

Maine Town & City

The magazine of the Maine Municipal Association

APRIL 2023 | VOLUME 85 | ISSUE 4

The Saga of Road Maintenance

It's not a cut and dried
journey.



ALSO IN THIS ISSUE:

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Maine Town & City



In this issue

FEDERAL ADVOCACY. Municipal officials from Auburn, Bangor, Ludlow, Portland, Solon, and South Portland met in Washington, D.C. to meet with members of Maine’s Congressional Delegation to discuss issues of importance, including PFAS, CDL training requirements and the dearth of emergency medical services in communities across Maine. **PAGE 5**

ROAD MAINTENANCE. It’s officially mud season, which is evidenced by the colorful road posted signs popping up throughout Maine. Not only is road maintenance a costly endeavor for municipalities but depending on a road’s status, those responsibilities can fall onto abutters. **PAGE 7**

COUNTY GOVERNMENT. Look no further for a concise history of why counties were created, how they are funded and the roles they play in a state with strong municipal governments. **PAGE 13**

MAINE TURNPIKE TURNS 75. Maine residents, businesses and visitors have seen many improvements made to the Maine Turnpike over the last 75 years. However, the story on this economically vital stretch of road is actually 200 years in the making. **PAGE 16**

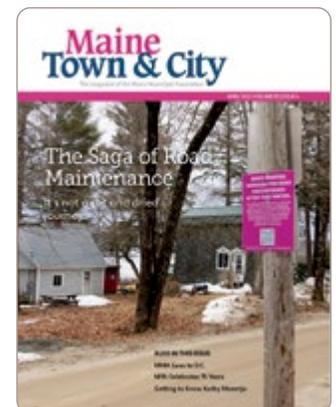
Q&A WITH KATHY MONTEJO. Learn more about Kathy Montejo, Lewiston City Clerk, who is arguably one of Maine’s most decorated election officials. **PAGE 29**

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ABOUT THE COVER

The pink signs posted on roads along the shoreline in Windham remind abutters of an impending deadline. (Photo by Rebecca Lambert, MMA)



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Convening in D.C.

By Elaine Aloes/ MMA President / Chair Selctboard, Town of Solon



Municipal officials and MMA staff participating in the 2023 Hill Day in Washington, D.C.

Last month, Diane Hines, MMA Vice President; Cathy Conlow, MMA Executive Director; and I traveled to Washington, D.C. to attend the National League of Cities' spring conference, which concluded with "Hill Day."

The annual event provides municipal leaders from across the country the opportunity to gather on Capitol Hill to meet with their federal government counterparts. This year was no different, as on March 28, we were joined by 12 municipal officials representing the communities of Auburn, Bangor, Ludlow, Portland, Solon, and South Portland, to meet and discuss issues of municipal importance with Senator Susan Collins, Senator Angus King, Congresswoman Chellie Pingree, and Congressman Jared Golden.

Our discussions were guided by the 2023 Federal Issues Paper, which touched on an eclectic blend of issues impacting Maine communities. The paper, prepared by the Association's Advocacy & Communications department is posted on MMA's website (www.memun.org). The selected topics, ranging from much-needed financial support for emergency medical services to changes in federal grant and program requirements, were identified as important by local officials participating in the federal issue survey.

While the populations of the communities represented at the meetings ranged from 375 to 68,313, the assembled group of elected and appointed municipal leaders easily coalesced around several federal level issues impacting their home communities. Each participant had the opportunity to raise concerns, share their experiences, as well as to thank members of Maine's delegation for the tremendous amount of financial support, making investments in both rural and urban communities a possibility in a post-pandemic era.

The topics of discussion focused on changes in federal policies making it much more difficult for communities to train, recruit and retain municipal employees needing commercial drivers' licenses to operate plow trucks, school buses and other equipment, as well the pressures being placed on municipalities left to address the overwhelm-

ing presence of PFAS in Maine soil and water, thereby making disposal of sludge far more difficult and expensive. Additionally, at each meeting the convened municipal leaders took the time to discuss the pressures facing the state's largest communities who are struggling with finding suitable housing for hundreds of asylum seekers. The simple request to our federal leaders was

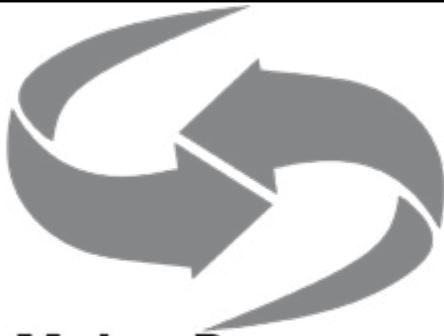
to issue work permits to new Mainers within 30 days of arrival, as opposed to the six-months that it takes today, thereby simultaneously addressing both the strains on municipal resources and Maine's workforce shortages.

The ease with which the conversations took place is a true testament to the collaboration that exists at the local level, as well as to the individual and collective relationships forged between municipal and federal officials. Maine's delegation is notoriously known by our peers in other states, as being tremendously accommodating, working until the last minute to find a moment to meet.

In an environment where the negatives seem to outpace the positives, the meetings were affirming and refreshing. Maine's local leaders do tremendous work, and our federal representatives know it. Clearly, the sentiment is mutual on the part of municipal officials.

Finally, I want to express my great appreciation for each member of the delegation who took the time to meet with us, as well as members of their staff who arranged the meetings, read the provided materials, and helped to foster productive conversations. Thank you also to the municipal officials who took the time to join us in Washington D.C., as well as MMA staff who organized the event.

Next year will present another opportunity for these meetings and to that end I encourage municipal leaders, representing communities of all populations and in all corners of Maine to consider attending the event. It is a wonderful opportunity to reconnect with colleagues and to discuss issues of importance to Maine residents, businesses, and visitors. 🏡



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Road Maintenance Saga

To the casual observer roads are roads. However, the status of a road dictates maintenance responsibilities, which can impact governments and abutters alike.

By Betty Adams

The Town of Windham faced a conundrum after it found it was using public money to plow private roads. A 1989 ruling by the Maine Supreme Judicial Court says it is unconstitutional for a municipality to spend public resources on private property. But for more than 20 years, the town has plowed more than 101 private roads – affecting some 1,671 properties and an estimated 15% of the population in that Cumberland County town.

Barry Tibbetts, Windham’s town manager, said that in the 1980s there were agreements that these roads would be plowed by the town – but only if the agreements were renewed each year. That requirement apparently fell by the wayside, but the town continued to fund the work, currently at about \$188,000 annually. In all, Windham spends an estimated \$1 million on winter maintenance.

“We’ve now been doing it for over 20 years,” Tibbetts said. “We have more or less provided service in good faith; we cannot drop the service.” He said town officials considered how to be fair to residents, both those along these roads and other property owners in town.

The town pursued a solution, successfully asking the 130th Legislature to adopt a special and private law: “An Act Concerning Winter Maintenance on Private Roads in the Town of Windham.” The statute sets special conditions to allow for continued plowing on private ways that have had the service for at least 20 years, which the town determined to be 101 roads, plus several side roads. Those conditions include forming “an association with the authority to address maintenance issues” and a requirement to have 67% of the abutters sign on to grant a public easement, which would allow the town to continue plowing.

Tammy Hodgman, executive assistant to the town manager, said residents appreciated that the town had taken measures to resolve the issue.

Tibbetts said, “If we didn’t do that; we’re on a pretty big liability hook. Those owners on that roadway might sue us. This was our solution and our argument to the State and Local Government Committee. We said, ‘We



(Photo by Rebecca Lambert, MMA)

will step to the plate, and we will make this right, but we want to be protected.”

The town has put up bright pink posters at the entrance to each of the private roads affected, noting, “This road will not be plowed after the Winter 2022/2023 season unless the law’s criteria are met.” As of late March, people along 28 of the 101 roads had come into compliance; people along an additional 55 roads were collecting easement signatures; those along 10 more roads had made inquiries, but officials had not heard from those along seven affected roads. The deadline for the Town Council to accept the easements is Oct. 1, 2023.

“The cost to plow those roads is a lot less than trying to litigate the ownership and whether we should or should not be plowing,” Tibbetts said. “The town can’t be

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

sued going forward. We've closed a huge liability risk from an insurance perspective regarding plowing and injuries, continued a service to these residents, and have maintained great relationships."

"Do we think the model that we built could be replicated by other municipalities? Yes," Tibbetts added. "Our objective was how to be fair to residents receiving the service and those paying for the service not on those roads. We will plow them as long as they comply with our (yearly) inspection list."

Changes in legislation, including the one affecting only Windham, efforts by the Maine Association of Realtors, and a new viewing platform created by the state Department of Transportation mean fewer problems for municipal officials with regard to road status.

In Maine, roads are an integral part of how we "get there from here." People who live in Maine year-round know that the highways get plowed in the winter and repaired generally in the warmer months. Local roads, however, can be a different story, especially if they are private ways with public easements – meaning anyone can use them, but maintenance is up to the landowners. But newcomers from out-of-state might not be as familiar with maintenance on private roads.

"Things have gotten better over the years," said Fayette Town Manager Mark Robinson, who credits the real estate brokerage business with making sure prospective

buyers know the status of the roads and what that status means.

Also, he noted that municipalities need to know the current legal status of the road as it pertains to town interest, ownership and maintenance responsibility. "That doesn't go away," he said. "There's constant turnover in municipal staff; histories get lost." He recommends a chart or road history file that can be accessed to see which roads are maintained by the town and which are private.

In Damariscotta, Town Manager Andrew Dorr, said, "Sometimes people take for granted things like water and utilities. Roads could be that way for some people." He said the town has had experience with trying to close some roads to winter maintenance, but ran into problems because property owners along that road heated their homes year round and wanted access.

Carmen McPhail, president of the Maine Association of Realtors and associate broker with United Country Lifestyle Properties of Maine, notes that the association has a property disclosure form that asks sellers to indicate whether the road is public or private and whether it is maintained by the town or a different entity.

"The problem people do run into is that not all towns in the past discontinued their roads in the same way," she said. "You can abandon or discontinue it; you can discontinue and revert rights to abutting owners, or you can discontinue it and leave a public right of way."

She cited one instance where the real estate agent had to go to all the owners along a road to get permission for people to reach their property because the road had been discontinued without reserving a public easement. "They had to get a written right of way in order to get a mortgage," McPhail said.



Michael A. Hodgins

Land Use and Zoning Attorney

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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She also noted that there's another protection for consumers: a 2021 Maine law defining "Responsibility for cost of repairs to and maintenance of private roads that benefit residential properties." It says, "If more than one property shares a common benefit from a private road, each property owner who shares the common benefit is responsible for a share of the cost of reasonable and necessary repairs to and maintenance of that private road . . ."

McPhail said information about roads available online can indicate if a road was discontinued in the past 25 years and how it was done.

"As a whole, it's a lot less trouble, because we are asking our sellers to disclose the information," she said. The Maine Association of Realtors counts some 6,500 active realtors, and the state has approximately 8,000 real estate licensees, McPhail said.

Roberta Manter of Fayette, who serves as legislative liaison for the Maine Alliance for Road Associations (MARA), and who founded MAINE ROADWAYS (Residents & Owners on Abandoned & Discontinued Ways), has seen some improvement with the real estate disclosures. However, she said, "Sometimes the information given out is incorrect. The seller tells the realtor what the status of the road is, and even if it is right, it doesn't explain to the buyer what that means."

And she added, "Lots of times the town doesn't know the status of the road."

On Feb. 23 she testified in favor of LD 276, which would

allow municipalities "to appropriate funds to repair a private road, way or bridge to prevent storm water runoff pollution from reaching a threatened natural resource." She noted at the time that "MARA has been working on obtaining an estimate of how many private roads there are in Maine. While we are only in the preliminary stages of this project, the numbers have been eye opening. For example, the Town of Fayette has 100 roads, 67 of which are privately maintained. The Town of Freeport has over 350 private roads, adding up to 49 miles. The Town of Windham has 101 private roads surrounding its lakes - that's over half the roads in Windham, totaling 32 miles."

In an interview in March, she noted that in tracking private roads throughout the state, the pins in her map almost always reflect population density, and that there appear to be fewer private road issues in northern Maine.

She and just about everyone else are big fans of the Maine Department of Transportation's Map Viewer.

Pete Coughlan, director of the Community Services Division MDOT, has demonstrated the features of the Map Viewer for a number of different organizations. He runs the Local Roads Center, a federally funded program which offers training and technical assistance for all municipal officials. The training covers a variety of road issues, including ditching, gravel road maintenance and drainage, etc. In his spare time, Coughlan is webmaster for a number of municipal websites: his hometown of Randolph as well as Farmingdale, Pittston, West Gardiner and The Forks Plantation.



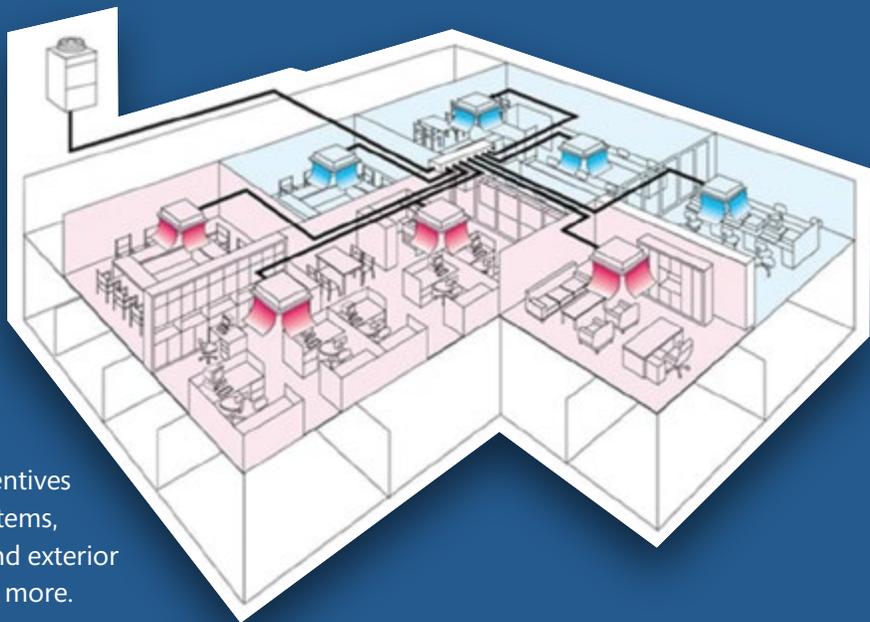
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The MaineDOT Public Map Viewer has different tools and layers to indicate the types of roads. For instance, one view shows a number of violet-colored roads surrounding the lakes and ponds in Windham, indicating that they are town ways which receive only winter maintenance.

Coughlan also said that about \$20 million in highway fund money is divided up among almost 500 towns, cities, counties and three Indian reservations, depending on the miles of state and local roads. Local road assistance money is dependent on miles of inventory; some towns only plow certain roads. He said the division needs an accurate inventory of what every town has, and that a public easement could be included if the municipality was maintaining it.

If a town accepts some new roads, subdivisions or easements, the town’s addressing officer contacts E-911 at the PUC, and it gets added to the system, Coughlan said. This allows a user to determine, for instance, if the road was ever a county road and if it was discontinued.

“This map is a tremendous benefit for anyone buying property,” Coughlan said, pointing out how it can be used to determine the status of the road. “Any home-buyer really needs to ask the question and get a better answer than ‘unknown’ as to who maintains it.”

The Map Viewer was one of the items mentioned at a March 9 briefing of the Legislature’s State and Local Government Committee when attorney Jim Katsiaficas of Perkins Thompson presented “Recommendations to the Legislature by the 12-member Abandoned and Discontinued Roads Commission.” Katsiaficas, Manter and Coughlan were among those commission members.

The report offers direction to continuing work on the status of those roads:

- Enact a statute to limit property owner liability for maintenance of public easements where the municipality does not maintain them;
- Retain a public easement upon discontinuance or statutory abandonment of a town way, particularly if there otherwise is no remaining access;
- Clarify terminology related to abandoned or discontinued roads in current law that may be confusing or contradictory, and avoid it in future legislation;
- Encourage greater access regarding the status of roads, and possibly establish alternative dispute resolution pathways to more easily and less expensively determine the legal status of roads; and,
- Work toward ways by which the existing seller real estate disclosure for roads can be improved and an inventory of the legal status of roads—town ways, public easements, abandoned and discontinued roads and private roads—can be incrementally created. 🏡

Road Related Resources

Report of the Abandoned and Discontinued Roads Commission (2/02/23):
<https://legislature.maine.gov/doc/9849>

MDOT Map Viewer:
<https://www.maine.gov/mdot/mapviewer/>

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County Governments

From shires to partners for delivering local government services.

By Stephanie Bouchard

Talk to folks in county and municipal government about the role of county governments in Maine, and you hear the same refrain: Each county in the state is unique, so each county government is unique. But one thing is the same: The quality of the relationships between municipal leaders and county leaders makes things work (or doesn't).

April is National County Government Month so we're taking a look at our county governments: what they do, how they're funded, and how they partner with municipalities. Let's get started with a little history lesson.

How county governments developed

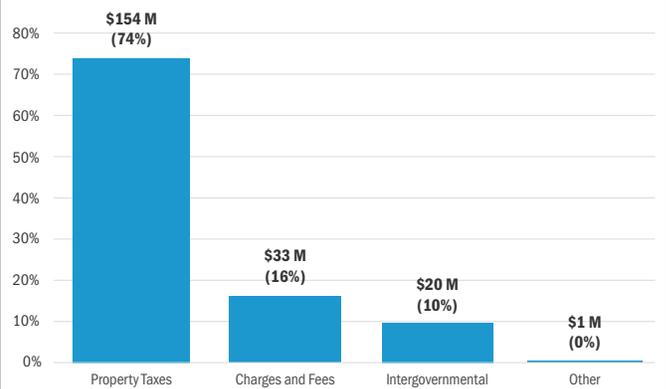
"The purposes of county government were very important in the development of Maine because many of the municipalities were so small – the funding of them, the number of people in a particular community and so on – that the services that the structure of county government had to offer was, I think, very important," says Earle G. Shettleworth, Jr., Maine's state historian.

The definition of county government varies in different parts of the country, he noted, but the structure of county government mostly derives from their British counterparts. County governments in England began as "shires" in England's pre-Norman Conquest (1066 AD) history.

Under the shire system, the sheriff and the local court were responsible for local administration and reported back to royal authorities. After the Norman Conquest, shires morphed into counties, mostly a change in name at first, but over the centuries, an expansion of local administrators and responsibilities that look very much similar to today's county governments.

When the English settlers arrived on the East Coast of what would become the U.S., they wanted some form of local determinism, says Shettleworth. As their settlements became more established, they stuck with what they knew – the county system of England – to meet the need of a local governmental framework. "In the early period – the 17th and 18th and into the early 19th century – before municipalities gained any size – the county sheriff and his deputies

TOP REVENUE SOURCES FOR MAINE COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

were the law in these counties," Shettleworth said.

As communities in Maine grew and became more organized, particularly after achieving statehood and post-Civil War, they began creating their own police departments and municipal governments, he said, but county governments continued – and still do today – to play an important role in the daily lives of residents.

County governments today

In Maine and across the country, county governments are chartered by the state constitution and state laws and shaped to meet the needs of the communities they serve. Maine is a home rule state. Through state statute counties are allowed to determine their own structure. Each county has three to seven elected commissioners, an administrator, and a number of other elected officials, such as the district attorney, register of deeds, sheriff, and register of probate.

Maine's county governments are primarily funded through property taxes. They can obtain additional funding through other sources, such as state and federal government grants, but can't raise funds by imposing, for example, a sales tax or an income tax.

According to an analysis done by the National Association of Counties (NACo) of the U.S. Census Bureau's 2017 Census of Individual Governments, less than 10% of funding of Maine's county governments was received from

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



MAINE

COUNTY GOVERNMENT OVERVIEW

Counties

16

Government Form

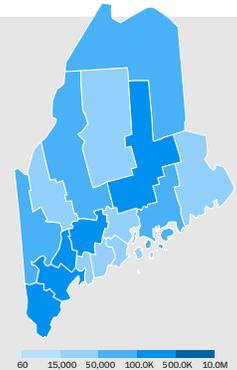
Traditional

Governing Body Size

3-7

Population (2020)

1.4 million



County Authority

Home Rule: All counties in Maine have adopted a home rule charter which empowers them with the authority to determine their structure of government, officers, departments and more. Counties have been granted this option in the Maine state statute which states that a county board of commissioners or a petition by the people can initiate a general vote to determine a county’s form of government. Home rule counties must abide by their charter but are able to make revisions and amendments through proper procedure. Counties are restricted, however, to the statutory procedures for generating revenue.

state and federal governments, at 8% and 1% respectively, for a total of \$20 million.

While each county government is unique to their county, they all perform basic administrative functions, such as serving as the registry of deeds, and provide or contribute to infrastructure, health and human services, and public safety and criminal justice services.

But because self-determination is baked into the system, each county has the flexibility to form partnerships, especially with municipalities, to provide services that normally would fall outside the basic administrative functions of county government.

Working together

It is not unusual for municipalities to work with county government to achieve goals that either entity may not be able to achieve on their own.

Take these examples:

- Lincoln County has a planning department, which provides county municipalities with access to planning services, and it has a recycling department, which collects recyclables and food waste from contracting communities. “Those departments came about because we were asked to provide those services,” says Carrie Kipfer, the administrator for Lincoln County. Take composting, she says. “That wasn’t something

that we initially were thinking about doing, but it became evident that people wanted to do it.” Now, the county recycling center takes collected food waste and composts it. Residents can pick up compost at the recycling center for a small fee (\$3 a bag or \$25 a yard) that helps support the recycling center’s operational costs.

- Cumberland County has a public health department that works with its communities and other partners in the county to develop programming and provide materials that may be useful to municipalities in the county that want to support the health and well-being of their residents, says Travis Kennedy, the county’s director of public affairs. And a few years ago, as municipalities began having more and more difficulty hiring assessors and managing the costs and complexities of assessing services, the county created a regional assessing program. “Some communities have discovered that we can do it for them in a way that’s reliable and that saves them money,” he says. “The comfort level in bringing counties in to do some of these things has really grown in the past few years.”

Keeping it personal

Essential to making projects or services such as those mentioned above successful – or even possible – is having good relationships and communication, say municipal

and county leaders.

Before the pandemic hit, Betsy Fitzgerald, the manager for Washington County, and a number of town managers would pile into a couple of cars and travel to one of the towns in the county. They'd tour the town and meet people.

Since the pandemic, they haven't done the car trips, but they still make a point of getting together each quarter, and sometimes more often. "We go to lunch," Fitzgerald says. "That is the most important part of the relationship. I'm not kidding." They talk town and county matters, absolutely, but it's the sharing of personal stories that is the special sauce.

During these lunches, maybe one or more of the managers will talk about something they're having trouble with, Fitzgerald says, and collectively people offer advice. "Here is this fountain of knowledge," she says. "Usually if you do something in Eastport, the chances are you probably do it pretty much the same way in Calais."

When municipal and county leadership make an effort at building and maintaining a relationship, pain points bubble up, maybe just in the course of conversation, giving county leaders who are paying attention the insight into how they can best help the communities in the county.

Town managers in Lincoln County were struggling to find people to fill animal control positions in their communities, says Kipfer, so the county created a full-time po-

sition within the sheriff's department. "We didn't one day dream up, 'Hey, we should do animal control,'" she says. It was hearing about how hard it was for towns to fill those positions that spurred the county to hold "lots and lots of meetings" about it and figure out a way to support the towns.

"It's a very hard job (animal control officer) to fill," says Daniel Swain, Dresden's town administrator. "Now each town has a contract with the county so that we don't have to worry about that . . . It's a lot easier to fill that kind of a job (one full-time position) than a part-time one every couple of months, so that's been pretty good."

Like all relationships, things can get sour between county and municipal officials, but both sides are quick to point out that you get what you put into it.

"The more elected officials are involved with the elected and appointed boards that the county has . . . the more aware they are of their services," says Ephrem Paraschak, Gorham's town manager. "So if you're not aware, if your municipality is not involved with your county government, it's easy to say, 'What am I getting out of county government?'"

"I view the county as a resource," he adds. "If a municipality is really looking for assistance or looking for a regional partner, the more they work with the county, the more they're going to get out of it. . . . I think towns are getting a lot of bang for their buck." 🏔️



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Maine Turnpike Authority

Serving locals and travelers for 75 years.

By Janine Pineo

Photo courtesy of the Maine Turnpike Authority



Seventy-five years ago, automobiles were streaming down Maine's first superhighway at breathtaking mile-a-minute speeds unheard of on local roadways.

The Dec. 13, 1947, opening of the Maine Turnpike from Kittery to Portland heralded a new age for the state, and a perfect example of what the new State Highway Commission envisioned more than 30 years' earlier. "These routes shall serve the largest number of people possible, and at the same time develop the farming, manufacturing and summer resort resources of the state," according to an early commission report on the need for state highways. "The Commission further realizes that there are two distinct classes of interests to serve, namely: The local inhabitant and the interstate traveler."

The Turnpike, conceived as the way to relieve congestion on U.S. Route 1, was a creative solution to funding a road that was well beyond the financing abilities of the state. It would be the first toll highway in the nation to pay its own way from the tolls collected.

And it was so popular that eight years to the day after the initial opening, the Portland to Augusta extension of the Turnpike opened, adding 63 more miles farther inland to link three industrial centers and venturing deeper into the heart of the state's inland recreation areas.

It wasn't as simple as it sounds, and neither was transportation at any stage in what would become the state of Maine in 1820. But the story begins 200 years before even that occasion, as Europeans found the region rich in resources it could exploit.

Transportation back in the day

There's a marvelous document from Maine's sesquicentennial year titled "A History of Maine Roads 1600-1970" that verifies the truth in "you can't get there from

here" and might leave you wondering if roads are a boon or bane depending on the century.

The state's first mode of transportation certainly didn't have to cope with potholes or frost heaves, and the unknown author of this work from the State Highway Commission seemingly endorses it in the first paragraph: "Glance at a modern map of Maine and you can easily trace the first transportation system in this northeastern corner of the nation. It is still there and in good repair, although less and less used for serious transportation purposes since the automobile rolled into the state in a cloud of dust and excitement at the turn of the century."

It continues: "With a ready-made system of transportation all around him, the early Mainer was not about to spend his energies building roads he didn't need. ... He had enough to do around the place without yearning to visit the next settlement."

So water travel was the way and any path or trail on land not used regularly "faded back into the puckerbrush."

Yet there was a need to traverse the land by every person who set foot on it, and not surprisingly the first enduring roads were driven into existence because of industry. The state's old-growth pines were destined as ship masts for the Royal Navy and roads, called mastways, were built. "In the Portland area, modern streets follow early mastways to Fore River; and the village square at Freeport is so shaped because of the room needed to swing the big sticks as they were dragged to Mast Landing at the Harraseeket River."

Pemaquid, known as Bristol since 1765, paved the road in the early 1600s that pre-dated the Pilgrims. It was built of flat stones that led from the wharves to the slopes above the harbor so fishermen could move their catch to a location to dry. And while those early Pemaquid roads disappeared, it was foretelling that one thing would keep driving transportation in the state: commerce.

While waterways dominated transportation for centu-



Photo courtesy of the Maine Turnpike Authority



Photo courtesy of the Maine Turnpike Authority

ries, there were, of course, roads built on land, including stretches along the shore beginning in Kittery. The first section was laid out in 1653 and named the “Kennebunk Road by the Sea.” It was the King’s Highway – a couple of wheel ruts and a path for horses in between – and it would be another century before an upper King’s Road would connect the villages of York, Wells, Kennebunk, and Saco. Under colonial Postmaster Benjamin Franklin, the newly completed way became the Post Road with granite milestone markers set in 1760 and stretching from Kittery to Portland.

Time would see areas of the Post Road become U.S. Route 1 and 1A, just as time would see the rise and retreat of stagecoach and wagon, steamboat, and train. And, with time, the industries that powered the state’s economy and growth began to fade as competition from elsewhere outpaced Maine.

Then came the automobile.

The problem with roads

To say roads were not a priority in Maine would be to ignore that in 1905 there was a recorded total of 25,530 miles of all types of roads and streets. That’s actually more than the 22,787 miles reported by the state government in 2017, measured in “public road centerline mileage.” But the reality in 1905 is only 1,353 miles of it was village and city streets. The rest were country roads, with more than 21,850 miles made of “just plain dirt.”

That same year, Maine had 715 automobiles. In 10 years, there were 23,374 passenger cars and 1,098 trucks. By 1925, those numbers were 115,229 and 23,794, respectively.

In the face of that explosive growth, more and more attention turned to the need for not only construction of roads that could hold up better to automobile traffic but roads that actually connected to each other.

From the aforementioned “History of Maine Roads” was this: “Since construction prior to 1913 has been in the hands of the towns and the cities with the emphasis on local roads, the section of roads served local interests

and were not built to connect with those of a neighboring community. Neither were they of similar design or construction.”

Meanwhile, Maine was working to cash in on tourism, proclaiming itself Vacationland in 1936. Travel was by steamship, train, and trolley, with the last leg by automobile, but as more dependable and affordable cars were on the roads in the 1930s, the need for those better, connected roads only grew. Route 1 was the main access road but its congestion was already legendary, with the journey between Kittery and Portland known to take half a day.

Something needed to change.

The Turnpike

With the Pennsylvania Turnpike as inspiration – it having opened in October 1940 – the Maine Legislature took up a bill in April 1941 that would create the Maine Turnpike Authority (MTA), giving it the power to build, operate and maintain a turnpike from Kittery to Fort Kent. It would receive no state money except for \$10,000 to keep things moving between the time the law was enacted to when the first monies were available from bonds and revenues.

The MTA decided at their first meeting in September 1941 that before any bonds could be sold to fund a turnpike, a traffic study and prediction of income was necessary, as well as an estimate for the cost of constructing a modern express highway, according to an article in a commemorative edition of The Maine Trail in December 1955.

Then the war came.

It wasn’t the first time war had affected transportation in the state. In 1812, sea travel was hit by the British blockade, and World War I drew the nation’s resources, particularly its labor force, to the fronts. For the Turnpike, it would mean a delay of several years.

The MTA spent that time trying to find a way to pay for a traffic study between Kittery and Portland. With no funding, it was a huge obstacle. It wasn’t until late 1944

that the Maine Development Commission, tasked with directing the state's post-war planning, agreed to direct \$6,000 to the MTA for a traffic study that months later would prove favorable to the need for a new roadway.

There still was no money, and so the push was on to figure out how to get to the stage where the MTA could sell bonds to fund the actual construction. It would take a number of businesses to agree to do work contingent on funds becoming available later. Finally, in February 1946, everything began to coalesce when the original \$15 million in bonds were secured.

The Turnpike project was on a scope and scale never before seen in the state. From surveying the route, to cutting the path, to contracting with businesses in and out of state, to moving supplies and equipment, the building of the Turnpike was an enormous undertaking.

The cover article of the October 1947 edition of *New England Construction* magazine (which also declared Route 1 now "obsolete") reveals a few figures: "Paving was started on May 21st and 10,000 tons were laid down during the remainder of that month; for June 56,000 tons; for July 119,000 tons; for August 130,000 tons and for September up to the 18th, 72,000 tons, with the grand total adding up to 387,000 tons."

And it wasn't just any kind of paving; it was asphalt, making the Turnpike the first superhighway in the United States to use it and setting a new standard for roadways.

Hot on the heels of the opening of the Turnpike were calls for it to be extended, to Augusta or Waterville or Bangor. Unsurprisingly, despite the immediate popularity of the Turnpike, a repeat performance of funding issues would drag out the process for several more years before construction on the extension to Augusta would commence in what would be the wettest year in 50 years in the state.

1954 was bogged down with rain for 97 out of 154 working days. Two major hurricanes hit the state in less than two weeks, Hurricanes Carol on Aug. 31 and Hurricane Edna on Sept. 11. Carol caused damage totaling \$10 million, becoming the state's costliest natural disaster. It was a designation that fell to Edna days later when it caused \$15 million in damage.

Despite the initial weather woes, the extension – "a graceful, 63-mile monument to the road-building industry" – would open only two months late in 1955. The *Maine Trail*, a publication of the Maine Good Roads Association (today known as the Maine Better Transportation Association), published a special edition in December 1955 to mark the opening. The magazine showcased the many companies involved in the project and traced the history of the work started 14 years before.

It also attempted to show the enormity of the project, particularly the last leg:

On many of the contracts, men and machines took advantage of good weather to work around the clock under floodlight systems stopping operations only a matter of hours on Sundays. To the 2000 men employed directly in the construction, can be added hundreds more in Maine heavy equipment plants who also worked the night hours on many occasions to keep the big earth-moving equipment serviced with parts, proper maintenance and repairs.

- *To get a vague idea of the tremendous effort involved in this exploit, just take a look at the quantities of materials that went into this superhighway.*
- *Twenty million cubic yards of earth, sand, gravel.*
- *One million cubic yards of rock excavation.*
- *One and a half million tons of crushed aggregate.*
- *145 thousand barrels of Portland Cement.*
- *200,000 linear feet or 38 miles of concrete and metal drainage pipe of all sizes.*
- *Eleven and one-half million gallons of asphalt.*
- *47 million pounds of steel.*
- *Bituminous concrete, 350,000 tons.*

Grading quantities break down to 10 million cubic yards of earth excavation, a million cubic yards of rock excavation, another ten million yards of earth borrow plus the million and one half cubic yards of crushed aggregates.

- *Steel quantities were divided into 8,764,000 lbs. for some 35 miles of H-piles for bridges, 24,338,000 pounds of structural steel for the Androscoggin River bridge.*
- *Steel was purchased directly by the Maine Turnpike Authority. In addition to the steel H-piles approximately 12 miles of cast-in-place concrete piles were driven.*
- *All bridge steel was erected using high strength bolts instead of rivets in order to cut erection time and costs.*
- *In the 91 bridges on the new extension, there is a total length of 19,996 feet or 3.8 miles of bridge work. The longest bridge on the extension is the 846-foot Androscoggin River bridge built by the W.H. Hinman Co., Inc. The second longest bridge is the 640 foot structure over Route 202 and the Maine Central Railroad tracks in Auburn.*



Photo courtesy of the Maine Turnpike Authority

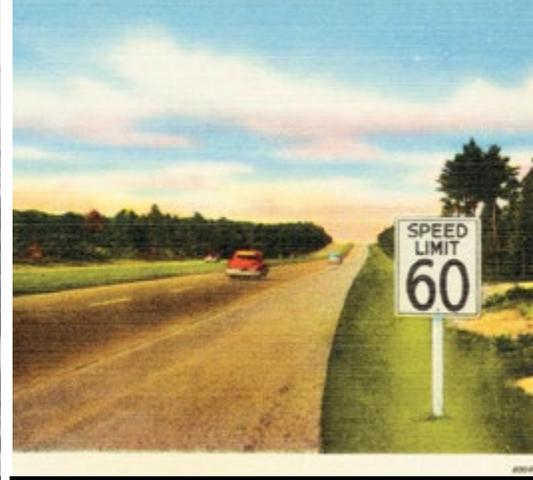


Photo courtesy of the Maine Turnpike Authority

A consulting engineer, L.M. Chace, weighed in with an article in *The Maine Trail* titled “Turnpike Extension opens new horizons in Maine living.” He made the case for the need of engineering to evaluate the economics of large projects from not only the construction costs but the overall economic advantages.

Chace cited revenue from tolls, along with money from the amount of gasoline sold at the Turnpike service station and the revenue from the gas tax. The first section of the Turnpike had 2,468,356 vehicles in 1954, resulting in \$1,730,708 in tolls. More than one million gallons of gas was sold at the service station, which meant more than \$70,000 in tax revenue that went directly to the state.

Chace further estimated that Turnpike drivers traveled 100 million miles, with an average of 15 miles to the gallon, translating into about 6.7 million gallons of gas consumed to the tune of more than \$450,000 in tax revenue. All, he wrote, “for gasoline expended on a road for which the State Highway Department is not required to expend one cent for repairs.”

The estimate for the new section of the Turnpike was that it would double those numbers by the end of the first year and give the state nearly \$1 million in revenue to help build “sorely needed” highways elsewhere in Maine.

It was already known that 60 percent of the cars on the Turnpike were from out of state. Chace said an argument could be made those out-of-staters would have come anyway, but he goes on to make the assumption that these visitors stayed an average of three days at a cost of \$10 per person. “This means that the economy of Maine received a shot in the arm of \$120,000,000 at the very least. If actual figures could be obtained, the figure is more than likely to be over \$200,000,000.”

Another direct benefit was straight to Mainers who used the Turnpike regularly. Chace said a study of roads built like the Turnpike meant better gas mileage and less wear and tear on a vehicle, from tires lasting longer to fewer front-end alignments and other repairs.

“It will be impossible to forecast all the possible ben-

efits,” Chace wrote. “History will undoubtedly record results that will be based on conditions that do not exist today.”

Undoubtedly, a prediction of revenue 67 years later topping more than \$160 million and a capacity of nearly 88 million vehicles along those 109 miles of what one writer called “midnight velvet surfacing” would have exceeded expectations.

Or, perhaps, it might have been expected that another mode of transportation would have followed the path of history and already eclipsed the era of the automobile.

The town off Exit 63

By Janine Pineo

Industry came to what would one day become the town of Gray in the 1700s.

According to “*The Gray and New Gloucester Register*” of 1905, the British felled mast trees in Gray for the Royal Navy, already a century-long practice across Maine. “Thomas, the father of Moses and Jeremiah Twitchell, came from Westboro, Mass., about 1762, and kept camp for British marines and workmen engaged in cutting masts and hauling them to the falls below.”

New Boston – soon to be renamed Gray – had that prized mode of transportation, a waterway.

Water would power much of the town’s early industry, including the creation of Falmouth Woolen Mills, North America’s first water-powered woolen mill in 1791. Saw mills, a tannery, a shingle mill and a grist mill all were built in Gray.

With industry came a growth in population as the town increased from 577 residents in 1790 to 987 a decade later.

It is predictable that when a new route of transportation came to Gray nearly two centuries after Thomas Twitchell kept camp for the British that different opportunities would come knocking, along with another rise in population.

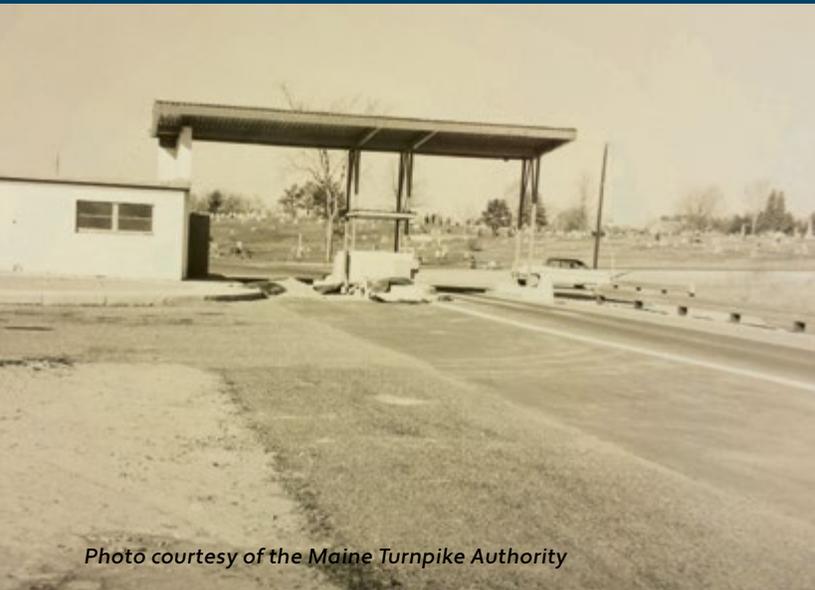


Photo courtesy of the Maine Turnpike Authority



Photo courtesy of the Maine Turnpike Authority

What wasn't as predictable is that 67 years after the Maine Turnpike extension opened, the town of 8,300 off Exit 63 would be deep into making changes and pursuing alternatives that would divert the relentless traffic through town.

Nate Rudy, Gray's town manager, pointed to the spot where five state highways converge.

"It is the craziest intersection I have ever seen in the state of Maine," he said.

With the Turnpike interchange just shy of that intersection, traffic has gotten "compoundingly complicated" with average daily traffic topping 14,000 on Main Street alone and contributed to the deterioration of the town center, Rudy said.

Not only the volume but the gross weight of the traffic is choking Gray Corner, he said. The steady parade of 18-wheelers requires oversized corners, creating 80-foot-long crosswalks that can be difficult, if not impossible, to cross in 15 seconds for many pedestrians, particularly children, the elderly or the disabled.

"We want to change the vibe of the village," Rudy said. "People go where there are other people."

Gray has the ball rolling on one front, that of the Route 26A bypass. The town enacted an ordinance last fall that would limit vehicle weight through the downtown. The signs were set to go up in April to redirect traffic to the bypass. An ordinance meant fines can be levied and the law enforced.

Back in 2020, the town overwhelmingly approved its comprehensive plan, which outlined what it wanted for its future: a reclaimed, revitalized village with safe places to walk, green space and fewer lanes of road. A design report from September 2022 details how that would happen, with a new intersection design, realignment of other intersections, a plaza and even a new neighborhood street.

The report states it follows the comprehensive plan's call for "focused growth and development in Gray Village, with a denser and more walkable pattern focused on human comfort and quality of life. Gray's streets are not and should not continue to be treated like highway on-ramps."

"I know how unsafe these road systems are," Rudy said. He attended the Build Maine conference last year in Skowhegan, a gathering that brings together people involved in aspects of building towns and cities. As he was crossing at an intersection, he was hit by a pickup.

His injuries kept him out of work for a month and he has lingering symptoms. The last year of his life has been considerably affected, Rudy said.

The irony, he said, was that the conference was all about pedestrian safety, bike safety and making downtowns attractive places that people want to be.

The residents of Gray want that livable space, he said. To that end, the town has to work with the Maine Department of Transportation.

The DOT has its plan, Rudy said, and the town has theirs. "We're having a really hard time navigating these conversations," he said.

A meeting in early April was cordial but went nowhere, Rudy said. The town wants major changes at intersections, and while the DOT plan would soften the curves, the crosswalks still would be 60 feet.

If a mutual decision can't be reached, the DOT work – already set five years out in 2028 – would be pushed even further into the future, Rudy said. "It's so frustrating and so predictable."

Another meeting is scheduled for late April, this time with the town's design consultant and engineer to discuss the changes the town seeks.

"We want them (DOT) to be successful at these village projects," Rudy said. 🏔️



the Municipal
RISK MANAGER

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

APRIL 2023

A message from the Director

I am excited to announce the roll-out of “**The RMS Express**.” The first issue went to all Risk Management Services (RMS) contacts in January of 2023. By now, you should have received Issue 03 which was emailed in March. We have received favorable feedback on the one-page, easy to read publication. It is designed to alert our membership to upcoming trainings, grant opportunities, coverage updates, and general topics in real time. Of great importance, we have an “In Your Inbox” section that will highlight important emails that have been distributed to our membership.



*Michelle Pelletier, Director,
Risk Management Services*



During 2023, the **MMA Workers' Compensation Fund (Fund)** continues to celebrate its **45th Anniversary**. We have a dedicated team that provides all your Underwriting, Claims, and Loss Control needs. The Fund developed the **Workers' Compensation Safety Incentive Program (WCSIP)**, exclusively for all Fund members. If you have not joined this program, now is the time. Participation is voluntary, and each qualifying member may receive an incentive credit on the January 1, 2024 Fund contribution of up to 10%. We have seen positive safety efforts, improved claims experience and contribution savings of over \$1.7 million from the over 140 members that are part of this program. The deadline to join is July 1, 2023, for more details visit the www.memun.org website or contact the Loss Control team for assistance.



The **MMA Unemployment Compensation Fund** also celebrates its **45th Anniversary**.

The Unemployment system is complicated, and our dedicated team is available to provide technical guidance with fact findings, appeals and the reporting of wage reports.

The **MMA Property & Casualty Pool (Pool)** renewal is July 1, 2023. As we approach this renewal, the national market trend, specifically for property, has seen rates increasing, from a minimum of 15% to as high as 40%. As a member of the Pool, due to our longevity and favorable experience, we fully expect to see rate changes below the minimum. This is a result of your efforts, we appreciate the risk mitigation techniques of our members. Knowing that our membership monitors their buildings, maintains equipment, drives safely, salts sidewalks, and plows roads, we are able to continue to provide rate stability and broad coverage.

Please contact me directly at mpelletier@memun.org if you have any questions or suggestions.



*MMA Risk Management Services is happy
to welcome its newest member of the:
Property & Casualty Pool*

Town of Oxford

*We thank our dedicated members for their
continued partnership.*

Moving forward with better backing policies

AUGUST – It's 3 a.m. and you've just rolled on to the apron in front of the firehouse. You're cold, wet and tired. It has been a long night as the evening's rainstorm has resulted in call after call with a car crash, multiple downed power lines and the usual false alarms. All you want to do is climb into bed and nap for three hours. The engine's driver takes pity on you. "Don't worry about getting out and spotting me. You're wet enough as it is. I've got this." You breathe a sigh of relief as the veteran driver smoothly slips the Pierce pumper into reverse and begins to back up as he has a hundred times before and then you hear it, the sickening sound of metal crunching metal as the engine comes into contact with the overhead door.

Accidents involving emergency vehicles backing into the station, trees, cars, signs and other items are quite common. One agency has estimated that up to 16% of all reported emergency vehicle accidents involve backing up.

A significant number of insurance claims are filed annually, both here at MMA Risk Management Services and nationwide. Sometimes the incident only results in a slight crease in the tailboard, a bit of a dimple in the siding, and a whole lot of ribbing for the unfortunate driver. Sometimes the damage is more extensive when the driver takes out an entire overhead door which average \$2,000-\$3,000 per door, or runs into a \$50,000 pickup truck.

From 2015-present, fire apparatus and ambulances backing into fire station walls, overhead doors, vehicles and other assorted obstructions resulted in \$447,718 in damages. Emergency vehicles backing into other vehicles, typically after the emergency is over and everyone is returning to the station, is the number one type of claim with \$129,081 paid out to other vehicle owners – that's enough money to purchase a Porsche 911 and still have some decent pocket change to fuel up your sports car and buy a value meal.

Accidents involving backing into the fire station and striking the overhead door, bollards, walls, parked apparatus and ripping off open compartment doors is the second leading type of incident involving fire and EMS vehicles backing up. Approximately \$96,901 in claims due to damage to either the fire station or apparatus were made at MMA with an average \$3,460 pay out. Sometimes the damage was too slight to report with just a bit of scuffed trim, broken mirror and hurt pride; sometimes the damage was more severe as was the case when a compartment door left open on a fire truck ripped into the station like a P-38 can opener causing nearly \$7,000 in damage to both the truck and fire house.

Two of the largest claims related to reversing fire and EMS apparatus do not even involve vehicle-to-building contact. The largest claim has been just north of \$22,000 and occurred when the driver accidentally backed into a ditch. Over the years MMA has seen some fairly expensive tree-related inci-

dents, as was the case last year when a fire truck backed into a tree causing \$20,000 in damages.

Sometimes the incident can be tragic as was the case in February 2010 when a Fire Chief in Kansas was crushed between a parked tanker and a fire engine backing up. The experienced driver said he had seen the Chief outside just seconds before backing up and never saw him re-enter the building. It wasn't until after he had parked the truck and got out that he discovered what had happened.

Surprisingly calls involving firefighters being backed over are more common than one would think. As recently as 2021, a quick search reveals three deaths (Delaware, New Jersey and New York) where firefighters were run over. In 2009, a California Fire Captain nearly had both of his legs amputated when he was pinched between a parked and reversing truck.



These types of tragic deaths and property damage are sadly easily avoidable in most every instance. Here's what your fire department can do to help minimize the chance of being involved in these types of incidents:

- Use a spotter. Having a spotter who can ensure the driver is lined up, there are no other people, vehicles, or other obstructions in back of the truck and – if backing into the station – that the overhead door is all the way up can make a huge difference. Consider making the use of a spotter a policy, as part of the department's SOPS/SOGs, and enforce it. So often a spotter policy is adopted, but over time it is easy to become complacent and before you know it no one is spotting the driver. Progressive fire departments however, will make sure they always have one or even two spotters.

- The spotter should be trained to do more than just stand there. They should take a quick look to make sure none

continued on page 24



Meet Your Workers' Compensation Medical Technicians

The MMA Workers' Compensation Fund medical technicians are the first point of contact for all submitted first reports of injury. Our unit consists of two workers' compensation claims technicians, one senior workers' compensation claims technician, and the workers' compensation claims supervisor. We investigate claims ranging from sprains and strains to concussions. Every report filed varies in severity and fact-specific scenarios affect how a claim is handled.

Our investigation starts with you, the member, who's occupational and employment knowledge is vital to the investigation of the injury. The technicians then contact each injured employee to ensure their injury arises in and out of the course of employment while coordinating prompt medical care. Along with medical care, the team will confirm that all workers' compensation board lost time reporting guidelines are adhered to.

Through the life of a claim, our team will touch base with each injured employee for progression and treatment updates. Consistent check-ins can be essential for an injured workers' morale and motivation for a successful return to the workplace.

The technicians will coordinate and approve specialist referrals, such as physical therapy, occupational therapy, dental work, chiropractic treatment, or orthopedic providers. Prompt communication and established professional relationships with these health care facilities ensures a successful treatment regimen for your employees.

In the rarer instances, when a claim's compensability is disputed, the medical technicians will participate in the dispute resolution process. The file is reviewed holistically to confirm what the best course of action is for either resolution or continued denial of a file. Your workers' compensation team will handle this mediation process for the member.

Each technician is assigned their own territory of participating members. This allows for one point of contact for all medical claims. The technician team prides itself in building these relationships with the membership.

Michelle Emery has been with Maine Municipal Association for 18 years. She was hired as a medical technician and has since been promoted to senior medical technician within the department. Prior to her employment with Maine Municipal Association, Michelle worked in claims administration for New Hampshire Insurance. In 1989, Michelle started working as an underwriting assistant where she stayed employed for 16 years. Michelle's vast insurance knowledge has been a huge asset to our team. Outside of work, Michelle enjoys crafting and baking whoopie pies along with spending time with her husband of 32 years, children and two grand-dogs.

Sherry Tanner has been with Maine Municipal Association for five years as a medical technician. She holds a master's degree in library science and distance learning. Prior to working for Maine Municipal Association, Sherry worked as a college librarian for 10 years. She also worked in the mental health field in the Human Resources Department. Sherry brings safety experience from the



Left to right: Zachary Martel, Jennifer Harrow-Mortelliti, Michelle Emery, and Sherry Tanner

manufacturing industry, along with workers' compensation specific skills from New Balance, which she had worked at since 2012. Sherry is always willing to assist with extra tasks if there is transition within our department. Outside of work, Sherry is a proud single mother of four boys.

Zachary Martel is the newest addition to our unit. Zachary has been with Maine Municipal Association since June 2022 as a medical technician. Zachary holds certificates in Microsoft Security Fundamentals for PC repair and networking. After realizing the IT industry was not for him, Zachary sought employment with Liberty Mutual where he worked for six years as a business rater for auto commercial quotes and as a contractor in the workers' compensation claims department. Zachary is excited to grow in his current position as a medical technician. Outside of work, Zachary is the proud single father of a little girl. In his free time, he enjoys learning about ancient history and is an avid video gamer.

Jennifer Harrow-Mortelliti has been with Maine Municipal Association for seven years. She was hired as a medical technician and has since been promoted to lost time claims representative, senior lost time claims representative and most recently, in August of 2021, to the workers' compensation claims supervisor. She holds a bachelor's degree in paralegal studies and was inducted into the paralegal national honor society. Prior to being hired by Maine Municipal Association, Jennifer worked for five years with OHI, a non-profit agency supporting individuals with mental illness. During her seven-year career at Maine Municipal Association, Jennifer has also worked on both workers' compensation TPA accounts as their claims representative. Outside of work, Jennifer enjoys spending time with her two sons, husband, and puppy. You can usually find Jennifer at various concert venues enjoying metal shows.

Consistent communication between the member, the employee, the healthcare providers, and our workers' compensation team are the foundation for positive claims management. Our technicians also work closely with MMA Risk Management Services nurse case manager for complex medical issues.

For any questions or concerns on claims management, please feel free to reach out to Jennifer Harrow-Mortelliti at jharrow-mortelliti@memun.org.



of the compartment doors are open, make sure the driver is lined up and keep an eye on any people or possible obstructions nearby.

- The spotter should never turn their back on the truck and should always be sure they can see the driver’s mirrors.
- The spotter should use standard and distinctive hand signals to communicate to the driver as to which way they need to turn, if they should stop, etc. Having a two-way radio can also improve communication as they can then provide the driver with additional information.

■ Drivers need to exercise caution when reversing whether it be at the fire scene or at the station. While having had EVOC/AVOC training is useful, there really is no replacement for experience. Knowledge and repetition of safe practices should help make backing up procedures second nature.

- Go slow and watch the mirrors and your spotter. If you cannot see your spotter immediately stop the truck. Do not open your door and attempt to look around the truck. If you need to take a look, stop the truck, put it in park and get out.
- Listen. Roll down the window and listen to any possible commands from your spotter. If your spotter is using a two-way radio, keep one ear tuned.
- Back up cameras can be useful, but don’t rely on them, and never attempt to use them while in motion. Instead use a spotter and your mirrors, and be sure the mirrors are clear of snow, ice, and fog.

■ Engineering can also help reduce the likelihood of an incident.

- Use painted lines on the fire station floor and extend them on to the apron to help the driver align the truck as they back up.
- Bright (but not glaring) lights in the station and overhead can help the driver get a better visual of what is around and behind them. Consider the use of scene lights on the truck, when necessary, especially when backing up following an incident.
- Installing bollards and painting them in a bright color such as orange, yellow or red can help the driver both in terms of outlining the edge of the doors and mitigate damage to the truck and fire station if they do happen to back up and are not lined up correctly.
- Every once in a while, there are some claims where the overhead door is damaged as firefighters leave the station before the door has reached its full height. Using a spotter, installing warning lights to indicate the door is not fully open or simply changing a procedure (i.e. hit the button to open the door and then doing a walk around first and donning the bunker gear to give the door time to open) may help in these cases.

The firefighter mantra, our mission or call to duty if you will, has always been “Save Lives, Preserve Property.” Perhaps those in the fire service industry would be wise to remember that mission also applies to them as well when backing the pumper, ladder or rescue vehicle at the fire scene or back at the fire house at the end of a call.

FREQUENTLY ASKED QUESTIONS

What is Equipment Break-down Coverage?

Cities, towns, and utility districts have numerous equipment exposures that are often overlooked, and when this unexpected mechanical, electrical or pressure failure occurs, it can be costly to repair or replace.

A good first step is to avoid the unforeseen risk, by identifying exposures and instituting safeguards. The Property & Casualty Pool coverage includes equipment breakdown coverage designed to meet the unique exposures of our members. We have the expertise through a partnership with Travelers BoilerRe, to identify establishment-specific equipment exposures and assist you by reducing losses and by providing a safe environment for your staff and the public.

The benefit to your municipality:

- Inspection and identification of exposures provides safeguards against equipment losses, labor costs and expenses in the event of a loss.
- Coverage for indirect losses such as extra expense, service interruption, spoilage and business interruption.
- State-mandated boiler and pressure vessel inspections are included with your coverage.
- Claims adjusted by professionals solely dedicated to the equipment breakdown insurance business.

If you have a question you would like to ask, please email Marcus Ballou at mballou@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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NOTICE

Seeking Nominations for MMA Executive Committee

Nominations. Nominations are being accepted for three seats on the MMA Executive Committee. The Vice President position is also open to municipal officials who have served at least 12 consecutive months on the MMA Executive Committee during the past five years. The Nominating Committee will interview candidates for the Vice President position and selected candidates for the Executive Committee positions during the 3rd meeting in May.

What Is Involved? The Executive Committee is the Maine Municipal Association’s corporate board, consisting of twelve elected and appointed municipal officials representing the interests of member municipalities throughout the state. The Committee has overall governance and fiduciary responsibility for the Association, its annual operating budget, and the development of policy and priority initiatives. The Executive Committee meets 10-12 times per year and has a required attendance policy in place. The Association reimburses municipal officials or their municipality for travel related expenses incurred for attending meetings or authorized activities to represent the Association's interests.

Who Should Apply?

- Town and/or city managers or chief appointed administrative officials in an active member municipality; or
- Municipal officers (*mayor and aldermen or councilors of a city, the selectpersons or councilors of a town, and the assessors of a plantation*).

What are the Qualifications?

- The ability to serve a three year-term;
- Basic knowledge and interest in corporate operations of the Maine Municipal Association;
- Although not necessary, it would be helpful to have prior experience on other governing boards/committees and/or involvement in the Maine Municipal Association.

Timetable

Monday, March 27, 2023 9:00 a.m.	1 st Meeting of Nominating Committee – <i>Review of Nominating Committee Process</i>
March 27, 2023	1 st Electronic Mailing to Municipal Officials – <i>Seeking Interested Candidates</i>
March - April 2023	Notice on MMA Website, <i>Maine Town & City</i> and e-newsletter <i>MMA This Month</i>
Friday, April 28, 2023 12:00 noon	Deadline for Receipt of Statements of Interest for Vice President and Executive Committee positions
Tuesday, May 2, 2023 2:00 p.m.	2 nd Meeting of Nominating Committee – <i>Review Statements of Interest and preparation for Interviews</i>
Friday, May 5, 2023 10:00 a.m.	Final Meeting of Nominating Committee – <i>Interviews with candidates and put forth Proposed Slate of Nominations</i>
May 26, 2023	2 nd Mailing to Key Municipal Officials – <i>Proposed Slate of Nominations and information on Petition Process (as referenced in the MMA Bylaws)</i>
Friday, July 7, 2023 4:30 p.m.	Deadline for Receipt of Nominations by Petition Forms
July 14, 2023	3 rd Mailing to Key Municipal Officials – <i>MMA Voting Ballot for Election of VP and Executive Committee</i>
Friday, August 18, 2023 12:00 noon	Deadline for Receipt of MMA Voting Ballots
August 18, 2023	MMA Election Day – <i>MMA President oversees counting of MMA Voting Ballots</i>

For Further Information:

Please visit the MMA Website at www.memun.org for additional information on the MMA Nominating Committee process, timetable, overview of Executive Committee responsibilities and access to the Statement of Interest Forms. Contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or by e-mail at tchavarie@memun.org if you have any questions.



STATEMENT OF INTEREST FORM
SERVICE ON THE MMA EXECUTIVE COMMITTEE
Deadline for Receipt — 12:00 p.m. on Friday, April 28, 2023

Name of Candidate: _____
 Municipal Position: _____ Years in Position: _____
 Municipality: _____ County: _____
 Preferred Mailing Address: _____
 Work or Office Phone _____ Home Phone: _____
 Mobile/Cell Phone _____ E-Mail: _____

Experience in serving municipal government – (Please provide information on employment, volunteerism, service on boards, committees, special projects, elected positions, etc.)

What attributes do you believe you will bring to the Maine Municipal Association?

Other information not included on your Resume — other activities of interest, awards, etc.

Have you served MMA or its Affiliate municipal professional organizations in the past? If so, please summarize below.

The MMA Executive Committee has an Attendance Policy that requires a member to miss no more than three meetings per year. Based on this, do you believe the time commitment meets your availability? YES / NO

Please provide a Municipal Reference that we may contact:

_____	_____	_____
Name	Municipal Position	Telephone #

Please include your cover letter, updated Resume and up to three letter(s) of support.

I attest that the information contained above and in the attachments is true and accurate to be best of my knowledge.

Signed: _____ Date: _____

Return to: MMA Nominating Committee c/o Executive Office
 Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330

FAX: (207) 626-3358
 E-mail: tchavarie@memun.org

Montejo: Clerk's work is demanding but rewarding

By Liz Mockler

A city clerk's job is never done and ever changing, says Kathy Montejo, Lewiston city clerk and one of the most decorated clerks in Maine.

Although the job is complex, challenging and demanding, helping citizens brings Montejo her greatest satisfaction. She believes members of the public should be treated with respect and a quiet dignity that requires good listening skills and follow through.

Helping residents at momentous occasions in their lives is a special honor, she said. "Many times, you are interacting with residents during the milestones of their lives – issuing a marriage license, issuing a birth certificate for their new baby or issuing a death certificate of a loved one," she said.

"It is a great honor to be able to assist our residents with these services that reflect memorable experiences in their lives and the lives of their family," she said.

In addition to the myriad duties of a city or town clerk, they are responsible for preparing for and executing municipal, state, and federal elections; whether for local offices at town meeting; state legislative races; or federal elections for president and Congress.

Montejo holds most every award a Maine clerk could receive, including the 2017 Maine Town and City Clerks' Association's (MTCCA) President Award; 2000 MTCCA clerk of the year award; and the 2011 recipient of the Ethelyn Stuart Marthia Memorial Award for outstanding service to the association.

She is one of just a few nationally certified clerks in the state. She also graduated from the New England Municipal Clerks Institute in 1997. She has worked as Lewiston city clerk since 1999, after working as clerk for the city of Bath and town of Woolwich.



Kathy Montejo

Montejo graduated from the University of Maine in 1991 with a Bachelor of Arts degree in public administration, with a minor in public relations.

In a recent email exchange, Montejo talked about the complexity of the job, the increasing challenges of holding municipal, state, and federal elections, and the ongoing struggle to find and recruit the clerks of the future.

Q) What do you consider hallmarks of a good municipal clerk?

A) I think there are many traits a person must bring to the position of municipal clerk, first and foremost the ability to multi-task. On any given day, you could be assisting a citizen with the process of amending a birth certificate, updating ordinances, answering questions for a new business owner about a liquor license, administering oaths to new committee members, certifying city council votes, issuing a burial permit for a local funeral home, and more.

A lot of the tasks have legal implications if not done correctly and I am not sure the average citizen is aware of that. There is a lot of variety to the position, which can be both a pro and a con. Sometimes that is great because it keeps the day interesting and other times it can be a bit overwhelming to keep everything straight.

Other traits for a good municipal clerk to possess include the need to be knowledgeable and resourceful to complete the tasks well. In addition, we need to remember that clerks tend to be the front line and first official citizens interact with at the town office so we need to be empathetic and good listeners.

We strive to treat all of our customers with dignity and respect.

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

Q) What are the two top jobs that clerks perform?

A) Election administration and records management.

By state statute, municipal clerks serve as the local election administrator for their community and, as such, oversee all aspects of the local election as well as run the state/federal elections for their community. These are complex tasks and are growing more complex each year as a result of state and federal law changes and changes that are brought forth as a result of election related lawsuits.

I have been a municipal clerk in Maine since 1992 and have probably administered close to 75 elections in my career; one year we ran seven elections in a 12-month period.

The requirements for running an election have increased exponentially during that timeframe. Maine is somewhat unique in that only eight states in the country administer state/federal elections on the local level as opposed to the county level. This adds a large component to our position as opposed to our colleagues in the rest of the country.

The other major job for the position is records management. Some examples include maintaining and properly issuing certified copies of vital records (birth, marriage, and death), updating and maintaining or-

dinances, keeping records of city council actions, and preserving the records of the municipality for both legal and historical purposes.

Q) What is the most difficult part of prepping for an election?

A) Time management because so much needs to be done all at once it feels like. Even though we start to plan for an election months in advance, the bulk of the work happens during the two months before an election as we are receiving requests for absentee ballots; issuing the absentees; lining up workers; replacing workers who cancel out; conducting absentee voting at the nursing homes; and inspecting polling places for any changes.

Q) Have you seen increased partisanship and anger at the polls? If so, what do you think is causing the angst?

A) Absolutely. Unfortunately, many election jurisdictions around the country have been experiencing this. Thankfully, most communities in Maine have not seen the level (of turmoil) that some places are seeing, but it may only be a matter of time.

I feel it is a result of the national rhetoric trickling



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down to the local level. The level of distrust in the election process is growing unfortunately. Maine has a good system in place for election security: we use paper ballots, our voting machines are not connected to the internet, the election workers are your neighbors and fellow community members so that adds to the level of trust.

For the November 2022 election, the Secretary of State's Office offered Lewiston a safety and security review of our polling places that was conducted by the federal Office of Homeland Security. We also participated in a training taught by the FBI and Homeland Security on de-escalation techniques in preparation for any potential issues at the polls.

Never would I have ever imagined 20 years ago the need for either of these services. Elections are a great community event - we have seven polling places in Lewiston so each location is like a neighborhood polling place. Our citizen workers love seeing old friends, former co-workers and helping out.

While that is still the case, there is a new "feel" to the process now that we need to have heightened awareness of outside influences and work to ensure safety and have improved security.

Q) Would you encourage others to pursue a career as a clerk and why?

A) I would definitely encourage people to consider a career working for local government and particularly as a municipal clerk. Local government is the front-line level of government, and we get to interact with and assist the citizens directly. It is very gratifying to be able to assist residents with some of the complex tasks and regulations they need to process. The job is

a nice balance of interesting and important work for the community, while being able to work directly with residents.

Q) Why do you think some communities are hard-pressed to recruit new clerks and election workers?

A) Unfortunately, we are seeing many openings around the state and many announced retirements prior to the November 2024 presidential election. I think there is a lot of pressure on municipal employees at this time (as) towns are experiencing budget cuts and increased regulations from the state.

While the variety of tasks can be considered an asset for the job, it makes the job more complex as well. Many of the tasks a municipal clerk performs are state regulated.

These procedures change on a regular basis and municipal clerks need to stay up to date on the requirements in order to conduct the job properly and not make errors that will negatively affect the municipality and the customer individually. There are many details to keep straight in order to do a good job. It certainly can be overwhelming at times.

Q) What part of your day-to-day work is most challenging?

A) Like most jobs, not knowing what the day will bring regarding any unplanned issues or requests. We can plan our day in advance in order to meet deadlines and stay on track with projects, and requests come in and we cannot get to the task at hand. Same in many municipal jobs.

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Q) Is there anything you would change about the clerk's job?

A) Hmm ...that is a bit of a difficult question to answer. Nothing specific, most of the tasks are outlined in state statutes. The MTCCA (Maine Town and City Clerks' Association) works diligently to monitor upcoming bills before the Legislature (mostly election related) to ensure that proposed changes will not negatively affect the municipalities, municipal clerks, or our residents. We work to advocate for or against bills that would create too many changes that will not work well for our state.

Q) Does your job as clerk require ongoing education and training even for experienced clerks? What is the benefit for clerks?

A) Absolutely. The need to be aware of law amendments and changes in procedure is critical to doing a good job in the position, regardless of how long

someone has been a clerk. I feel like I am constantly learning in this position; new ideas for improved efficiency, new ways to get voter information out to our residents, etc.

Municipal clerks can obtain their state certification and their national certification and many municipal clerks in Maine have done so. Having a professionally trained municipal clerk is an asset to a community.

Q) What do you enjoy the most about your job?

A) The variety of residents we interact with and are able to assist firsthand on the front line is always enjoyable and gratifying. The support and mentoring of colleagues around the state is also wonderful. Municipal clerks are a strong, networked group of municipal officials who learn from each other and work to help each other as needed. This professional network is invaluable to me. 🏡

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2023 Municipal HR & Management Conference
Keynote Speaker

“Embracing a Culture of Diversity, Equity, Inclusion, & Belonging”



Marwa Hassaniien, MS, M.Ed., System Director of Diversity, Equity, and Inclusion at Northern Light Health and Chairwoman of the Bangor School Committee, will focus on “Embracing a Culture of Diversity, Equity, Inclusion, & Belonging” in which she discusses the spaces in which identity, belonging, and inclusion are negotiated, the need for developing organizational objectives for DEI, and the importance of advancing DEI initiatives and moving from commitment to action.

2023

TECH
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2023 Municipal Technology & Innovation Conference
Keynote Speaker

“Managing Together Amid Accelerating Change - Tech Challenges and Opportunities for Maine”



Hannah Pingree, Director of Governor Janet Mill’s Office of Policy Innovation and the Future, will talk about both tech trends and issues impacting Maine’s communities and economy from clean energy and connectivity to housing innovations to the potential impacts of artificial intelligence. At a time when the accelerating pace of change in the world is difficult to track, she’ll speak about urgency of state and local governments working together to confront both the challenges and the opportunities for Maine.

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Interested in having your community featured in the News or People segments of the Maine Town & City? Is your municipality hosting an annual festival celebrating a favorite crustacean, sweet treat, notorious beverage, or historically significant event? Are new businesses relocating to your downtowns?

If so, MMA wants to help share your successes with municipal officials across the state. Please submit descriptions and photos of your events, promotions and festivities to Sue Bourdon (sbourdon@memun.org) or Kate Dufour (kdufour@memun.org).

Submissions will be published in a time sensitive and as space allows format. Narratives and descriptions should be no more than 150 words, and photos must be 5 x 7 in size.

Depending on the response, we may expand the selection of regular features published in the magazine.

We look forward to hearing from you.

TRAINING CALENDAR

Maine Municipal Association & Affiliates

APRIL

4/19	Wed.	MMTCTA Basic Excise Workshop	Augusta -MMA	MMTCTA
4/19-20	Wed.-Thurs.	MTCCA New Clerks Workshop	Day 1: Zoom Webinar (full day) Day 2: Zoom Webinar (half day)	MTCCA
4/21	Fri.	MAAO Northern Maine Spring Training	Caribou - Northern Maine Development Commission & Zoom Webinar	MAAO
4/24-25	Mon.-Tues.	MCAPWA Supervisory Leadership in Public Works Program - Part I	Fairfield - MDOT Training Center	MCAPWA
4/24-25	Mon.-Tues.	MWDA Spring Training Seminar	Bangor - Hilton Garden Inn	MWDA
4/26	Wed.	Elected Officials Workshop	Zoom Webinar	MMA
4/27	Thurs.	MTCCA NAMI De-Escalation Training Workshop	Waterville - Waterville Elks & Banquet Center	MTCCA
4/28	Fri.	Basic Municipal Budgeting	Augusta - MMA with Zoom Webinar	MMA

MAY

5/3	Wed.	Personnel Practices	Augusta - MMA with Zoom Webinar	MMA
5/10	Wed.	MAAO Board of Assessment Review	Augusta - MMA with Zoom Webinar	MAAO
5/11 & 12	Thurs.-Fri.	Verbal Judo for the Contact Professional - 2 DAY PROGRAM	Augusta - MMA	MMA
5/16-18	Tues.-Thurs.	MCAPWA Supervisory Leadership in Public Works Program - Part II	Fairfield - MDOT Training Center	MCAPWA
5/18	Thurs.	MMTCTA Annual Conference	Bangor - Hilton Garden Inn	MMTCTA
5/22	Mon.	Customer Service Excellence	Augusta - MMA	MMA
5/22-23	Mon.-Tue.	MBOIA 14th Annual Maine Code Conference	Carrabassett Valley - Sugarloaf Mountain	MBOIA
5/31-6/1	Wed-Thurs.	MTCCA Athenian Dialogue: Finding Me	Zoom Meeting	MTCCA

JUNE

6/1	Thurs.	MCAPWA Highway Congress	Skowhegan - Skowhegan Fair Grounds	MCAPWA
6/7	Wed.	Planning Board/Boards of Appeal	Lewiston - The Green Ladle	MMA
6/15	Thurs.	MMTCTA Cash Management	Augusta -MMA	MMTCTA
6/21	Wed.	New Managers Workshop	Orono - University of Maine	MMA
6/22	Thurs.	MEGFOA Summer Training Workshop	Freeport - Hilton Garden Inn	MEGFOA
6/22	Thurs.	Municipal Human Resources & Management Conference	Orono - University of Maine	MMA
6/23	Fri.	Municipal Technology & Innovation Conference	Orono - University of Maine	MMA
6/28	Wed.	MTCCA Notary Public	Zoom Webinar	MTCCA
6/29	Thurs.	MFCA Membership Meeting & Networking	Bar Harbor - Harborside Hotel & Marina	MFCA

JULY

7/12	Wed.	MTCCA Licensing Workshop	Augusta - MMA	MTCCA
7/13	Thurs.	MBOIA July Membership Meeting & Training	Augusta - MMA	MBOIA
7/18	Tues.	MMTCTA I've Got The Job - Now What? Workshop	Augusta -MMA	MMTCTA
7/26	Wed.	MTCCA Municipal Law for Clerks	Augusta - MMA with Zoom Webinar	MTCCA

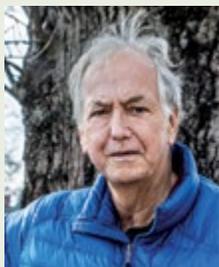
AUGUST

8/2	Wed.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
8/9-11	Wed.-Fri.	MTCMA 77th New England Management Institute	Carrabassett Valley - Sugarloaf Mountain	MTCMA
8/15	Tues.	Planning Board/Boards of Appeal	Presque Isle - The Northeastland Hotel	MMA
8/16-17	Wed. -Thurs.	MTCCA New Clerks Workshop	Day 1: Augusta - MMA (full day) Day 2: Zoom Webinar (half day)	MTCCA
8/17 - 18	Thur.-Fri.	MMTCTA Governmental Accounting	Orono - Black Bear Inn	MMTCTA
8/23	Wed.	Becoming an Empowered Leader of DEI (this 25-person max co-hort group will meet 4 times, on 8/23, 9/19, 10/18 and 11/13; those that register must commit to the full program)	Augusta - Maine Municipal Association	MMA

SEPTEMBER

Sept. TBD	Fri.	MCAPWA Golf Tournament	Cumberland - Val Halla	MCAPWA
9/6	Wed.	Elected Officials Workshop	Bar Harbor - Atlantic Oceanside Hotel	MMA
9/7	Thurs.	MMTCTA Payroll Law	Waterville - Elk's Lodge	MMTCTA
9/10-13	Sun.-Wed.	NEGFOA 76th Annual Fall Conference	Rockport - Samoset Resort	MEGFOA
9/12	Tues.	MTCCA 28th Networking Day & Annual Business Meeting	Augusta Civic Center	MTCCA
9/13	Wed.	Mental Health First Aid	Augusta - MMA	MMA
9/14	Thurs.	Verbal Judo for the Contact Professional - 1 DAY	Bangor - Hilton Garden Inn	MMA
9/19	Tues.	Becoming an Empowered Leader of DEI (this 25-person max co-hort group will meet 4 times, on 8/23, 9/19, 10/18 and 11/13; those that register must commit to the full program)."	Lewiston - TBA	MMA
9/19	Tues.	MTCCA Title 21A - State Election Law	Presque Isle - Northern Maine Community College	MTCCA
9/21	Thurs.	MTCCA Title 21A - State Election Law	Augusta Civic Center	MTCCA
9/21	Thurs.	MBOIA September Membership Meeting & Training	Portland - Clarion Inn	MBOIA
9/22	Fri.	MWDA GA Basics	Augusta - MMA	MWDA
9/27-9/29	Wed-Fri.	MAAO Fall Conference	Sebasco - Sebasco Harbor Resort	MAAO

The Buxton Select Board last month named **Kevin Collins** the town's new police chief. Collins replaces **Troy Cline**, who resigned in January. Collins started his career as a public safety dispatcher and Scarborough reserve police officer. He worked for the York County Sheriff's Department before taking a job with the Buxton department. He was named the 2020 Maine Deputy of the Year. Collins said his priorities will be transparency and public communication.



Jeff Dobbs

Longtime Bar Harbor Town Councilor **Jeff Dobbs** in early March resigned his seat immediately due to health problems. Dobbs, 73, has served on the council for a total of 17 years. In addition to a serious heart attack last fall, prompting a leave of absence, Dobbs said he also suffers from kidney disease that requires prolonged treatment. He plans to continue serving on the town's recreation committee, the historical society, and the Village Improvement Association. The town council unanimously appointed former Councilor **J. Clark Stivers**, who served from 2014 to 2017, to fill Dobbs' seat until the June election.



David Galbraith

Municipal planner **David Galbraith** has been named Biddeford's new planner and deputy director of the Planning and Development Department. Galbraith joined the city as a contractor to work as an interim planner in a consulting role. He was hired as a full-time employee in late February. He has 28 years of experience in planning, including working as director of planning and permitting for the cities of Auburn and Lewiston, and zoning administrator for the town of Gorham. He earned a master's degree in urban and regional planning from the University of Chicago.



John Gilboy

Old Orchard Beach Interim Fire Chief **John Gilboy** was promoted to the job permanently during a recent city council meeting. The position includes the job of emergency management director. Gilboy was commended for his dedication to the department, commitment and leadership skills. The council voted unanimously to promote Gilboy, whose career with the department started in 1992 as a part-time EMT. In

1996, he was hired by the department as a firefighter/paramedic who rose through the ranks over the years to deputy chief, interim, and now permanent chief. He replaces **Fred LaMontagne**, who resigned this winter to take a job in the private sector.

The Limestone Town Office was closed briefly in late March after both the clerk and assistant clerk resigned. The office was closed for just two days, but it illustrates the challenge municipalities are facing over a shortage of clerk candidates, officials said. Former clerk **Chelsea Elliot** has agreed to serve as clerk until a new one can be hired. The clerk's office will only be open from 2 p.m. to 4 p.m. until further notice.



Christian Greeley

Holden Police Chief **Christian "Chris" Greeley** died suddenly March 9 after a brief illness. He was 60. Greeley was remembered for his kindness and devotion to others throughout his 32-year public service career, and for a powerful legacy of community involvement. He will be "irreplaceable," Town Manager Benjamin Breadmore said, and a great loss to the entire community. Greeley worked for several Penobscot County police departments, including for the sheriff's office, Brewer and Veazie. He joined the Holden police force in 2007 as a patrolman and climbed to chief by 2015. He was also known for founding 25 Days of Kindness during December of each year. The fund that Greeley started with a few hundred dollars of his own money had grown to \$25,000 last year. The money provides food, gift cards and other necessities during the Christmas season. In addition to being well-known in town for his police work and community projects, he was also known as a fill-in for a popular Bangor-area radio talk show host.



Caroline Pelletier

Freeport Town Manager **Peter Joseph** has resigned to accept the manager's job in York. He served the town for 10 years. Prior to his stint in Freeport, Joseph managed Lincoln, N.H. The Freeport Town Council has named planner **Caroline Pelletier** as interim town manager, her latest job since joining the town staff in August 2002. She has performed numerous duties over the two decades, mostly related to planning. She was named permanent planner in May 2020. The council said the search for a new manager is expected to take months.

Cornell Knight of Carrabassett Valley has been hired as the interim town manager in Farmington following the surprise resignation of **Christian Waller**. He had been hired in 2021 to follow **Richard Davis**, town manager for 20 years, and resigned to spend more time closer to home. Knight is a seasoned administrator and a past manager of the year. He has more than four decades of experience and now works with Eaton Peabody Consulting Group in Augusta. The communities where Knight managed include Baileyville, Hallowell, Jay, Topsham, Winthrop and Bar Harbor, from where he retired in January 2022 after serving seven years.



Tom Lafferty

Off-duty Portland firefighter **Tom Lafferty** may have saved an elderly woman's life in February when he spotted a house fire while driving home from the grocery store. Lafferty called 911 as he rushed to the home, where flames were shooting from the roof. He banged on the door until the woman emerged, unaware her home was on fire. He said helping someone, regardless of whether it's a fire or an illness, is a "great feeling." Fire crews found the fire inside the walls and were able to douse it.

Madison special election voters recalled Selectman **Glen Mantor** in February and chose **Shawn Bean** to replace him. Bean immediately began serving the remainder of Mantor's term, which expires in June 2024. The recall effort said Mantor acted out of personal interest when voting against the town hiring a full-time code enforcement officer. But Mantor said he did not think a full-time CEO was warranted and thus an unnecessary expense for the town of nearly 4,700 residents.

Veteran Caribou fire Cpt. **Daniel "Danny" Raymond** was killed March 23 when his car collided with a box truck as he was driving out of town on Route 1. The driver of the truck swerved into Raymond's lane and lost control of the vehicle during a heavy snowstorm. Raymond, 57, was beloved as both a firefighter and a paramedic. In fact, some of the first responders to the scene were trained by Raymond. He served the city for 28 years in the fire/ambulance department, the last eight as a captain. He also worked as a custodian for the National Weather Service in Caribou. Raymond was a volunteer for the Aroostook County Action Program and played the clown for annual children's events. In a Facebook posting, co-workers said their "hearts are broken." 🏠

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STATEWIDE

Maine recorded the most workplace injuries of any other state in 2021, according to the U.S. Bureau of Labor Statistics. A state labor official said the higher numbers come from increased reporting of injuries or accidents. Maine registered 4.7 cases per 100 workers. The national average was 2.3 cases per 100 workers in 2021. The most common worker injuries include slips, trips and falls.

STATEWIDE

Charter Communications announced it would spend \$82 million to upgrade existing services to areas in Maine where the company already provides service. Of the \$82 million, the company will invest \$12 million to bring broadband to 3,500 homes in Somerset and Oxford counties. The upgrade phase will take two years. The cable giant works with Spectrum, which serves 446,000 customers across the state. In the coming months, Charter plans to begin upgrading equipment and the infrastructure on existing poles.

COLUMBIA FALLS

Voters bought themselves some time in March by endorsing a six-month moratorium on development aimed at stopping a proposal to erect a 1,500-foot

flagpole in the town of 545 people. The flagpole would be taller than the Empire State Building. The flag would be the size of a football field. The project cost has been estimated at \$1 billion. The flagpole would be the centerpiece of a larger development featuring a memorial to veterans, multiple history museums, hotels and restaurants, retail stores and a concert venue. The moratorium will give officials time to draft and adopt an ordinance to control development in the Washington County town. The proposal for a patriotic park, unveiled last year, is being offered by the Worcester family, well known for its annual Wreaths Across America volunteer effort.

LAKE VIEW PLANTATION

Federal funds will allow the remote settlement, population 90, to renovate and update the only public building it owns. Located on Schoodic Lake, the community will receive \$75,000 to improve the 130-year-old building used both as a church and schoolhouse. Residents consider the small white building with stained glass windows to be the focal point of the plantation. Most recently, a pastor and his wife started Sunday services in the building. The federal funding will boost preservation efforts without raising property taxes.

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ROCKPORT

At a town meeting in June voters will decide whether to accept a gift of \$3 million to set aside the former elementary school as a permanent town park. The Leshner Family Foundation has also pledged \$1 million to the town for a municipal project of its choice. The town has struggled for several years, holding forums, debates and executive session talks by the select board, to find a way to transform the old school property and how to pay for it. The Leshner foundation was created in Rockport last year and proposed the project, asking that in return for the money, the town designate the school as a park and recreation area. The foundation also would pay the design costs for a park and fund public outreach efforts so residents have a say in the design. A community-based park committee would be created under the proposal to support the management and operation of the park.

SOUTH PORTLAND

City residents with at least one acre of land may now raise two to four farm animals, depending on the size of their property. The city council voted in March to allow sheep, goats, pigs, and other farm animals that weigh no more than 180 pounds at full maturity. The rewritten Animals and Fowl ordinance does not apply to pre-existing farms or to residents who already have established chicken, fowl, or beekeeping operations. The new ordinance, passed on a 5-2 city council vote, also addresses potential problems. For example, barns must sit at least 100 feet from neighboring homes and animal owners are required to keep rodents and pests under control. Property owners must license their farm animals annually with the city. The ordinance was rewritten in response to people who wanted to try “urban farming.” South Portland is Maine’s fourth largest city.

STONINGTON

The Hancock County fishing town remained in the top spot as Maine’s lobster landing champion, with fishers hauling in almost 12 million pounds of lobster in 2022. The value of the catch approached \$45 million, according to preliminary data by the state marine resources department. In all, lobstermen and women landed 98 million pounds for the year for a jolt to the Maine economy of \$389 million. The industry smashed records in 2021,

when the total catch reached a value of \$907 million. The 2022 numbers, while half of the total from 2021, is in the normal range with other years.

YARMOUTH

The town council and police leaders are drafting a template to create a Police Services Advisory Committee to improve transparency and give residents more say in police policies and practices. If created, the panel would advise town police on policies to “reflect the values of Yarmouth’s community.” The public will be able to bring concerns to the advisory committee, which is also aimed at increasing communication between police and members of the public, including sectors such as businesses and nonprofit agencies. 🏠



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LIFE ESTATES AND PROPERTY TAXES

Question: What is a life estate and how should property taxes be assessed on such property?

Answer: A life estate is a type of ownership interest in land. The holder of a life estate has most of the same possessory and ownership rights as a person with “fee simple” ownership, such as the right to control, enjoy and improve the property, or to sell or lease his/her life estate interest. However, the duration of a life estate is measured by and limited to the life or lives of a specific person(s), which may be the life of the person who created the life estate (the grantor), the life of the person for whose benefit it was created (the grantee), or the life or lives of some other person(s). The life estate automatically terminates when the person whose life was used to measure its duration dies.

In Maine, a deed or will is necessary to create a life estate. Although nothing in state law requires that specific words be used in the conveyance, the language must show an intent to create a life estate rather than merely a right to occupy the property.

Under long-established Maine common-law rules, the individual who holds property under the terms of a life estate is the owner of the property for the purposes of property taxation. Consequently, such real estate should be assessed in the name of the “life tenant” as owner.

After the life estate ends, the real estate should be assessed to the “remainderman” (the person the deed or will creating the life estate designates to assume ownership).

Because the “life tenant” is the legal owner of the property during the life estate, he/she qualifies for the Maine Resident Homestead Property Tax Exemption (36 M.R.S. §§ 681 – 689) assuming all other eligibility criteria for the exemption are met.

Some deeds and lease agreements create “life leases” or life occupancies that provide nothing more than a right to occupy property for life. Persons holding such interests do not hold a life estate and are not the legal owners of the property for property tax purposes; nor would they

currently be eligible for the Homestead Exemption.

For more on property tax assessment see MMA Legal Services’ *Assessment Manual* available on our website (www.memun.org) (By S.F.P.)

NOMINATION PAPERS ARE PUBLIC RECORDS

(Updated from the January 2012 Maine Townsman, Legal Notes)

Nomination papers are public records under the Maine Freedom of Access Act once the papers have been filed with the municipal clerk. As with all public records, the public has the right to request a copy or request to inspect them during the regular business hours of the agency or official having custody of them within a reasonable time after making a request (see 1 M.R.S. § 408-A(1)). Unless the records are made available immediately, the agency or official must acknowledge receipt of the request within five working days. If a copy is requested, the agency or official may charge a reasonable fee to cover the cost of copying; however, the fee for standard 8 ½ inch x 11 inch black and white copies may not exceed 10 cents per page (see 1 M.R.S. § 408-A(8)).

Because nomination papers are integral to the election process and are not easily replaced if defaced, we recommend that, if there is a request to inspect them, they remain under the direct custody or control of the custodian at all times and that the requester be prohibited from carrying any pen, marker or other device that could be used to spoil the original. Better yet, the custodian could simply give the requester a copy and avoid this risk altogether. This is consistent with the requirement that public inspection of nomination papers be “under proper protective regulations” (30-A M.R.S. § 2528(4)(C)).

Incidentally, municipal nomination papers must be kept in the clerk’s office for six months, after which they may be destroyed (see 30-A M.R.S. § 2528(4)(C)). (By R.P.F./S.F.P.)

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VOTING BY NON-RESIDENTS

(Reprinted from the June 2020 Maine Townsman Legal Notes)

Question: Because non-residents own property and pay taxes in our community too, it seems only fair to allow them to vote in local elections. Is this permissible?

Answer: No, only persons registered to vote in the municipality may vote in municipal elections or at town meetings – property ownership and taxpayer status have nothing to do with eligibility to vote. Furthermore, there is no “home rule” authority to waive this requirement.

According to 30-A M.R.S. § 2501(2), “[t]he qualifications for voting in a municipal election conducted under this Title are governed solely by Title 21-A, section 111”. In order to vote in a municipal election, 21-A M.R.S. § 111(4) states that a person “must be registered to vote in that municipality.” And to register to vote in that municipality, a person must be a U.S. citizen, at least 18 years of age, and a resident of that municipality (21-A M.R.S. § 111(1), (2) and (3)).

A person’s voting residence is “that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return” (21-A M.R.S. § 112(1)). Without reiterating all of them here, a variety of factors, including the person’s sworn statement of intent, the location of any current dwelling, and the place where any motor vehicle is registered, may be considered by a registrar of voters in determining a person’s residence (see 21-A M.R.S. § 112(1) (A)).

Needless to say, perhaps, a person can have only one residence, and be registered to vote in only one place, at any one time. Therefore, a seasonal or part-time resident whose principal domicile remains elsewhere and who is registered to vote in that place is ineligible to register to vote in your municipality, regardless of property ownership or taxpayer status. (By R.P.F.)

TAX CLUBS

Tax “clubs” are periodic (usually monthly) installment plans for payment of property taxes that allow taxpayers to pay in smaller increments throughout the year and avoid interest for late payments. They are an effective way for taxpayers to budget their property tax payments over several months rather than tendering a single or semi-annual tax payment(s).

Tax clubs are authorized by 36 M.R.S. § 505, which allows a municipality’s legislative body (town meeting or council) to annually set one or more due dates and interest dates for property taxes. As a result, tax clubs

MUNICIPAL CALENDAR

ON OR BEFORE APRIL 30 – Deadline for employers required to submit quarterly withholding taxes to file return and remit payment to the State Tax Assessor (36 M.R.S. § 5253).

BY APRIL 30, 2023 – Biennial Solid Waste and Recycling Municipal Reporting forms are due to the Maine DEP covering calendar years 2021 and 2022. See DEP website for forms (38 M.R.S. § 2133(7)).

MAY – Municipal officers meet to license innkeepers and tavernkeepers during the month of May or at another time they determine. Notice requirements apply. (30-A M.R.S. § 3812).

MAY 1 – Any holder of certain life insurance, gift and stored-value property presumed abandoned under 33 M.R.S. § 2091 must file a report covering the 12 months preceding July 1 of the last year to the Administrator of Abandoned Property in the State Treasurer’s Office by May 1. (33 M.R.S. § 2093). See State Treasurer website for forms.

BY MAY 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).

MAY 29 – Memorial Day, the last Monday in May is a legal holiday (4 M.R.S. §1051). Municipal officers shall direct the decoration of veterans’ graves. (30-A M.R.S. § 2901).

must be approved annually by a vote of the municipal legislative body authorizing the tax collector to enter into a standard agreement with participating taxpayers.

Considerations for developing a tax club program:

- The tax club should provide for equal installments based on the taxpayer’s actual or estimated annual property tax assessment. Most clubs establish a monthly payment plan having between 8 and 12 payments, but any installment interval would be legal. No matter the number of payments, the plan should be coordinated with the timetable for real estate tax liens, which must be initiated between 9 and 12 months from the commitment date of the tax. For that reason, it is advisable to set the due date for the last payment under the tax club to occur before the tax collector needs to begin a lien process.
- If payments are made on time, no interest is charged. The club terms should provide that if any payment is late, the agreement is automatically terminated, and the participant is then subject to the same due date(s) and interest penalties as non-participating taxpayers.

- Interested taxpayers should be required to join annually by a specified date. Participation should be limited to taxpayers who are current on their tax obligations. Some municipalities provide coupon booklets for participants.
- Some municipalities restrict participation to residential taxpayers, although fewer concerns may arise by making it available to business and residential taxpayers alike and for both real and personal property taxes. (Note: the sample wording below does not distinguish between categories of taxpayers or property taxes).
- Charter municipalities must determine whether a tax club would conflict with any charter requirements.

A sample warrant article appears below:

Art. _____. To see if the Town will vote to approve multiple due dates pursuant to 36 M.R.S. § 505 for the purpose of establishing a “tax club” payment plan for property taxes and to authorize the tax collector to enter into a standard agreement with taxpayers, whereby: (1) the taxpayer signs a completed agreement with the tax collector by a publicly advertised deadline determined

by the tax collector; (2) the taxpayer agrees to pay [#] [equal/monthly] installment payments to the Town beginning [date of 1st installment] based on the taxpayer’s estimated and actual tax obligation for current year property taxes; (3) interest will not be charged on timely payments made pursuant to the tax club agreement; (4) per 36 M.R.S. § 506, the collector may accept tax club payments for current year taxes which may be due prior to the commitment of those taxes; (5) the agreement is automatically terminated if a scheduled payment is late and the taxpayer then becomes subject to the same due date(s), interest date(s) and interest rate as taxpayers who are not participating in a tax club; and (6) only taxpayers who do not have outstanding tax obligations for prior tax years are eligible to participate in the tax club program.

Contact MMA Legal Services at (800) 452-8786 or legal@memun.org for more information or links to sample club agreements. (By S.F.P.) 🏡

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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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