

Maine Town & City

The magazine of the Maine Municipal Association

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Innovative Wastewater Treatment

Improvements expected to foster
economic vitality in Windham.

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MMA Risk Manager

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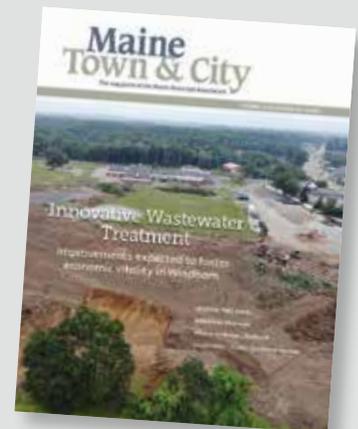
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Tree clearing at the future wastewater treatment facility in Windham.

(Photo by Capt. Jason T. Burke of the Windham Police Department)





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The Importance of Traditions

By Elaine Aloes / President / Town of Solon



Whether it's an annual summer family reunion, the first day of school photo taken under the old maple tree, or Mom's famous pumpkin and lemon meringue pies gracing the Thanksgiving table, traditions are an important part of our lives. These annual events provide an opportunity to step away from the day-to-day routines to celebrate successes, catch up on the latest news, and whether we realize it or not, plan for the future.

Traditions are also an important part of the Maine Municipal Association's mission.

As this edition of the Town & City magazine heads to the printers, hundreds of elected and appointed municipal officials, speakers, and exhibitors will have gathered at the Augusta Civic Center for MMA's 87th Annual Convention. As we wrap-up 2023, MMA's Educational Services team will have hosted five newly elected officials' workshops, while the Legislative Policy Committee will have established the Association's positions on nearly 300 bills of municipal interest.

Additionally, last month I was able to host the MMA's Executive Committee (EC) and senior staff as they convened for a two-day planning retreat, which is traditionally held in the EC president's hometown.

Over the course of two-days, the committee and staff revisited established goals, reviewed accomplishments, discussed some of the opportunities and challenges that await local governments in 2024, and of course had a little fun.

Throughout the event, the EC received progress updates on the goals it established for the Association in 2022. As a result of our planning efforts, staff implemented a redesigned MMA website, which due to the work of the Risk Management Services (RMS) Department makes the task of electronically filing claims much easier. RMS also provided municipal officials with needed cybersecurity tools, awarded \$325,000 in slips, trips, and falls prevention safety grants to 132 municipalities, and issued over \$1 million in dividend checks.

At the urging of former EC member Ivan McPike, who passed earlier this year, MMA just recently installed an electric vehicle charging station which is now available for use by our members.

Staff took the steps necessary to advance the EC's

multi-year directive to make training and education programs widely available to municipal officials. As a critical first step, an education and training advisory council was created to identify training needs, guide the delivery of developed training programs, and foster the public and private partnerships necessary to address our members' diverse training and education needs.

The Maine Municipal Employees Health Trust, which celebrates its 40th anniversary this year with a rebranded logo, implemented a new health promotion tool called WellSteps and conducted several Mental Health First Aid sessions around the state.

MMA's Legal Services Department responded to over 6,000 inquiries and generated legal guidance documents on emerging issues such as the affordable housing law and the U.S. Supreme Court's decision on the sale of tax acquired property. For communities with very little staff or resources, these guidance documents are vital.

MMA's Advocacy and Communications Department had a busy year. Not to be outdone in the modernization arena, the staff developed a new logo for MMA, as well as redesigned several publications including the Maine Town & City magazine. Through the newly created Douglas M. Eugley Memorial Scholarship for Public Service program, MMA awarded three scholarships to high school seniors pursuing local government careers.

In addition, the Advocacy staff advanced the Legislative Policy Committee's two-year legislative platform, including initiatives to aid municipalities in meeting State established affordable housing goals and policies, as well as legislation providing first responders access to uniquely designed health care services.

Filling vacancies, both internally and in our communities, was also a priority for MMA. As a result, the Association's Personnel Services Department was successful in onboarding many new members of the finance and training program teams, while simultaneously conducting eight external executive searches.

With respect to planning for the future, our Management Team, led by Michelle Pelletier, is exploring ways to help our first responders get early intervention for traumatic experiences. Early intervention is the key and the Executive Committee approved moving forward on a new service to

help members deal with the ensuing job-related trauma. MMA staff will be working on initiating that program over the next several months.

Also reviewed and discussed during the meeting were the eight questions that will be on the November 7, 2023 referendum election ballot. A sidebar to this article describes the EC's position on three of the proposed initiatives.

As with any good retreat, work was balanced with play.

In addition to enjoying an evening meal hosted by the Evergreens Campground Deck & Restaurant, the EC and staff took part in a tour of Solon, featuring the community's historic sites, views of the mountains from the Robbins Hill Scenic Overlook, and a stop at the South Solon Meeting House with walls and ceiling adorned by fresco artwork. No visit to Solon is complete without a trip to the infamous Solon Hotel, which was recently remodeled and provided our meeting space and lunches during the two-day meeting.

All in all, it was a successful planning meeting.

In closing, I'd like to thank the members of the EC who took the time to attend and participate in this important tradition, the Executive Director and senior management for leading and supporting our discussions, and Kelly Maines, and the now retired Thresea Chavarie, for arranging all the accommodations. Most importantly, I would like to thank the community of Solon, the staff of the Solon hotel and the Evergreens Campground for their role in making the event so successful. 🏔️



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Referendum Election Ballot Initiatives - November 7, 2023

Although the referendum elections that take place in odd numbered years are generally lowkey events, this year is an exception. On November 7, Maine voters will determine the fate of four citizen initiatives, and just as many measures seeking to amend the Maine Constitution. While MMA's Legislative Policy Committee establishes positions on bills of municipal interest vetted by the Maine State Legislature, the Association's bylaws delegates to the Executive Committee the authority to establish positions on statewide ballot measures.

At its September two-day planning meeting, the committee voted to support two of the measures.

Question 4. Do you want to require vehicle manufacturers to standardize on-board diagnostic systems and provide remote access to those systems and mechanical data to owners and independent repair facilities? This measure, *An Act Regarding Automotive Right to Repair*, requires manufacturers of certain motor vehicles to standardize the on-board diagnostic systems and make those systems accessible to owners and independent repair facilities and directs the Attorney General to designate an independent entity to administer accessibility by adopting standards and developing policies. The initiated bill also requires the release of certain diagnostic repair tools, parts, software, and components based on the model year of the motor vehicle.

MMA Position. The Executive Committee supports this change for its potential to reduce the burdens placed on the property taxpayers by enabling qualified municipal employees to maintain municipally owned vehicles.

Question 6. Do you favor amending the Constitution of Maine to require that all of the provisions of the Constitution be included in the official printed copies of the Constitution prepared by the Secretary of State? This measure, *RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require All Provisions in the Constitution to Be Included in the Official Printing*, repeals Article X, §7 of the Constitution of Maine, which provides that sections 1, 2 and 5 of Article X of the constitution are to be omitted in any printed copies. Section 1 and 2 call for the election and convention of the first Legislature on the last Wednesday in May and Section 5 codifies

the commitments that new settlers made to Maine's Indigenous population in the process of incorporating the State.

MMA Position. The Executive Committee supports this change as an important and common-sense approach for honoring and remembering the commitments made to Maine's Indigenous population and memorializing the history that serves as the foundation of statehood.

Question 3. Do you want to create a new power company governed by an elected board to acquire and operate existing for-profit electricity transmission and distribution facilities in Maine? This initiative, *An Act to Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility*, creates the consumer-owned Pine Tree Power Company, which among several directives, would be charged with delivering electricity in a safe, affordable, and reliable manner. As proposed, the customer-owned utility would be governed by the 13 member Pine Tree Power Company Board, of whom seven are elected by Maine voters residing in prescribed districts, and the remaining members selected by the elected members. The initiative provides that the six appointed members must collectively possess expertise and experience in all of the following areas: (1) utility law, management, planning, operations, regulation or finance; (2) the concerns of utility employees and other workers; (3) the concerns of commercial or industrial electricity consumers; (4) electricity generation, storage, efficiency, delivery, cybersecurity, connectivity or related technologies; (5) planning, climate mitigation, adaptation or the environment; and (6) economic, environmental and social justice, including the needs of low and moderate-income persons.

Of municipal interest, the initiative specifically requires the company to pay property taxes in the same manner as an investor-owned utility and requires the utility rate assessed by the company to be sufficient to meet its property tax obligations. If an existing utility is subject to a tax increment financing agreement, the company acquires those same rights and responsibilities.

The initiative also provides that the company cannot be dissolved or cease operations except if authorized by a subsequently enacted law and only if all debt and liability of the company have been paid or enough revenue has been placed in an irrevocable trust to cover the costs of the incurred debt and liabilities. Within a year after the first meeting of the board, and every April 15 thereafter, the company is required to submit a report to the Joint Standing Committee on Energy, Utilities and Technology summarizing the activities and performance

of the company during the preceding calendar year, its plans for the current year, as well as for the subsequent five years. At a minimum, the plan must include a program to: (1) establish lower rates for low-income residential customers; (2) build accessible, rapid charging infrastructure for electric vehicles; (3) reduce make-ready and pole attachment costs for open-access fiber-optic cable in unserved and underserved areas; and (4) make rapid investments in the distribution network to upgrade reliability and to improve capacity for interconnections of new renewable generation and storage facilities.

If enacted by the voters, the effective date of the initiative is January 1, 2025.

MMA Position. Although Question 3 was discussed at length, due to numerous benefits and concerns raised with the measure, the Executive Committee decided not to establish an official position on the initiative. Instead, MMA staff was directed to issue the overview provided above for consideration by municipal officials.

For more information on the eight questions to appear on the ballot, please visit the Secretary of State's website at www.maine.gov/sos/cec/elec/upcoming/index.html. 🏡

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Innovation Infiltrates Wastewater Treatment

Windham voters approved a \$40.6 million wastewater treatment project, which will foster the community's economic wellbeing for years to come.

By Betty Adams

The \$40.6 million wastewater treatment project was approved by Windham voters 1,499-590 in June 2022.

The cost of the project is being financed through a combination of grants, funds from the American Rescue Plan Act, \$2 million from congressional earmarks, revenues from the tax increment financing district, and money from Cumberland County, as well as a loan from the Clean Water State Revolving Loan Fund.

"The way it's getting done is fantastic," said David Nadeau, vice chairman of the Town Council and chair of the Finance Committee. "And it's getting done not on the taxpayer."

The town is still applying for grants, and they anticipate more business once the infrastructure improvement is completed.

The project's goals are to protect the quality of North Windham Aquifer by addressing pollution concerns while supporting economic growth in the commercial area of the town. The plan involves connecting 101 businesses in that commercial area to the new wastewater treatment system.

"We are probably two to three months into construction by now," said Windham Town Manager Barry Tibbetts. "There's a temporary road in. The drip irrigation is installed where all the fields are going to go. They're now working on connecting all these pipes together." He estimated that the first flush of the new wastewater system would occur at the end of 2025 or the beginning of 2026.



Groundbreaking ceremony for the new North Windham Sewer Project. (Photo by Capt. Jason T. Burke)

When it's finished construction, the Membrane Bio-Reactor (MBR) treatment facility itself will look much different from the usual wastewater treatment plant with large circular tanks and vats. In fact, photos of ones similar to the treatment facility intended for Windham resemble a barn with a cupola atop. "You're not even going to know it's there," Tibbetts said, adding, "We do have some tanks under the building for the process-

ing and the ebb and flow of waste disposal."

At the groundbreaking ceremony in June, the Portland Water District issued a press release describing the benefits of the MBR treatment system:

- Smaller carbon footprint than standard treatment facilities;
- Most advanced micro-filtration system in the state for handling contaminants including PFAS (Per- and polyfluoroalkyl substances);
- Built-in redundancy to ensure reliability of service;
- Provides an odorless solution; (and)
- Allows for further growth and expansion.

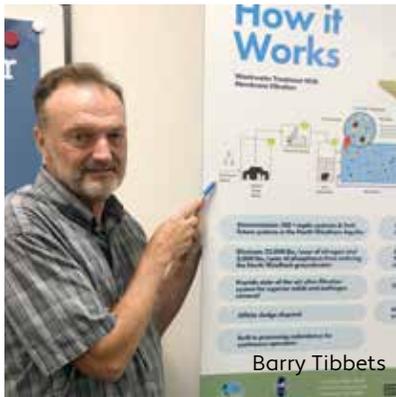
Town officials have worked to get a wastewater treatment system for decades, and in 2012 voters rejected a proposal to do a standard wastewater system that would have cost residents about \$100 million.

However, the problems with pollution – including the amounts of nitrogen and phosphorus being discharged into the aquifer – continued.

Then in 2020, Tibbetts was named town manager, and the Town Council told him to find a solution to the problem.

"I had some familiarity with sewer systems and technologies," said Tibbetts.

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



Barry Tibbetts



David Nadeau



Robert Burns



Christopher Crovo

He, Councilor Nadeau and Thomas Bartell, the town's economic development director, were among those who went to the New England Wastewater Treatment Convention in Boston where they saw the new technology and thought it might be applicable in the town. "We decided to partner with Portland Water District to see if we could do that system here," Tibbetts said.

Town officials also viewed similar technology in use at Martha's Vineyard and Sudbury, Massachusetts.

In 2021 the Windham Town Council signed an agreement with the Portland Water District "to design a reliable, technologically advanced wastewater treatment system that will improve and protect North Windham's water quality," according to a letter to residents which went out prior to the 2022 referendum.

Christopher Crovo, director of asset management and planning for the Portland Water District, said, "They approached us about solving the wastewater issue they had in North Windham, which was groundwater being contaminated by septic systems, specifically nitrates going into the ground. We partnered with them to build a treatment plant and hopefully intercept all those septic systems and bring them back to the treatment plant and treat it to almost drinking water quality, ground water quality – basically clean water going back into the ground as opposed to septic system water going into the ground."

The district already supplied water to Windham. "The Portland Water District, through the Maine Legislature,

has jurisdiction over us for water and sewer, so we partnered with them to do this project," Tibbetts noted.

Nadeau added that, because of rules created in the 1970s, "The permitting for the new technology through the Maine Department of Environmental Protection (DEP) was excruciatingly difficult." However, Tibbetts and Nadeau both praised Gregg Wood, Water Quality Management division director for the Maine DEP, for his work with the town.

Tighe & Bond did the initial engineering study for the town, and Brown and Caldwell did the design.

The project itself went to bid as a Construction Manager at Risk (CMAR) job, where the engineering firm and the contractor work together to guarantee a maximum price, and the contract was awarded to Brown and Caldwell, MWH Constructors, and Shaw Brothers.

"The CMAR requires active participation – two-to-three meetings per week," Tibbetts said. "There's a lot of details."

Tibbetts envisions "a real boost to the Town of Windham," which has about 19,000 year-round residents, resulting from the new wastewater treatment system, including new hotels, new housing, and growing businesses. Some of those developers and principals have already contacted town officials.

The press release from the Portland Water District about the groundbreaking notes: "North Windham's 302 Corridor is the gateway and service center for the Lakes Region. It is a bustling commercial district along the east shore of Sebago Lake, catering to tourists and surrounding small communities. Sebago Lake provides clean, safe drinking water to 11 communities in Greater Portland, 1/6 of Maine's population."

U.S. Sen. Angus King's press release noted, "This new wastewater facility will help the town modernize its infrastructure to attract new businesses and provide families with a high-quality of life – all while carefully preserving local ecosystems. I was proud to support funding for this project and look forward to watching Windham's growth for years to come."

"We have All Class A waters around Windham, so there was no place for us to put (the filtered water) but the ground," Crovo said. "It requires even a higher level of treatment, but we think it's the right thing to do."

The Portland Water District will be responsible for plant operation and for transporting the sludge to another of its treatment plants before it is taken to a landfill.

“We have four plants right now and this will be our fifth plant.” Crovo said. “It will be our smallest plant starting out. It’s designed to be expanded as needed. It’s what we can afford at first, and as more customers come on, we can add more.”

The system uses an initial influent screening process before moving to the bioreactor membrane and then the wastewater goes to the tanks for further clarification.

“It is going to be a technology you’re going to see more and more throughout the state,” he said.

The Portland Water District counts 11 communities within its territory, and six of those are wastewater also: Cape Elizabeth, Cumberland, Gorham, Portland, Westbrook, and Windham.

The local school district, Windham-Raymond Schools RSU 14, has a stake in the project as well. A later phase connects a planned new middle school – the subject of a referendum Nov. 7 – to the new treatment facility. That \$171.5 million project is expected to get \$131.7 million in state school construction funding.

Windham High School currently has its own wastewater treatment plant – which Tibbetts says is one of only two high schools east of the Mississippi River to do so – and the discharge from that plant goes into the Pleasant River (a Class B river) and then into the Upper Presumpscot River. That facility would be discontinued, and the school would be connected to the new treatment facility in the later phase.

The approximate \$6 million cost for some six miles of pipe and pumping station is not part of the initial \$40.6 million, and Tibbetts said applications for grants and other funding is underway to raise that.

He said that the Manchester Elementary School site is particularly suited to the drip dispersal system.

“The soils at this site here are exceptionally permeable here. You can put water on this and it will be gone in minutes,” Tibbetts said. “We were permitted for 154,000 gallons per day and the site can easily take 600,000 gallons per day with no effect.”

Tibbetts said hydrogeological studies show that the underground water flow from the site avoids local ponds.

“We know we can expand the system over time, so this is an ideal solution for those communities that are not on the ocean, communities that are inland that abut a lake or river – especially Class A. The only solution under the 1972 Clean Water and Air Act is it has to go into the ground,” Tibbetts said. He says the state in 1985 adopted regulations more strict than the federal rules.

The end result of Windham’s treatment facility will be filtrate or “near potable water” which will be dispersed into the ground. Tibbetts noted that with the new sys-

tem, instead of 22,000 pounds of nitrogen going into the ground, it will be closer to 220 pounds or 1%; the system also will remove 3,000 pounds of phosphorus annually from the North Windham Aquifer.

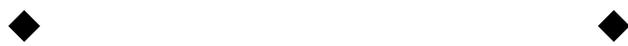
“I think we’re on target and on budget,” Tibbetts said. “We know we still have a couple years to go. Right now, we’re all very, very optimistic.”

The town also has another major project pending, this one to improve traffic, particularly around the major intersection of Routes 115, 35 and 302.

Windham worked with the Maine Department of Transportation to get funding – including federal dollars – to do the project. In an April 14 letter to U.S. Department of Transportation Secretary Pete Buttigieg supporting Windham’s request for funds, U.S. Sen. Susan Collins wrote, “The project will also construct three local connector roads to improve accessibility to the region’s commercial center and significantly reduce congestion and crashes on U.S. 302.” In June, she announced that \$25 million was heading to Windham.

The town is also looking at relocating the town’s fire station for faster response times.

“After all these decades of studies which fill a bookcase, we’re able to take the best parts of those different studies and put them into a plan which will provide some real-life solutions for the residents of Windham and the visitors,” Tibbetts said. “It’s a huge win.” 🏔️



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A Primer on Cybersecurity Awareness

Maine Cyber Range - A trusted source for cybersecurity insight and awareness contributing monthly to the *Maine Town & City*.

In today's digital age, where technology intertwines with every facet of our lives, ensuring the security of our digital operations has never been more critical. Municipalities across Maine play a pivotal role in providing essential services and maintaining public infrastructure. However, the increasing reliance on digital systems also exposes them to a host of cybersecurity risks. As these risks continue to evolve, it's imperative that Maine's municipalities embrace cybersecurity awareness as an integral part of their operations. This article serves as a comprehensive primer, shedding light on the importance of cybersecurity awareness and offering actionable steps for municipalities to bolster their defenses against cyber threats.



MAINE CYBER RANGE

MCR@maine.edu

nize suspicious emails, avoid clicking on malicious links, and identify potential red flags.

Password Management: Strong and unique passwords are essential for protecting sensitive information. Encourage employees to use complex passwords and enable two-factor authentication whenever possible.

Safe Internet Practices: From secure browsing to downloading files only from trusted sources, safe internet practices can significantly reduce the risk of malware infections and data breaches.

Social Engineering Defense: Social engineering relies on manipulating individuals into divulging confidential information. Train employees to be cautious when sharing sensitive information, whether online or over the phone.

Understanding the "Landscape"

The digital landscape has brought about unprecedented convenience and efficiency. But it has also given rise to a new breed of threats – cyberattacks. These attacks can disrupt operations, compromise sensitive data, and erode public trust. Municipalities, with their interconnected systems and vast amounts of citizen information, are prime targets for cybercriminals. From phishing emails to ransomware attacks, the tactics used by malicious actors are becoming increasingly sophisticated.

The Role of Cybersecurity Awareness

Cybersecurity awareness is the foundation upon which municipalities can build a strong defense against cyber threats. It involves educating all levels of staff about potential risks, safe online practices, and how to respond effectively in case of an incident. Awareness empowers employees to become the first line of defense against cyberattacks.

Key Elements of Cybersecurity Awareness:

Education and Training: Municipal employees need to be informed about the various types of cyber threats, including phishing, malware, and social engineering. Regular training sessions can teach them how to recog-

The Benefits of Cybersecurity Awareness:

Mitigating Risk: When employees are well-versed in cybersecurity practices, the likelihood of falling victim to cyberattacks decreases significantly. This helps safeguard municipal operations, citizen data, and public trust.

Cost Savings: Preventing cyber incidents is far more cost-effective than recovering from them. Avoiding potential data breaches, ransomware payments, and system repairs saves both money and reputation.

Public Trust: As stewards of public resources, municipalities must maintain the trust of their citizens. Demonstrating a commitment to cybersecurity can enhance public confidence in the government's ability to safeguard their information.

Practical Steps for Municipalities:

Develop a Cybersecurity Policy: Craft a clear and comprehensive cybersecurity policy that outlines best practices, reporting procedures for incidents, and the responsibilities of different departments.

Regular Training Programs: Implement regular training sessions for all municipal employees, covering topics such as identifying phishing attempts, handling sensitive data, and reporting potential security breaches.



Energy Upgrades in Your Town Can Be Financed With C-PACE

Efficiency Maine's Commercial Property Assessed Clean Energy (C-PACE) program allows businesses to finance building retrofits, gut rehabilitations, and new construction with no upfront costs.



In order to participate, municipalities must adopt a C-PACE ordinance in their jurisdiction. For details on participation and eligibility, visit efficiencymaine.com/c-pace/ or email C-PACE@efficiencymaine.com.

Encourage Reporting: Foster a culture of reporting within the municipality. Employees should feel comfortable reporting any suspicious activity, no matter how minor it may seem.

Collaborate with Experts: Partner with cybersecurity experts, both within the government, academic, and private sectors. Their insights can provide valuable guidance in creating effective awareness programs.

In an age where digital threats lurk around every corner, the role of cybersecurity awareness in safeguarding Maine's municipalities cannot be overstated. By embracing awareness and empowering their workforce, municipalities can fortify their defenses, enhance public trust, and ensure the uninterrupted delivery of essential services. As technology continues to evolve, a proactive stance on cybersecurity will not only protect the digital landscape but also ensure a brighter and more secure future for Maine's local government operations and its citizens.

If you are interested in learning more about cybersecurity awareness training or have questions about this primer, please contact the Maine Cyber Range at mcr@maine.edu. 🏔️

Safeguarding Municipal Cybersecurity - A Series

About This Series. The University of Maine at Augusta's Maine Cyber Range (MCR) has teamed up with MMA to provide municipalities with the support needed to improve their security posture. The MCR launched this student research project in 2022, partnering with Maine Emergency Management Agency and the Cybersecurity & Infrastructure Security Agency, to help municipalities improve their security posture, at no cost, through assessment, network modeling and testing, and training for technical and non-technical personnel.

Although October is Cybersecurity Awareness Month, MCR will be sharing recommendations and best practices with municipal leaders via the publication of a series of articles to help raise awareness about the importance of cybersecurity. Municipalities can never be completely prepared, but due diligence is important when defending community assets.

MCR is ready to partner with municipal leaders to foster industry and academic collaboration for cybersecurity research and development. Let us help by starting the conversation. We can be reached at MCR@maine.edu.



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Moshier eager to return to full time policing.

By Liz Mockler

Glenn Moshier will return to the Ellsworth Police Department full time in January, giving up his dual role as chief and city manager.

Although the move three years ago to appoint him to the new dual position enjoyed the city council's full support, Moshier said recently that there were always those who disagreed with the management change and worried about conflicts of interest. Some residents also thought Moshier was being paid two salaries, when in fact the city was saving a police chief's salary and that of a deputy manager - a job that was eliminated when he took over at city hall.

"After three years and many successes, these critics continue to dwell on their unsubstantiated concerns," Moshier said, "and push for separate leaders in each role."

Moshier said his return to the police department was both in the city's interest and his. Police chief since 2017, Moshier wants to focus on the wellness of his officers and continue his public outreach to residents, businesses, and public service groups when his current contract expires in January.

In a recent email exchange, Moshier talked about the successes and challenges of running both the city and a major department at once.

Q Why did you decide to take the new job as both manager and chief?

A. After Manager Cole unexpectedly resigned, I was approached by the city council and asked if I would be willing to step in as the interim manager while they conducted the search for a new city manager. I was happy to help and knew that the familiarity I had with the staff would provide an increased level of stability while we navigated Covid-19. After serving in the interim role from September to January and (after) a failed



Glenn Moshier

attempt to hire a city manager, the council requested that I permanently serve as the city manager. I did not want to abandon my position as police chief; I have invested many years of training in the field of law enforcement and had goals and plans which I was eager to pursue. After some back and forth with the city council, the suggestion of me serving a dual role was proposed. This option would allow me to remain the chief of police while assuming the new role as city manager.

Q What gave you the confidence that you could do both jobs?

A. After serving as the interim city manager, I got a taste of what the job entails. I have a degree in government and have always had an interest in municipal government. I have worked for the City of Ellsworth since 2004 and have a very good relationship with the other city department heads and most staff. Additionally, over the prior seventeen years, I had built strong relationships with many city businesses, organizations, and residents. The support of my colleagues, coupled with the encouragement of the council and my previous job experience and education, gave me confidence to accept this new position.

Q Have you encountered a situation you did not anticipate?

A. When I took on the dual role, there were some people in the community who were not happy with the city's decision to have one person doing two jobs or having the police chief also serving as the city manager, and they were vocal about it. I believed that if I worked hard and did a good job that the critics would eventually realize that their concerns were unwarranted, and that the dual role is a smart, progressive and cost-effective way to manage. Another challenge was that some constituents considered my dual role as a conflict of interest, particularly in terms of spending. What they clearly didn't understand is that as city manager I have input into all the departmental budgets, but I don't get

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

a vote on whether or not the budget is approved. Budgets are prepared by department heads, but not approved by a department head or the city manager. The city council votes on the city budget.

Q How did you divide your time between city hall and the police station?

A. I have been very fortunate that the police department is located in City Hall so my office is only steps away. I make a concerted effort to check in with my police department very regularly. I also make it a priority to stay in regular contact with all city departments. I have a reliable and experienced command staff at the police department who capably manage the day-to-day operations of the police department, while I oversee policy, procedures, and the budget.

Q Did the city save money by combining the jobs?

A. Absolutely. In fact, the savings have been significant. When I took over the city was paying a city manager and a deputy city manager. I was being paid for my role as chief of police. When I took over as city manager, we no longer had a deputy, and I only received a small increase in my salary. For three years, the city has saved the salary and benefits of a police chief, and deputy city manager, while I was compensated at a rate comparable to other city managers of communities the size of Ellsworth. I have to laugh when I hear people say that I have been receiving “two paychecks” for the last three years. I think that in a time when everything is getting more expensive and municipal budgets are getting more and more difficult to manage, savings such as this are a great way to reduce the burden to taxpayers.

Q Did the city hall or police department staff have to make changes to adjust to the new merged position?

A. When I took the position, we created a deputy chief position within the police department to ensure that

we had the proper amount of supervision to handle the day-to-day responsibilities, which I would no longer be able to manage. This wasn't an additional person, but rather more responsibilities on existing staff with appropriate pay increases. No other changes were made regarding city staff.

Q What led you to recently resign the manager's position?

A. When my contract ends in January, there will be an entirely new council. There will be no councilors who made the decision three years ago still serving on city council. Several of the current councilors have been clear that they are not supportive of the dual role. There was interest in me staying on as the city manager, however, I informed the council in July that I would not seek a new contract if they were not willing to continue to allow me to retain both chief of police and city manager. In addition to the change in council, I will be sworn in as the president of the Maine Chiefs of Police Association in November, which will bring with it a host of responsibilities. I want to make sure that I am able to fulfill my commitments and do so at the highest level possible.

Q What is your first goal when you return to the police department in January?

A. When I return to the police department, I intend to focus my attention on improving our officer wellness program and will concentrate on increased community outreach. I am very much looking forward to being able to work closely again with the dedicated men and women who serve in our police department. We are fortunate to have a young, talented, and enthusiastic group of police officers and I am excited to lead the department into the future. I will continue to play a significant role in the city and plan on staying connected to the city in a way not typical of a police chief. Having led the city for the last three years, there are projects which I want to see to completion. I will also continue to support the city staff and new city manager as necessary. 🏡

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RISK MANAGER

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

OCTOBER 2023



*Thank You
for Celebrating
with us!*



All of us at MMA Risk Management Services thank you for joining us at the 87th Annual Maine Municipal Association Convention, where we recognized and celebrated the 45th Anniversary of the Workers' Compensation Fund and Unemployment Compensation Fund. The Convention and celebration were an amazing success, full of fun, friendship, and educational resources. During the convention we distributed hundreds of pairs of ice cleats to our membership in a state-wide effort to reduce slips, trips, and falls. We hope that you get years of use from these ice cleats and enjoy a safe winter season.

We would also like to congratulate the City of Sanford and the Town of Thomaston for winning a customized water absorbent mat (Waterhog) for their communities and Cynthia Abbott with the Town of Freedom and Fred Collin with the Town of Otisfield as the winners of our Maine gift baskets.



When do I report a work-related injury?

Many employers have little to no experience with Workers' Compensation claims and are often unaware of their statutory obligations and the process that happens once an employee gives notice of a work-related injury.



Information to be aware of when a work-related injury occurs:

- An employee has no obligation to complete any paperwork. Their only obligation is to provide notice that an injury has occurred. The obligation to complete and file the First Report of Injury (FROI) is the employer's.
- An Employee has 60 days to provide notice of a work-related injury. However, even if the notice is not timely **a FROI must be completed and submitted** to your coverage provider. Your coverage provider will determine if the lack of timely notice is a viable defense of the claim.
- If an employee provides notice of lost time due to an injury, the FROI is required to be submitted to the Workers Compensation Board (WCB) within 7 days of notice of the lost time. The 7-day reporting requirement is calendar days including weekends, holidays etc. If the claim is reported beyond 7 days, the WCB will impose a \$100 reporting violation which will be due by the employer if they reported the claim late.
- If you are given notice, even if you have concerns about how, or if the injury occurred, you must file a FROI. The coverage provider will conduct an investigation to determine if the claim should be denied or paid.
- FROIs are submitted to your Workers' Compensation coverage provider who will electronically file the FROI with the WCB.

- It's important to remember that lost time is not only a missed day from work, it can be wage loss due to a change in schedule, decreased earnings due to restrictions that prevent shift work or overtime, it can also be use of accrued benefits to attend medical appointments.
- If the claim involves medical treatment with no lost time the FROI should be submitted to your Workers' Compensation carrier as soon as possible.
- The employer has the right to direct care for the first 10 days of treatment. For this reason, it is important to have a preferred provider that is familiar with the treatment of occupational injuries.
- Other than firefighters, who have no waiting period, there is a seven-day waiting period before lost time benefits may be owed. The waiting period may be comprised of consecutive days, sporadic days, a decrease in earnings or use of accrued benefits to attend appointments.
- Coverage providers have 14 days from the date of notice of lost time to either pay or deny lost time benefits. If a payment or a denial is not issued within 14 days, there can be penalties imposed by the WCB and mandatory payments may be due to the employee regardless of compensability.

Maine Department of Labor

Notification to the Maine Department of Labor (MDOL) is required within eight (8) hours of a work-related fatality and 24 hours if an injury requires hospitalization or the injury is an amputation, loss, or fracture of any body part. Notification is made by phone at (207) 592-4501.

Workers' Compensation Renewals Are Due

The 2024 MMA Workers' Compensation Fund (MMA WC Fund) renewal applications have been sent, due October 16, 2023. It is of great importance that the applications were submitted in a timely manner. The MMA WC Fund Board meets in mid-November to finalize funding. If you have returned your application, we want to say thank you. If you would like help with the completion of your application or just have questions, please contact Risk Management Services Underwriting at rmsunderwriting@memun.org or call 1-(800) 590-5583 and ask to speak with a Member Services representative.

Exit inspection requirements

Emergency exit routes are important as they provide a clear and safe way to evacuate a building in case of a crisis or disaster. First responders such as fire or police also utilize emergency exits to navigate a building during a disaster or crisis. Identifying and maintaining emergency exits and emergency exit routes are a crucial part of your workplace Emergency Action Plan (EAP).

Exit routes and exit access (i.e., fire doors) must be clear and unblocked to allow for a quick and safe exit in case of an emergency. Blocking and or obstructing exit doors and routes creates a safety hazard, and in the case of an emergency will cause delay, create panic and confusion that could prove catastrophic. Frequently we find that exit paths are obstructed by items such as boxes, workstations, locks, garbage containers and other items that can slow down the progression of getting to safety quickly. We recommend that you routinely walk your exit paths and ensure that they are always free of obstructions and ready for emergency use.

OSHA defines an emergency exit route as a continuous and unobstructed path of exit travel from any point within a workplace to a place of safety.

- What are the three parts of an exit route?
- Exit access - The portion of the route that leads to an exit. OSHA requires that exit access must be at least 28 inches wide at all points.
- Exit - The exit is generally separated from other areas to provide a protected way of travel to the exit discharge.
- Exit discharge - Leads directly outside to a street, walkway, or public way. This path must be maintained clear and usable throughout all seasons. **The exit discharge must be clear of snow equal to at least the width of the door and sanded to prevent slipping.**



We are often asked “How many exit routes does a workplace need to have?” In most cases, OSHA mandates that there be at least two emergency exit routes. However, more may be required depending on the number of employees and the size of the building. As an employer, it’s your responsibility to make sure that you communicate with the **jurisdiction having authority** (Fire Marshal’s office or other identified) to adhere to regulations and determine the base number of routes needed based upon the size and occupancy of your facility.

An Emergency Action Plan as well as emergency preparedness training are a must and should provide workers with an overview of the types of emergencies that may arise at their facility, how to respond to each situation, the names and numbers of parties who should be contacted if an emergency occurs, and more, all in an effort to protect your staff from harm.

If you have more questions about emergency exits in your facility, we encourage you to visit our website: <https://www.memun.org/Risk-Management/Loss-Control/Resources>, and select the Best Practices Icon and review the sample Emergency Action Plan, or contact Loss Control at rmsloss-control@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 for specific questions.

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or (207) 626-5583

What do I need when hiring a contractor?

Municipalities throughout Maine utilize the services of contractors to perform tasks that they either do not have the infrastructure to undertake or staffing to complete. So, with the hiring of contractors, the question arises as to what steps should be taken to transfer the associated liabilities. We recommend the following:

1. **Written contracts** that clearly specify the terms of the relationship between the two entities. The municipality's attorney should draft and review the contract prior to it being executed. The contractor should agree to assume the municipality's liability arising from the contractor's operations. This is typically referred to as a "hold-harmless" or indemnification agreement.
2. **Certificates of Insurance** should be required of the contractor prior to allowing them to begin the requested work. The insurance requirements contained within the contract need to be based on the evaluation of the hazardous nature of the contractor's operations. At a minimum, the town should require liability coverage in an amount not less than the Maine Tort Claims Act and Workers' Compensation coverage.
3. **Additional Insured Status** is an endorsement on the contractor's policy which extends the contractor's insurance protection to the municipality for the contractor's operations. This endorsement should be shown specifically on the Certificate of Insurance the municipality receives from the contractor, and specifically required within the written agreement.
4. **Professional Liability** insurance coverage should be required when a municipality contracts for professional services such as representation by an attorney, accountant, architect, engineer, and the like.



By implementing standardized contractual requirements, the municipality can safely engage with contractors and know that protections are in place to safeguard the municipality's interests.

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FREQUENTLY ASKED QUESTIONS

How do we prepare sand & salt sheds for winter?

Sand and salt sheds are at high risk for collapse because they are usually made of light construction materials, consisting of metal sheathing on wood or metal frame, or an arched rib metal structure without internal supports, and more modern facilities are constructed with stretched fabric exteriors. Furthermore, due to the hazardous use of the building, their structure's integrity is often compromised by being struck by equipment, weakened by rust due to the corrosive nature of the salt, or by uneven vertical loading from snow sliding off one side, but not the other.

Sand & salt sheds can be protected by acting now. We recommend:

1. Removing vegetation and snow from the perimeter. When snow is allowed to accumulate against the sidewalls, it prevents snow from sliding off the roof, causing it to pile up and creating forces that may exceed design limits.
2. Avoid exceeding the Fill Line. Over filling stresses support walls and exposes structural supports to salt and corrosion.
3. Create access around the structure to allow for the plowing and removal of snow throughout winter.
4. Restrict access to authorized personnel only.

For more information please visit the RMS Loss Control Department's online Toolbox Talks located at:

www.memun.org/Risk-Management/Loss-Control/Resources or by emailing: rmsloss-control@memun.org.



Alex Renaud



Anna Stolt and Christine Landes



Jay Feyler



Hope Carroll

Summer Internship Program

The Margaret Chase Smith Policy Center’s internship program provides opportunities for attracting the next generation of municipal employees.

By Janine Pineo

Imagine having time during the summer to build out a database to help with a public road maintenance schedule, set up a rotation of food trucks, create a welcome brochure for new residents or work on the GIS inventory.

You could if you had an intern from the Maine Government Summer Internship Program at the University of Maine’s Margaret Chase Smith Policy Center. All of these projects and more were on the docket in four municipalities – Chelsea, Lisbon, Gray and Union – over the summer.

The longtime program began offering municipal internships in 2013, and this year nine municipal and county internships were filled, with the Maine Municipal Association awarding the aforementioned municipalities \$3,000 grants to offset salary costs, training and professional development.

The internships are an eye-opening experience on both sides.

“I had not thought about pursuing a career in municipal government before this internship,” said Anna Stolt, Chelsea’s intern. “I always felt that I would pursue a career at the federal government level to create a bigger impact. However, this internship completely changed my mind.”

Alex Renaud, Lisbon’s intern, said, “I definitely didn’t know the scope and depth” of municipal work.

“I thoroughly enjoyed working for a small town and learning the ins and outs of its operations,” said Hope Carroll, Gray’s intern. “I took away the value of transparency, planning and research in order to understand and better connect with the citizens you are communicating with.”

Chelsea and Union’s town managers agree that having an intern on staff for 12 weeks a year is a win-win for the intern and the town.

“The intern can accomplish so much for a town that struggles to get the ‘side projects’ completed due to limited staff,” said Chelsea’s Christine Landes. “As long as the manager has a definite goal for the end of the intern’s time, any extra topping on the project is decadent. We have done our job as managers.”

Union’s Jay Feyler said, “Interns who are working on projects 40 hours a week can accomplish a task that would take me or another employee years to complete. They have no interruptions and are concentrated on one or two projects. The cost to work-accomplished ratio is tremendous and one of the best uses of taxpayer dollars.”

A learning experience

Chelsea’s intern Stolt found that working in a small town meant meeting people and developing personal connections with them. “I also felt a great sense of community in Chelsea that made me excited to come to work every day,” she said.

Stolt, who is from Augusta, graduated in May from The George Washington University in Washington, D.C., with a bachelor’s degree in environmental studies and a minor in American studies. Her job title for the summer was municipal road surveyor with data entry, although her experience went far beyond.

“I was not taught much about local government in my public education and was shocked at how much I did not know,” she said. “I was fortunate enough to learn about a broad spectrum of topics ranging from local elections, town boards versus city councils, budgeting, town reports and meetings, to what a town

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

manager really does, how the residents are able to interact with their town government, and so much more.”

The big project for Stolt was an analysis of all public roads that will serve as the framework for the town’s road maintenance projects. She made a list to prioritize each road repair recommendation to help the town choose the order of road projects and followed that up with a written history of all of the town’s recorded road maintenance projects.

Stolt credits Landes, the town manager, with her newly acquired passion for municipal work, as well as Town Clerk Cheryl Mitchell and Deputy Clerk Sandra Devaney. “I had such a wonderful experience in Chelsea that I decided to apply to positions at other municipalities in the Washington, D.C., area,” she said. “I am eager to start a career in municipal government and hope to work in an urban planning/sustainability role in the future.”

Lisbon’s first summer intern is from Waterville and attending McGill University in Montreal, studying urban geography and minoring in economics.

Renaud worked on a variety of projects, starting with the food trucks. His focus on that resulted in a public interest survey for residents and ultimately a weekly schedule for the newly visiting food trucks.

With the town’s economic and community development director as his supervisor, Renaud also updated the business directory on the Discover Lisbon website, finding new businesses and adding logos, phone numbers and street addresses. This led to an update of the town’s internal spreadsheet of local businesses, cross-referenced with the assessor’s list, and a little surprise. “Through this, I was able to identify several businesses in town that were not current on their tax status,” he wrote in his internship summary report.

Another project for Renaud was working to identify abandoned buildings as well as researching the recourse for the municipality. He then surveyed a large portion of the town’s residential neighborhoods to find dilapidated buildings.

Renaud spent a lot of time helping in the town clerk’s office, including a major task of disposal of vital records, sorting them out, referencing them with a retention schedule guide and ultimately disposing of more than 60 boxes of records. He also assisted in writing a grant for the town office and writing an application for new streetlights.

He pointed to the research he did on municipal zoning for the economic development department as one of the most valuable parts of his internship. Renaud credited his supervisor with his unexpected opportu-



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nities. "I had no experience in government," he said, adding he wasn't looking at it as a viable opportunity and now it could be.

Gray's internship for a communications/outreach assistant was right up Carroll's alley. With minors in marketing and new media, the University of Maine communications major from Portland found the multiple projects through her internship worked well for her. "I felt like I was doing something different every day, which I really enjoyed," she said.

In addition to the "Welcome to Gray" brochure she developed for new residents, she also did graphic design work for the town's YouTube channel and Facebook, wrote some of the town manager's press releases and did various research projects to increase Gray's outreach.

"I really wasn't interested in municipal work before, but after this experience I could definitely see myself doing something similar in the future," Carroll said.

Getting results

One thing that Chelsea and Union's town managers say about interns is that more municipalities should have them. They also can't say enough about the interns they have worked with over the years and the value of showing municipal employment to another generation.

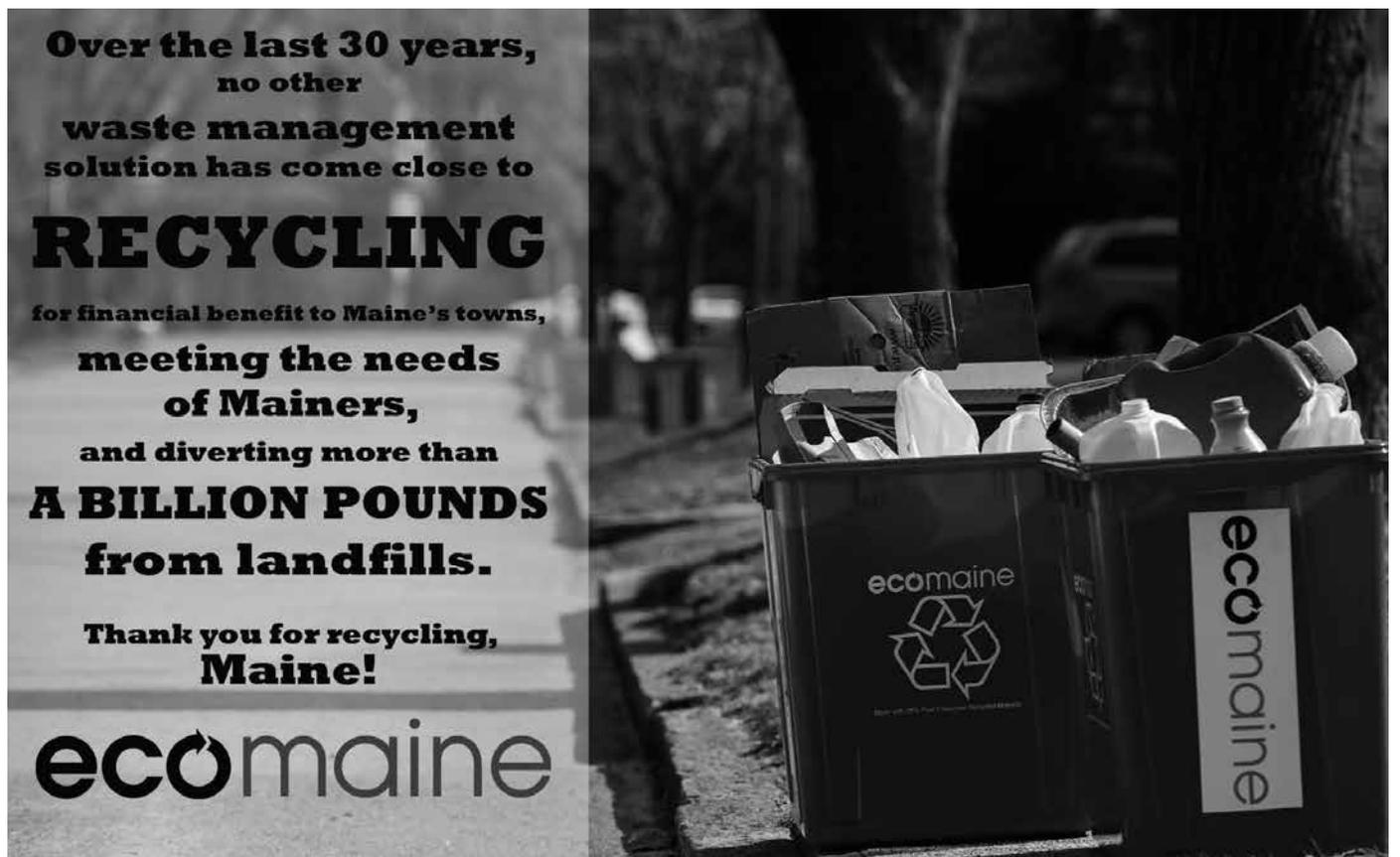
"I love municipal government and as a manager if I am not inspiring the next generation to take an interest in it, I am failing at my job," Landes said. "I have encouraged all my interns to be involved somehow in municipal government at some point in their future."

One intern has told her he is likely to volunteer for a board or run for elected office. Another she ended up hiring as town planner. "I knew what she was capable of and I was willing to take her on with limited experience," she said.

And her third intern was a foreign exchange student who was studying engineering. "He decided that he was going to further his education in how the engineering field relates to road issues and applied to a university in Australia to obtain his master's and off he went," she said.

"My very first intern is working in state government for the state of Maine, another is working in Washington D.C.," said Feyler. "One thing I have heard from many interns, ours and other municipalities, is that they are amazed at the number of opportunities in local government. The perception they had before is not the same when they leave and we need to work on this as local government officials."

"Let's grow these individuals to have a passion for government just like mine has grown over the past 25 years," Landes said. 🏔️



Get involved with the program

By Janine Pineo

The changing job market across Maine has presented some challenges to the Maine Government Summer Internship Program at the University of Maine's Margaret Chase Smith Policy Center.

"We have had fewer applicants, but the quality of the students has stayed strong," said Peggy McKee, who directs the internship program. "The fact that the program has been going for so many years definitely helps. A lot of students hear about it from other students and from their campus career offices."

The numbers show a dip in overall internships since 2019, when 256 students from 76 schools applied and 63 internships were awarded, with 19 going to municipal and county jobs. 2020, 2021 and 2022 saw 42, 34 and 52 internships awarded respectively. In 2023, 139 students from 40 schools applied, with 48 internships awarded; nine went to municipal and county positions.

"Each year there are a few internships requested which we aren't able to fill," McKee said. "Sometimes it's because they are looking for specialized skills which maybe that year we don't have in the applicant pool, the host might have staffing or funding changes after they make the request, or it could be in a location where we don't have applicants."

For example, the program this year received 57 internship requests from supervisors that ended with nine requests ultimately not filled for various reasons.

The affordable housing issue has affected the ability of students in relocating for a 12-week internship, too. McKee said that most students need to work within commuting distance of their home, although some can find relatives or friends to stay with.

"We have had some intern requests from coastal towns which would be terrific experiences, but the primary obstacle is summer housing for the intern," she said. "The best way for municipalities to work with this housing issue is to let us know earlier that they will be requesting an intern in their town. That way we can get the word out during the application process about where internships will be located and hopefully find a student who is close enough to commute."

The program, which added municipal internships in 2013, has adjusted over the past decade as experience has been gained and expectations have changed.

"We've learned that structuring an internship with remote work which is meaningful and also fulfills the educational goals of the program for the intern can be quite difficult," she said. "Some of the most valuable learning opportunities in an internship, as well as mo-

"One good change is that students are starting to be a little bit more aware of municipal government as a career field." - Peggy McKee

tivation, come from interactions with other staff and those just don't happen as easily while working remotely."

Students have higher expectations for the summer internship, McKee said. Municipalities need to define the internship clearly and be able to show what the intern will gain from the experience.

"A student wants to know what they will be working on and how this experience will enrich their career or their learning," McKee said. "One good change is that students are starting to be a little bit more aware of municipal government as a career field."

McKee said the program now provides more professional enrichment. In addition to a day of education on municipal government and the legislative branch of state government, the program has partnered with Maine Career Catalyst, part of Educate Maine, to offer summer activities to all interns that range from career development seminars to networking to outdoor activities.

The application process for municipalities to request an intern is as easy as writing a job description for the position, McKee said. "We look at what a supervisor requests and then match it with a student's skills and interests," she said. "We are also happy to work with a municipality in designing their internship if they can contact us early in the process."

To be considered for an MMA grant, select that option within the intern request form, which gives the center permission to share the forms with MMA. The association then convenes a committee to choose grant recipients based on the quality of the proposed experience, the intended impact of the intern's work on the community and the potential for the internship to provide meaningful exposure to municipal careers.

The deadline for municipalities to request an intern is March 1. Visit <https://mcspolicycenter.umaine.edu/for-students/maine-government-summer-internship-program/> for more information and an application. Interested applicants should contact McKee at 207-581-1644 or margaret.mckee@maine.edu. 

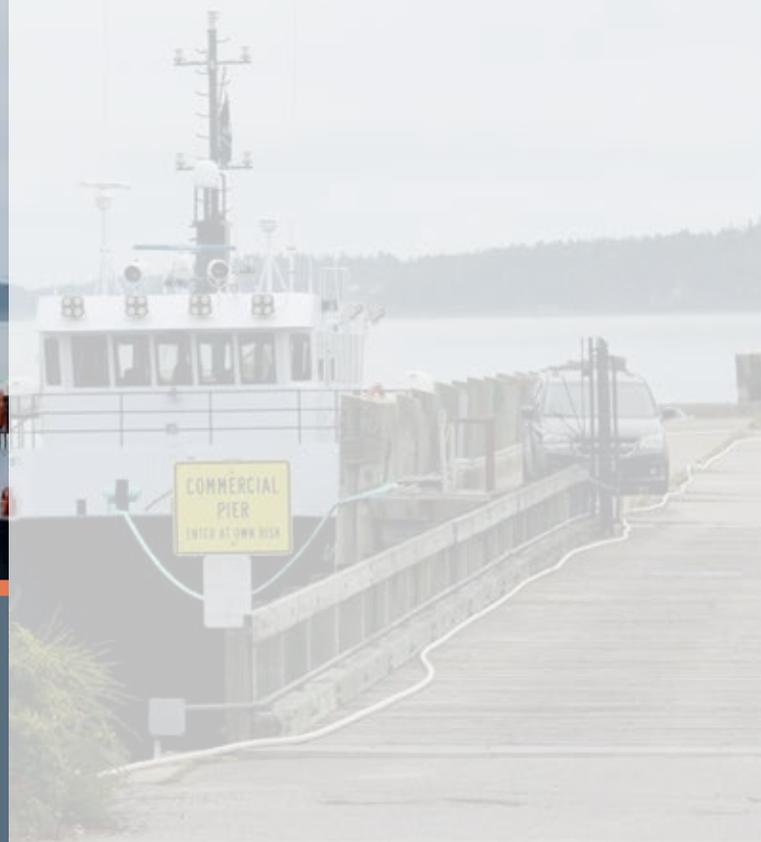
WHERE *in* MAINE?

By Rebecca Lambert / Municipal Issues Specialist



Eastport

This month the Where In Maine series traveled to the smallest city in Maine, Eastport, to learn more about this special part of our state.



The “Where in Maine” series will showcase the more whimsical sides of our communities. One city or town from each of the counties in Maine will be explored focusing on their vibrant downtowns, historical landmarks, and other places, as well as the things that make each Maine town or city unique.

Photos in this series by Rebecca Lambert, MMA

Driving past the rolling blueberry fields and rugged landscape that graces the view in the downeast area of Maine, you will pass through the Pleasant Point reservation and over a bridge to eventually arrive at Maine's smallest city, Eastport. The bridge is the only way on and off what is essentially an island and is home to approximately 1,300 residents, whose livelihoods rely mostly on fishing and tourism.

Eastport, arguably the birthplace of the American sardine industry, was once a bustling city and home to approximately 5,500 residents that supported a booming fishing economy. The decline of the sardine industry coupled with the urbanization of America caused the traffic to dwindle in Eastport. With the last factory closing in the 1980s, this effectually marked the end of an era.

The only operating stone ground mustard mill in North America, Rayes Mustard Museum, which supplied the mustard to accompany the fish, calls the coastal community home. The Raye family built the mill at the turn of the last century to support the roughly two dozen canneries, as well as other areas along the coast. For four generations they have been grinding mustard and are currently fundraising for a much-needed renovation to keep the working museum functioning in order to produce the array of mustards that they create.

Almost anywhere you go in Eastport you will find a breathtaking view of the ocean, but what you won't find are big hotels, chain restaurants, or any big city amenities. Looking for a hydra lounge? Sorry, not here. What you will find here is Maine ingenuity among a few bed and breakfast options, restaurants, a wine bar, a brewery, and several eclectic shops, which is evidence of the community's can-do attitude. Also unique to Eastport is a fisherman statue commemorating the filming of the show "Murder in Small Town X," the bronze mermaid statue, a granite sculpture—which is part of the Maine Sculpture Trail, and a large buoy at the pier – similar to the anchor you will find in the Keys.

Since I was early for a scheduled meeting, I parked and walked into Dastardly Dick's Wicked Good Coffee shop. The coffee was indeed wicked good, and the scone I enjoyed with my coffee was equally delightful. After my meeting, I remembered a sign for The Bazaar, a store lo-

cated on the edge of the city just before arriving in the downtown area. I drove back to check it out and wasn't disappointed with the creative, local art and cultural items in the store. I spent about an hour chatting with the friendly proprietor, who shared freely that he wasn't originally from Eastport and that he also spent some time on the city council. I was excited to hear about his involvement with his community, despite not being a native "Eastportian" which most Mainers know can be a challenge and thanked him for his service to his community.

During my travels I stumbled upon a trail sign at the end of a dead-end road. The sign indicated that it led to Matthews Island with a note that the island is only accessible when the tide is out. Cobscook Bay has astronomical tides that leave the ocean floor exposed when it recedes, yet comes back in quickly and is something to pay close attention to when crossing to any of the islands. I followed the trail to the edge of the ocean but unfortunately did not hit the timing right. With Google as my savior, I learned I could come back at midnight (not likely) or try again the next day at noontime.

Wandering back to town I chose to stay at the Kilby House Bed & Breakfast and checked into my room. Beautiful knickknacks adorned the shelves in the common rooms, with antique furniture throughout, floral wallpaper and books galore. It was a typical old house on the coast of Maine with lots of small rooms but renovated for its useful purpose today. My assigned room was clean and comfortable, but in today's culture, it was odd to not see a television or radio in the room. As a result, it was a nice, quiet, and comfortable night, for sure.

Even the wildlife is content here as evidenced on a walk near sunset, as a young buck calmly walked down the road in front of me, unbothered by the approaching cars, or the horn blaring at him to get out of the road.

The highlight of my time at The Kilby House was the incredible breakfast cooked and served by the owner the next morning. There were three guests, including myself, who had stayed there. Not having stayed at a bed and breakfast before, I didn't realize this was how it worked. As I awkwardly drank my coffee and attempted small talk, the conversation just started flowing. These strang-



ers and I ate French toast, sausage, and fresh fruit, with some delicious orange juice, all while having a great chat with the owner.

After breakfast I headed out to see the action from the first day of the Pirate Festival, a celebration that always takes place the weekend after Labor Day and has been a staple in Eastport for 18 years. This festival intrigued me, and I wondered if there was a history of pirates in Maine.

Google to the rescue!

From what I can tell, pirate history in Maine is pretty scarce and I'm going to wager a guess that the climate here was not as favorable as it was in the Caribbean or South America. While that may be the case, it doesn't stop the hundreds of people from flocking to Eastport each September to dress in their pirate garb, participate in silly games and activities, and of course spend money at the shops and restaurants in town.

The day prior to this, while sitting at the Happy Crab, a local bar and grill downtown, I chatted up the person sitting next to me who shared that he comes to Eastport with friends every year for this festival—noting that it's always a good time. Other festivals that take place in Eastport include the Salmon festival, always held the week prior to the Pirate festival, and a spectacular fourth of July event kicks off the summer in this little city. Rumor has it that U.S. Senator Susan Collins frequently makes an appearance at this festival and has even walked in the parade.

As a side note, when you walk in the Happy Crab, you will notice the walls are adorned with money. Ones, fives, and the random larger bill, some with writing on it, but the bills almost completely cover the walls and ceiling. I asked the bartender what the significance of it was. Evidently, it simply just started one day and never stopped. Another patron sitting at the bar piggy backed on my question and asked the bartender how often they took all the money down to clean the walls. It was an odd question and we all laughed as she responded that it didn't occur very often because it's a lot of work.

While some may not think too fondly of celebrating thieves and murders, in terms of the pirate festival, most residents and business owners welcome the event, it's well-attended and gives the shops an economic boost, one they need to stay open year-round.

Speaking of shops, I had the opportunity to walk around and spend some time, and money, in the shops in the downtown area. I especially liked Sweeties Downeast, that sells all sorts of delightful confections to satisfy any sweet tooth and the aforementioned Rayes Mustard store. You can taste any of their mustards in the store downtown and they are also available for purchase.

Another long-time business in Eastport is the hardware store, S.L. Wadsworth & Son, Inc., owned by the



same family for six generations. Chris Brown, the owner, was kind enough to take me into the employee area of the store to show me the incredible history displayed in pictures on the wall. He is very proud of his family's legacy in Eastport, and I appreciated the time he spent sharing their history with me.

I wouldn't be a true public service nerd if I didn't stop in the town office and say hello to the staff who keep the services flowing in this beautiful area.

I was introduced to George "Bud" Finch, interim city manager, who graciously spent a significant amount of time introducing me to several people in town and taking me on a tour of a lobster storage facility in town, owned by a family member of his. It was fascinating and being from the area he had a lot of tidbits to share and is obvious he loves his community.

Bud pointed out that as interim manager, he is technically retired but doing this for "fun," since finding a permanent manager has proven difficult. He added that he feels much better suited to be sitting on a beach in Jamaica with a drink in his hand.

One interesting tidbit I gleaned from my time with Bud relates to a boarded-up building near the downtown area that was once the American Can Company. It has had many uses over the years, but is now the last remaining industrial building that once dotted the entire island. The Lubec Narrows channel, where the bridge to Campbello Island sits, acts as a funnel when strong winds are present from the south, which can and has (in 1978) wreaked havoc on the waterfront. The old cannery building helps to block the strong winds and protect Eastport's precious working waterfront.

With deep waters off the coast, a new Coast Guard station by the pier, and a solid aquaculture industry, Eastport is in a great position for growth.

Although the population has dwindled over the years, the potential remains for Eastport to become the bustling city it once was. Bud is hopeful that a new leader will help breathe some fresh life into this coastal gem and is willing to make himself available to the new hire as a mentor...as long as he can be that mentor from his beach chair in the sunshine. 🌲



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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Livermore Falls Police Chief **Michael Adcock** has resigned to take the job of sergeant for the University of Maine at Farmington Police Department. Adcock has worked part time for the university security team for 19 years. He has worked for the Livermore Falls department since 2018 and was named permanent chief in January 2019. Previously, he served as interim chief after **Ernest Steward Jr.** resigned last October after 34 years.



Judy Akers

Poland Town Clerk **Judy Jordan Akers** received the Excelsior Grange Community Citizen Award in August for her 48 years of public service. More than 75 people attended the gathering. Akers is the 2022 recipient of the Maine Municipal Association's Ethel N. Kelley Memorial Award for outstanding, distinguished municipal government service.

Houlton Town Manager **Marian Anderson** retired in August after a long public service career. Before being named Houlton manager in early 2019, she served as Wiscasset manager since 2014. Her municipal service also included code enforcement, federal grant writing and town manager of Richmond.

Lawrence Best has been named Biddeford fire chief, replacing **Scott Gagne**, who retired in June after 31 years with the department. Best was set to start the job in mid-October. He comes to Maine via Salem, NH, where he served 20 years for the fire department, the last five as chief. He was among the finalists in a nationwide search. In all, Best has 35 years of experience in fire service education, work experience and professional development. He has a long list of certifications he has achieved, as well as in training. He holds a bachelor's degree in fire and emergency management and an associate degree in fire science. In addition to stepping down from his Meriden, NH chief's job, he also resigned as president of the New Hampshire Association of Fire Chiefs.

Zach Dozier is settling in as Belfast's new parks and recreation director, effective in July, after working as a ranger at Camden Hills State Park and an Acadia National Park ranger on Cranberry Isles. Dozier also has worked as a ranger at Mt. Rainier in Washington state. A Portland, OR, native, Dozier attended the University of Maine at Fort Kent, earning a degree in parks and recreation from the University's Machias campus in 2009. During his college years, he worked in multiple positions at the U.S. Fish and Wildlife Service. Before coming to Maine to work for Acadia, Dozier worked as a history interpreter at the George Washington Memorial Park in northern Virginia.

Denise Ducharme has taken the Madison town manager's job, replacing **Tim Curtis**, who resigned in June after eight years to take the position of Somerset County ad-



Denise Ducharme

ministrator. Ducharme worked for the state as an auditor and manager of Maine's unclaimed property program. Ducharme's father, the late **Richard "Spike" Carey**, served as Belgrade town manager, and as the longest-serving mayor in Waterville council history. He served 12 years in the Maine House of Representatives and eight in the Maine Senate. Ducharme's husband, Jack, is serving his second term in the House.



Richard "Spike" Carey

Aroostook County Sheriff **Shawn Gillen** will be serving up food instead of arrest warrants after retiring on Sept. 1 after 30 years in law enforcement in Maine. Gillen will join two partners to run the Irish Setter's Pub in Presque Isle. Gillen began his tenure with the county sheriff's office in March 2018,

when he was named interim sheriff after **Darrell Crandall** retired to return to the Maine Drug Enforcement Agency. Gillen said he has worked virtually every job in the sheriff's department over 30 years and never dreamed he'd be elected sheriff one day.

The Portland City Council has hired **Michael Goldman** as the city's new lead attorney, known as the corporation counsel. Goldman had worked on an interim basis since November 2021. He has nearly 20 years of experience, including working as associate counsel for Portland since 2014. He earned his law degree from the University of Maine School of Law.

Steven "Skip" Hallett has been named Owls Head fire chief, replacing Frank Ross, who retired after 49 years with the volunteer Owls Head Fire Department, the last 44 as chief. Hallett has been a member of the Owls Head Fire Department since 1999. He was promoted to lieutenant in 2010 and promoted in 2018 to captain. Hallett has served as the department's training officer for the past five years. His other experience includes a stint with the Thomaston department from 1995 to 1999, as well as working for the Rockland Fire Department since 2017 as a member of the call division.



Joseph Houston

Lewiston officials announced in August that **Joseph Houston** is the new director of the Lewiston Public Library. Houston has more than two decades of experience and most recently worked as interim executive director of the Zionsville, IN, public library. Houston also has served at Harrison College in Indianapolis, IN, including as director of library operations. An extensive search was held to find a replacement for former Director **Marcela Peres**.

Limestone Town Manager [Alvin Lam](#), the 12th in seven years, will step down from the top position to take on a new role as director of special town projects, a volunteer position. Lam, a successful businessman and real estate manager, worked two months before making the change. Although Lam had no municipal experience, the select board was confident he could parlay his private-sector work skills to local government. By creating the new position, the town manager can focus on day-to-day operations while Lam concentrates on larger economic development projects. Lam had planned to donate his annual salary back to the town. [Alan Mulherin](#) was named interim manager, effective Sept. 1.



[Chris Lewis](#)

Hallowell has hired [Chris Lewis](#) as police chief, effective Sept. 5. Lewis moved to Maine in 1999 to take a patrolman's job with the Topsham Police Department. He worked for the town for 21 years, serving as school resource officer and lieutenant before being named chief. Lewis served one year for the Hallowell department from 2020 to 2021 before taking a teaching job in

Farmington; he remained a reserve officer. Lewis graduated from Florida State University with a bachelor's degree in criminology in 1993 and took his first law enforcement job as deputy sheriff in Florida. He replaces [Scott MacMaster](#), who accepted a patrolman's position for the City of Gardiner earlier this year.

Portland has named [Michael Murray](#) the permanent director of public works, a department with nearly 200 employees and a budget of \$56 million a year. Murray has worked for the city for 20 years in various roles. In 2021, he was named deputy public works director and assumed the top job on an interim basis soon afterward.



[James Willis](#)

[James Willis](#) has retired after a 36-year law enforcement career, ending as police chief for both Bar Harbor and Mount Desert. Willis has drawn praise over the years for unifying the two departments and making the arrangement work long-term. Willis will work as a public safety consultant in the private sector. He was hired as Mount Desert chief in 2003 and, a decade

later, took on the Bar Harbor department. Prior to his dual jobs, Willis worked 16 years for the Hancock County Sheriff's Department and a year as a victim witness advocate for the Hancock County District Attorney's Office. [David Kerns](#), who works as captain to both town departments, has been named interim chief. 🏡



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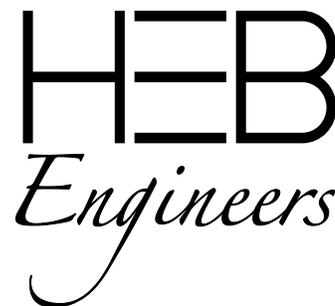
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AROOSTOOK COUNTY

A state-sponsored bike route from Bangor to Allagash could be pay dirt for Aroostook County's tourism businesses – if only bikers knew about it. The best kept secret is more than 300 miles long and runs past multiple historical sites, the Penobscot River, Katahdin Woods, and the new Waters National Monument. The Bike Route 501 continues through Presque Isle, Caribou, and Fort Kent on its way to Allagash at the northernmost tip of Maine. It also travels 129 miles along the St. John Valley/Fish River National Scenic Byway near the Canadian border that captures the region's heritage and history. Officials said a publicity campaign is needed to get people excited about the new route and byway. The bike route appears on Ride-withGPS.com. The byway and bike route were both federally designated in 2021. The byway highlights northern Maine's Acadian and Native American culture. The bike path provides safety and scenery as it winds north.

AUGUSTA

The state capital has won a \$2.5 million federal grant to hire eight full-time firefighter-paramedics. The new firefighter medics will join another eight new hires to fully staff the fire department. Under new policies, applicants no longer need to be certified paramedics in order to win one of the jobs. They must be at least advanced EMTs, however. The city will now pay for candidates to receive a year's training to be certified paramedics. Firefighters and paramedics are in high demand across the state, but in short supply. Officials hope the new policies will encourage people to apply. The changes will give the department a complement of 16 firefighter/paramedics on each shift.

BRUNSWICK

The council has delayed the town's revaluation for a year to give residents time to budget for expected property tax increases that are unavoidable when all town property values are adjusted. It will be the first revaluation since 2017. Under a revaluation, some properties will be valued less than they are now, resulting in tax decreases. But other properties, especially waterfront and those with water views, are expected to increase substantially. Brunswick's property value stands at just 58% of the state valuation. State law requires cities and towns to revalue its assessments to average between 70% and 110% of market value. That will ensure that less valuable properties will not pay more than their share of taxes.

EASTON

The Aroostook County town outside of Presque Isle, boasting a population of just 1,300, has expanded internet access to every resident of the town. The goal was accomplished by combining available funding sources with

negotiations with a current provider of broadband in the region. The accomplishment highlights Maine's small-town effort to provide internet access to even the most rural places in the state. The effort spanned 16 months and added service to 128 households. The expansion cost an estimated \$747,000, of which \$300,000 was derived from Aroostook County's American Rescue Plan Act funds. The provider, Spectrum, invested \$275,000 in the project. The balance was covered by the U.S. Department of Agriculture.

GORHAM

Residents have concerns over the impact of a massive housing development proposed for the town village – located on the Narragansett Game Sanctuary. A developer wants to build 96 houses and 295 apartments in a dozen buildings in a neighborhood area near an elementary school. Residents and councilors declared the city is ill-prepared for such a huge development and its impact on traffic, school overcrowding, and infrastructure. The proposal is being reviewed by the planning board, which has ruled the developer must get approval from the board for each of the five phases of the proposed development. In September, the council voted 4-3 to approve a contract zone to allow more dense development in the area of the proposed housing.

LAMOINE

There won't be any fancy camping being done in the town of 1,700 any time soon after special town meeting voters in September approved a moratorium on so-called "glampgrounds." Some 500 people turned out for the meeting in the town of 1,700 – smashing all records, officials said. Lamoine, located a few miles from tourist-rich Bar Harbor and Mount Desert Island, was chosen by developers for a 90-unit luxury campground of dome-shaped camping sites. Among other amenities, each camp would range in size from 425 to 845 square feet and offer the comforts of home, including electricity, running water and air conditioning. The 12-acre campground would also include a restaurant, spa, and housing for employees. "Activity domes" would be built for stargazing and bird watching. The moratorium was the work of a town group called Growing Lamoine Responsibly, which petitioned for the moratorium and a special town meeting to consider it.

OGUNQUIT

Firefighters are collecting used gear from fire departments across the state to donate to the Maine to Ukraine informal charity. The idea grew out of an instructors' conference, which a group of Ukraine firefighters attended. The select board has endorsed the effort to donate the town's used equipment gear to the war-ravaged nation,

PHOTO CONTEST!

where attacks on civilians – considered war crimes – are the norm. During the conference, Ogunquit fire officials learned about a similar effort headed by a Ukraine native New Jersey firefighter. The Maine department will donate gear, tools and self-contained breathing apparatuses no longer used by firefighters. While the equipment is considered outdated, firefighters were confident it would work well to protect Ukraine’s first responders. Russia invaded Ukraine in February 2022. The war continues with no end in sight.

OXFORD

Only two employees remain at the Oxford Public Works Department as municipalities continue their struggle to recruit and keep permanent employees. Three workers resigned this summer, leaving only the foreman licensed to drive a truck and equipment trailer. The selectboard heard the concerns of residents at their September meeting, including the idea of recruiting people with trucks and equipment, as well as people with commercial driver licenses, to help fill in while recruiting continues. New employees are paid about \$20, which is less than other municipalities but higher than surrounding towns’ pay rates, an official said.

PORTLAND

A new fee for city hotel guests will help finance the city’s tourism marketing campaigns, following action by the city council last month. The new fee of 1.5 percent per guest will double the budget for Visit Portland, the marketing organization for Greater Portland. Business owners and members of the public spoke in favor of the fee – there was no overt opposition to the proposal. The city has established the Portland Tourism Municipal Development District in the downtown that includes 23 hotels, all with 40 or more guest rooms – the threshold for charging the fee. The city estimates the fee will raise about \$750,000 a year.

ROCKLAND

More cruise ships will be able to dock along the mid-coast after the city council voted last month to allow more ocean traffic. Officials estimate that three more big ships will visit this year, as well as other, smaller ships. Ships with up to 3,000 passengers will be allowed to dock in Rockland for up to a week – one ship at a time. City officials cautioned that allowing too many more ships could result in the same situation as Bar Harbor, which is being sued for putting a daily limit on the number of cruise passengers allowed in town at 1,000. The increase in ship visits resulted when the Harbor Commission amended language to jibe with cruise industry standards. 🏔️

Now collecting photos featuring your community’s special attributes.

Although the 87th MMA Convention is behind us, staff are already at work planning for the 2024 event. One of the items on the “to do list” is the convention attendee giveaway, which will be a deck of playing cards featuring photos of Maine towns and cities.

In the vein of “many hands make light work,” this is where you come in.

MMA is looking for pictures of idyllic Maine spring, summer, fall and winter scenes, photos taken at community events, and snapshots of the unique and quirky features or locales in your municipalities.

All communities contributing photos will be entered into a drawing for a two-day pass to the 2024 MMA convention. Of course, winners will be bestowed with bragging rights.

Since a panel of judges will be convened in May to select the winning photos, we urge you to grab your phones or Kodachrome cameras.

However, before you hit send, a bit of fine print for your consideration:

- Photos must be submitted to Sue Bourdon at sbourdon@memun.org no later than noon, on Tuesday, April 1, 2024.
- Photos must be submitted in an electronic format, jpg preferred.
- The submission must include a description of the photo and an explanation of its significance to your community or the State of Maine.

If you have any questions about the contest, please do not hesitate to contact Kate Dufour at kdufour@memun.org or 1-800-452-8786.

Thank you and good luck!



PUBLIC COMMENT PERIODS

Recently the Legal Services Department received a number of inquiries seeking advice on dealing with disruptive attendees at municipal board meetings. Legal Services has issued expanded guidance on administering public comment periods for both in-person and “remote” speakers. See the Legal “Current Issues” section of our website (www.memeun.org) to access our guidance. (By S.F.P.)

BOARD FINDINGS ARE ESSENTIAL!

The Maine Supreme Judicial Court has again reminded municipal boards that detailed findings of fact cannot be overlooked in decision-making.

In *Murray v. City of Portland*, 2023 ME 57, the City’s planning board approved development of a multi-unit residential building after a lengthy public process that included deliberations on several issues raised by abutters. The board’s written decision stated it was “based on the application, documents and plans as submitted” and findings in a staff report. Although the board found that the application met ordinance standards, its written decision did not include specific findings on the disputed issues raised by the abutters. Unsurprisingly, those were the issues appealed.

Maine’s Law Court remanded the case back to the planning board, finding that meaningful judicial review was impossible because the board’s decision lacked sufficient findings on the issues appealed. The Court explained that without detailed findings of fact and conclusions it had no way to determine the basis for, or reasoning behind, the board’s decisions on challenged issues. Also, meeting minutes summarizing the comments of individual board members were not an adequate substitute because findings must state the board’s conclusions; without a board vote there was no way to know whether the board itself adopted or agreed with those comments.

Boards should also remember that Maine statute specifically requires local boards to make written findings of fact “sufficient to [apprise] the applicant and any interested member of the public of the basis for the decision” when a board conditionally approves or denies an application, license, certificate, or any other type of permit. See 1 M.R.S. § 407.

This is not the first time the Law Court has explained the critical importance of explicit findings of fact. See *Maine Townsman* Legal Notes, “Minutes Are Not Findings,” July, 2007 and “Conclusory Fact-Finding Insufficient on Appeal,” March, 2002 for two such examples.

Guidance on preparing written decisions is available in our *Planning Board and Local Land Use Appeals Board* manuals, available at no charge to members on MMA’s website (www.memeun.org). (By S.F.P.)

PUBLIC RECORD REQUESTS – 2023

The “open records” portion of Maine’s Freedom of Access Act (FOAA) was tweaked again in 2023, so we thought it would be helpful to summarize current public record inspection requirements (1 M.R.S. § 408-A) below.

Public Access Officer (PAO). Every municipality is required to designate an existing employee to serve as its PAO to manage public records requests (see “Public Access Officers,” *Maine Townsman*, “Legal Notes,” July 2015).

Making requests. A public records request need not be made in person or in writing. A requester can be asked to put the request in writing but cannot be required to or be denied because the request is not in writing. Anyone can make a records request, and it need not cite the law or state specifically that it is a FOAA request provided it clearly seeks record.

Acknowledgement; time and cost estimate. The custodian of a requested record must acknowledge receipt of the request within five working days. Within a reasonable time thereafter the custodian must also provide a good faith, non-binding estimate of the response time and cost, if any. The deadline for fulfilling the request, however, is “within a reasonable time” – a flexible standard that takes into ac-

MUNICIPAL CALENDAR

BY NOVEMBER 1 – Any holder of 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, except that certain life insurance, gift and stored-value property must be reported by May 1. (33 M.R.S. ch. 45). See State Treasurer’s website for forms.

BY NOVEMBER 1 – Or 30 days after property taxes are committed, whichever is later, the municipal assessors and assessors of primary assessing areas must file a municipal valuation return with the State Tax Assessor on forms supplied by the State. (36 M.R.S. § 383).

NOTE: Failure to timely file this return could result in loss of tree growth reimbursement (36 M.R.S. § 578).

BY NOVEMBER 1 – Forms certifying how the previous fiscal year’s MDOT Local Roads Assistance Program (LRAP) funds were expended are due at MDOT Community Services Division. Annual certification is required for a municipality to receive LRAP funds. (23 M.R.S. § 1804).

BY NOVEMBER 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).

count the scope of the request, the location of the records, staff resources and similar variables. The custodian may also ask for clarification about which record(s) are being requested.

Inspections; making and mailing copies. A requester can either inspect and copy public records in the office of the record’s custodian during regular business hours or request the custodian to make and mail copies to the requester. The custodian can schedule inspections so they do not delay or inconvenience the custodian’s regular activities.

Electronically stored records. Access to electronically stored records must be provided either as a printed document or in the electronic medium in which they are stored, at the option of the requester, except that access to a computer file is not required if the custodian is unable to separate or prevent disclosure of confidential information in that file. The custodian is not required to provide access to a computer terminal or software. Nor must electronically stored records be provided in a different electronic medium or format.

Costs. The requester is liable for the cost of (1) mailing, (2) converting a record into comprehensible form, (3) staff time up to \$25 per hour after the first two hours spent searching for, retrieving and compiling requested records, (4) the actual cost of a storage device (e.g., thumb drive, memory card), and (5) reasonable copying costs, provided that the copying fee for a standard 8.5-inch by 11-inch black and white photocopy is limited to 10 cents per page and a per page fee for copies provided electronically is prohibited. When calculating staff time, all cumulative staff time should be counted, regardless of how many staffers are involved. Finally, the requester may be required to pay all costs associated with a public records request before the records are provided to the requester.

Notice; advance payment; waiver. Effective October 25, 2023, if estimated costs exceed \$50 (previous threshold was \$30), the custodian must notify the requester before proceeding to compile the records. If estimated costs exceed \$100 or the requester has previously failed to pay FOAA costs, the requester must pay in advance. The custodian may, but is not required to, waive all or part of applicable costs if the requester is indigent or release of the requested record is in the public interest.

No requirement to create a record. There is no requirement that an agency or official answer questions orally or in writing, nor does the law require officials to create a record that does not already exist.

For more on Maine’s FOAA, see MMA Legal Services’ “Right to Know Information Packet,” available free to members at www.memun.org. (By S.P.F.)

MUNICIPAL CAMPAIGN REPORTING EXPANDED

Effective October 25, 2023, state campaign finance laws will now automatically cover certain local referenda campaigns in smaller towns and cities. See [PL 2023, c. 314](#).

Previously, local referenda campaigns were not covered except in (1) municipalities with a population of 15,000 or more and (2) municipalities less than 15,000 in population that chose to be governed by these laws by vote of their legislative body (town meeting or town/city council). See 30-A M.R.S. § 2502. Covered campaigns must file registrations and reports with the municipal clerk instead of the state Commission on Governmental Ethics & Election Practices (“Commission”).

State law will now require “ballot question committees” that spend more than \$5,000 to influence a municipal referenda campaign in a town or city under 15,000 in population to register and file reports with the state Commission (not with the municipal clerk). No “opt-in” by the municipality is required.

(Note: existing law remains unchanged for campaigns involving the *election of candidates* to municipal office, and filing requirements are unchanged for candidate or referenda campaigns in towns and cities over 15,000 in population).

See summary in chart below:

Campaign Type Town/City Population	State Campaign Finance Laws Automatically Apply	Town/City Must Opt-in to Coverage	Reports Filed with Municipal Clerk	Reports Filed with State Comm. on Gov. Ethics
Candidate Election – Pop. 15,000 or more	✓		✓	
Candidate Election – Pop. under 15,000		✓	✓	
Referenda - Pop. 15,000 or more	✓		✓	
Referenda - Pop. under 15,000 (if ballot committee spends \$5,000+)	✓			✓

State campaign finance registration, recordkeeping, and reporting requirements are spelled out in 21-A M.R.S. §§ 1001-1020-A (for candidates) and §§ 1051-1063 (for political action and ballot question committees).

Note that it is the responsibility of the campaign involved to determine whether it is covered by the law and which, if any, requirements apply. The municipal clerk has no obligation to provide legal advice to campaigns or candidates. (By S.F.P.) 🏡

TRAINING CALENDAR

Maine Municipal Association & Affiliates

OCTOBER

10/24	Tues.	MBOIA MUBEC Training	Portland - Clarion Inn	MBOIA
10/25	Wed.	MBOIA MUBEC Training	Brewer - Jeff's Catering	MBOIA
10/26	Thurs.	MBOIA MUBEC Training	Waterville - Waterville Elks Lodge	MBOIA
10/27	Fri.	MBOIA MUBEC Training	Waterville - Waterville Elks Lodge	MBOIA

NOVEMBER

11/6	Mon.	Advanced Excel Training	Augusta - MMA	MAAO
11/9	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Zoom webinar	MMTCTA
11/13	Mon.	"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 - MMA	MMA
11/16	Thurs.	The ABCs of Assessing - for Non Assessors	Zoom Webinar	MMA
11/28	Tues.	Elected Officials Workshop	Zoom Webinar	MMA

DECEMBER

12/1	Fri.	MTCMA/MMANH Joint Workshop - Leadership Exchange	Freeport - The Harraseeket Inn	MTCMA
12/6	Wed.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
12/6 & 7	Wed.-Thurs.	MTCCA Vital Records	Day 1: Zoom Webinar (full day) Day 2: Zoom Webinar (half day)	MTCCA
12/7	Thurs.	MBOIA Annual Membership Meeting & Training	Lewiston - The Green Ladle	MBOIA
12/8	Fri.	MWDA Winter Issues Training	Augusta - MMA	MWDA
12/13 & 14	Wed-Thurs.	Athenian Dialogue: My Fight/Your Fight	Zoom Meeting	MTCCA
12/13	Wed.	MMA Issues in Cannabis Compliance and Enforcement Webinar	Zoom	MMA
12/18	Mon.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
12/19	Tue.	MMTCTA Small Claims workshop	Augusta -MMA	MMTCTA

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MAINE MUNICIPAL BOND BANK

2023 FALL 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 three to four months. Below is the schedule for the Bond Bank's Fall Issue.

August						
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		

September						
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

October						
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				

November						
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		

Tuesday, August 1st – Application Deadline

Wednesday, August 23rd – Application Approval (Board Meeting)

Wednesday, September 13th – Preliminary opinions and loan agreements due from bond counsel of each borrower

Thursday, September 14th – Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of October 2nd – Maine Municipal Bond Bank Pricing

Monday, October 23rd – Final documents due from bond counsel

Wednesday, November 1st – Pre-closing

Thursday, November 2nd – Closing – Bond proceeds available (1:00pm)

If you would like to participate in or have any questions regarding the 2023 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 ext. 213 or treed@mmbb.com.





MAINE MUNICIPAL
ASSOCIATION **SINCE 1936**

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