime Guilford Selectman **Bill Thompson** is the 2021 recipient of the Warren "Pete" Myrick Award, which recognizes outstanding effort and contributions to education, economic development, and civic service. Thompson, who has served as selectman for 42 years, was also celebrated for his 45 years of commitment as a science teacher for MSAD 4. For most of Thompson's 42 years on the select

board, he has served as chairman. The award is named for Myrick, also a Guilford resident and longtime educator, who helped found the economic development council. He died in 2002. 🏔️

IN THE NEWS

STATEWIDE

A new way of tracking crime has given law enforcement and the public a better breakdown of the 44,513 crimes committed in Maine in 2021. The number is more than twice last year's total of 17,347 crimes. The new FBI Incident-Based Reporting system captures data on 29 offenses rather than the previous eight. Regarding violent crimes, the new data showed 1,511 offenses, which include murder, rape, robbery, and aggravated assaults. The violent crime rate for 2021 was 1.10 per 1,000 residents. The overall crime rate, including all crimes, was 32.44 per 1,000, officials reported.

AVON

All formerly elected official positions will now be filled by appointment. In a special town meeting last month, an estimated 30 voters endorsed the change, from a pool of 300 registered voters. Five of the 10 positions are already appointed. The elected positions that will now be filled by appointment are town clerk, treasurer, tax collector, road commissioner and constable. Officials hope to attract candidates that may now take the part-time jobs because they would not face re-election every year. The change in government must be made at least 90 days before the annual town meeting.

BANGOR

After years of planning and prep work, officials and others celebrated the opening of the city's new regional bus hub last month, which will serve the cities of Bangor and Brewer and the towns of Orono, Hampden, Old Town, Veazie and the University of Maine. The Bangor Area Transit Center offers patrons a climate-controlled space to wait for rides, buy tickets and get schedule information. The hub also offers a covered outdoor waiting area, restrooms, electrical car charging stations and heated sidewalks to melt snow and ice. Officials hope the new facility will inspire more people to ride public transit. The new transportation hub cost \$3.5 million.

BAR HARBOR

One of Maine's premier tourism destinations took in \$2.2 million in parking revenue this year, down from \$2.3 million last year. The total does not reflect credit card and other processing fees, so the net amount is expected to be lower. Bar Harbor uses parking meters through the busiest tourism months – from May 15 through October 30 – with August being the biggest revenue generator at nearly \$538,000.

BELFAST

The Belfast Police Explorer Program will start on April 1 and provide opportunities for youth ages 14 to 20 to get hands-on experience with local police officers. Officials hope the program will help officers connect with teens to improve community policing, and to offer some structure and purpose to their routines. It is not intended as a recruitment tool. The City Council passed the program by unanimous vote last month. The youth will help police with such duties

as welfare checks and controlling traffic, as well as helping during severe storms and working on community projects to aid the department in connecting with local organizations. The youth also will provide logistical help during emergencies. Police Chief Bobby Cormier ran the same outreach program while chief in New Hampshire and told the council he had seen a positive effect on the youth.

LOVELL

The Greater Lovell Land Trust has acquired 931 acres of land in western Maine that stretches nearly two miles along Kezer River waterfront and encompasses a pond. It will be the focal point of a 1,300-acre conservation project expected to be finished in the coming months. Money to buy the land came from several sources, including The Maine Natural Resource Conservation Program, which provided a \$400,000 grant.

SKOWHEGAN

Sneaker maker New Balance hopes to double its manufacturing facilities and add 200 new jobs beginning in 2025, according to plans submitted to the select board last month. In nearly doubling its size, the company will be able to respond to demand by producing one million pairs of footwear per year with an estimated 450 employees. The project represents the company's most strategic investment at \$65 million. The expanded plant would add to the economic momentum being enjoyed by Skowhegan, including an \$8.6 million proposed river park and other downtown improvements, and a possible hotel and apartments.

SOUTH PORTLAND

The City Council banned the sale of flavored tobacco products during their December meeting. The city becomes only the fourth in Maine to impose a ban. The vote was 5-2. Fines will range from \$500 to \$2,500. The prohibition includes any cigarettes, vaping materials, or other flavored tobacco products. Experts say flavored products attract youth, with the aim of getting them addicted. The ban takes effect April 1. Bangor, Brunswick, and Portland also have enacted bans. South Portland, however, was the first Maine city to consider a ban in 2019. Jill Duson, longtime former Portland City Councilor and newly elected State Senator, has introduced a bill for consideration in 2023 that would implement a statewide ban on the sale of flavored tobacco products.

WATERVILLE

The California-based NextGrid has been fined \$125,000 for damaging wetlands during its work on a 17-acre, 4.6-megawatt solar panel project which will be owned by the community and supply electricity to subscribers. The Maine Board of Environmental Protection alleged the renewable energy company failed to properly protect the site from erosion, as well as disturbing land near a stream and making unauthorized changes to wetlands. NextGrid settled the matter with a consent decree. ▲

FIRST AMENDMENT “AUDITS” – GUIDANCE AVAILABLE

In recent years, municipalities across the country have experienced “First Amendment audits” conducted by citizens looking to “test” their purported First Amendment right to record municipal officials in public spaces. Maine is no exception; we’ve heard from several municipalities that have recently had similar encounters.

To assist members in preparing for a First Amendment audit, MMA Legal Services recently issued detailed guidance on the topic, available in the “Legal Updates” section of our website (www.memun.org).

As background, First Amendment audits appear to be a form of grassroots activism designed to “educate” government officials on the constitution and thereby further government transparency. Most First Amendment audits primarily target law enforcement, state or municipal offices, or public libraries. A municipal “audit” usually involves one or more citizens with recording devices who enter a town or city hall, demand access to public spaces and record officials conducting municipal business. If the encounter results in a perceived violation of the auditor’s rights, the video is likely to be posted on social media and/or serve as the basis for a claim or suit.

Although these encounters have the potential to become contentious, a little advance preparation and staff training can be very effective in avoiding problems. See our guidance for more information. (S.F.P.)

NOMINATION PAPER REMINDERS

January has arrived and planning for spring elections is well underway across the state. Below are some brief reminders about nomination papers for municipalities that have adopted secret (Australian) ballot election procedures (30-A M.R.S. § 2528), or that have voted to require nomination papers even though elections are held on the floor of an open town meeting (30-A M.R.S. § 2527).

Unless otherwise provided by municipal charter, time frames for availability and filing of nomination papers are governed by 30-A M.R.S. § 2528. Nomination papers must be filed with the municipal clerk by the 60th day before the election. If the filing deadline falls on a weekend or holiday, the deadline is the next day that is not a Saturday, Sunday, or holiday. Nomination papers must be available for circulation 40 days before the filing deadline, which usually equates to the 100th day before the election (unless the filing deadline was modified because it fell on a holiday or weekend).

Remember, nomination papers may only be issued by the municipal clerk, who must write the name of the candidate and the title and term of the office sought on each sheet. We recommend that papers also contain: (1) the last day and time by which papers may be filed (i.e., the close of business hours on the 60th day before election day); (2) a reminder that a signed candidate’s consent must be filed with the nomination paper(s); and (3) a prominent statement that the original papers and consent must be delivered in hand

or by mail (faxed or e-mailed copies cannot be accepted). Candidates may not create, or make additional copies of, their own papers. It is also strongly suggested that the clerk maintain a list of all papers issued and to whom issued.

It is especially important to include the term of office on nomination papers when there are multiple seats available on the same board or committee. Separate papers (and separate ballot questions) are required when openings on the same board carry different terms (e.g., one seat is for 3-years, another is for 1-year).

Nomination papers must be signed by between 3 and 100 registered voters depending on the municipality’s population. See 30-A M.R.S. § 2528(4). Voters must include their residence and street number (if any) along with their signature. Voters may sign as many nomination papers as they wish for each vacant office.

Any person may request and circulate papers on behalf of a candidate – it need not be with the candidate’s knowledge or consent, although the candidate’s consent must accompany papers when filed. A circulator may circulate papers for multiple candidates or offices. The circulator need not witness signatures, vouch for the signer’s identity, or execute an affidavit or statement of any kind.

For more information and sample forms, see MMA Legal Services *Town Meeting & Elections Manual* available free to members at www.memun.org. (S.F.P.)

LOCAL HEATING ASSISTANCE: PLANNING/ ACTION REQUIRED

(Updated from the November 2011 Maine Townsman, Legal Notes.)

QUESTION: We’d like to establish a municipal heating assistance program for those who may not qualify for General Assistance (GA) or LIHEAP funds, but we don’t know where to start. Any suggestions?

ANSWER: Yes, but first decide whether a municipal program is necessary or the best option. Many local charities, including church and civic groups, are already set up to provide help. Also, statewide programs, such as the “Keep ME Warm” program, funded by donations and administered through a statewide partnership of Maine’s United Ways and local Community Action Agencies, helps many thousands of Maine households.

If you still want to set up a municipal program, here are four issues you’ll need to address:

- **Is there authority to establish the program?** Unless otherwise provided in a municipal charter, the municipality’s legislative body (town meeting or town or city council) must approve establishment of a municipal heating assistance program.
- **How will the program be funded?** If by donations, they must be accepted before assistance can be distributed. The general rule is that gifts for a particular purpose (e.g., heating assistance) must be accepted by vote of the municipal legislative body. However, gifts of money to supplement an appropriation already made can be

accepted by vote of the municipal officers (select board or councilors) alone, so a nominal budget appropriation for heating assistance would facilitate the acceptance of future donations. Absent an appropriation, a vote to accept prospectively all donations of money for heating assistance will probably suffice. (For more on the acceptance of gifts and their tax-deductibility, see “Tax Status of Municipalities and Deductibility of Gifts,” *Maine Town & City*, “Legal Notes,” December 2020.)

- **Who will administer the program?** It is essential, both for accessibility to clients and for public accountability, that some person(s) be designated to administer the program. We suggest either the municipality’s GA administrator or a small, special committee (including perhaps community representatives). Either way, this designation should be made by the municipal legislative body or by the municipal officers if authorized by the legislative body.
- **What eligibility criteria will apply?** Public assistance, including local heating assistance, cannot be distributed without uniform guidelines to ensure that it will be dispensed fairly, based on *bona fide* need. Otherwise, a heating assistance program may not qualify as a public purpose and could be open to charges of cronyism (or worse). We suggest either adopting the criteria of the Keep ME Warm program (see above) or using criteria similar to GA guidelines (but modified to relax qualifications) as the basis for determining eligibility under a local heating assistance program.

A final note: Since a municipal heating assistance program is not part of the confidential GA program, the program will be subject to public scrutiny. All meetings of a board or committee and all records and information, including the identities of recipients and the amount of assistance, will be open to the public unless otherwise protected by law. This is one important reason a program established by a community agency may be preferred. (R.P.F./S.F.P.)

TOBACCO ORDINANCES: NOTICE REQUIRED

Maine law contains a comprehensive set of statutes (22 M.R.S. Ch. 262-A) governing the sale and distribution of tobacco products. “Tobacco products” include any product made or derived from tobacco, or containing nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, cigarettes, cigars, hookah, pipe tobacco, chewing tobacco, snuff or snus, electronic smoking devices and any components or accessories used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine.

Although state law expressly recognizes municipal home rule authority to adopt more restrictive local regulations governing the sale of tobacco products (22 M.R.S. § 1556),

significant advance notice requirements apply.

Any municipality considering a tobacco products ordinance or regulation that is more restrictive than state law must mail notice of its intention to the last known address of each retail tobacco licensee doing business in the municipality at least 30 days prior to consideration of the ordinance, regulation, or amendment. This notice must state the time, place, and date of a hearing or proposed enactment and the subject matter of the proposed ordinance, regulation, or amendment.

For information on state tobacco regulations or for a list of licensed tobacco retailers in your municipality, contact the Health Inspection Program at the Maine Department of Health & Human Services at (207) 287-5671 or visit: <https://www.maine.gov/dhhs/mecdc/environmental-health/el/index.htm>. (S.F.P.)

MINIMUM WAGE INCREASE

Maine’s minimum hourly wage for most workers increased from \$12.75 to \$13.80 per hour on January 1, 2023. State law mandates that each January 1st the state minimum wage is adjusted based on the cost of living as measured by the percentage increase (if any) in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Northeast Region, as reported by the U.S. Department of Labor, Bureau of Labor Statistics.

For more information on wage and hour issues, see MMA Legal Services’ Fair Labor Standards Act Information Packet, available free to members at www.memun.org. (S.F.P.) 

JANUARY 31 — Deadline for employers required to submit quarterly withholding taxes to file return and remit payment to State Tax Assessor (36 M.R.S. § 5253).

DURING JANUARY — In towns with a March annual meeting, select board members should begin preparing the town meeting warrant and annual town report. Arrange to have annual audit completed before town meeting. Check 30-A M.R.S. §§ 2801, 5823 for annual report and audit requirements.

BY JANUARY 31 — Written statements of wages withheld in the previous calendar year are to be furnished to each employee in form prescribed by State Tax Assessor (36 M.R.S. § 5251).

FEBRUARY 20 — Presidents’ Day, the third Monday in February, is a legal holiday (4 M.R.S. § 1051).

BY FEBRUARY 15 — Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to GeneralAssistance.DHHS@maine.gov, or sent to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

MAINE MUNICIPAL BOND BANK

2023 SPRING BOND ISSUE SCHEDULE

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

February						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

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

April						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

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

Wednesday, February 8th - Application Deadline

Wednesday, March 15th - Application Approval (MMBB Board Meeting)

Monday, April 3rd - Preliminary opinions and loan agreements due from bond counsel of each borrower

Wednesday, April 5th - Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of April 17th - Maine Municipal Bond Bank Pricing

Monday, May 8th - Final documents due from bond counsel

Wednesday, May 17th - Pre-closing

Thursday, May 18th - Closing - Bond proceeds available

If you would like to participate in or have any questions regarding the 2023 Spring Bond Issue, please contact Toni Reed at treed@mmbb.com or (207)622-9386 ext. 213.



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