

# Maine Town & City

The magazine of the Maine Municipal Association

DECEMBER 2023 | VOLUME 85 | ISSUE 11

## Where in Maine...Rangeley

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**NOV. 7 ELECTION RESULTS**

**LEGISLATIVE PREVIEW**

**Q&A WITH NAT TUPPER**



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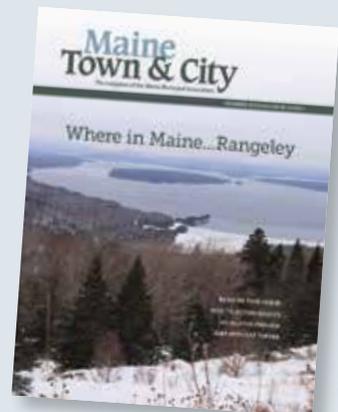
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**ABOUT THE COVER**

An iconic photo of the view from the Height of Land, a popular landmark in the Rangeley Lakes Region. (Photo by Rebecca Lambert, MMA)



# Join Other Maine Towns Lowering Their Energy Costs This Winter

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# It's Been an Honor

By Elaine Aloes / President / Town of Solon



When the clock strikes midnight on Monday, January 1, 2024, my term as MMA President will end. Rest assured however, that the Association and its members will be in great hands as Diane Hines, Ludlow Town Manager and current Vice President, will take the reins and guide the Association through 2024.

It has been a tremendous honor serving as your president and due to the efforts of MMA's Executive Committee and staff we have much to celebrate.

Anyone who has spent an hour or two with me understands my deep respect for local government service and appreciation for the support MMA provides to elected and appointed officials across the state. Since first elected to the Solon Selectboard in 1990, I have greatly benefited from participation in many MMA educational and training programs, as well as the annual conventions that have offered valuable opportunities to convene in a single location to network and reconnect with municipal leaders from other communities.

For that reason, it should not be a surprise that my top priority this year was to put into place the measures necessary to improve access to and the variety of educational and training programs available to municipal officials, with special attention being placed on the "nuts and bolts" training. Additionally, through the establishment of a 15-member Advisory Council, represented by appointed and elected municipal officials, designees from Maine universities and colleges, and members from workforce training and development agencies, the Association is on its way to leveraging and coordinating the resources necessary to develop a robust training program. It is a vital first step in a multiyear process.

In June, MMA launched a modernized version of the website that was designed to improve usability and access to the many resources that support the work of town and city officials. While the changes are fresh and

new, staff will continue to monitor user experiences and make adjustments as needed to ensure that the website does not become static and archaic.

In March, I joined municipal officials and MMA staff in Washington, D.C. to meet with the four members of Maine's Congressional Delegation. The meetings provided a much-appreciated opportunity to share how federal level

decisions impact municipal operations and to discuss the resources municipalities need to provide services at home. Of interest to both urban and rural communities, including my own, was a discussion of the strategies available to ensure employees can acquire and retain the commercial driver's credentials necessary to operate plow trucks and school buses. These are some of the most difficult employees to recruit and retain in municipalities of all populations.

As president I also had the distinct honor of hosting the Executive Committee's two-day planning session in Solon. In addition to setting the Association's 2024 priorities, I had the pleasure of showing off what our small community has to offer, including breathtaking views of the mountain range from the Robbins Hill Scenic Overlook, the South Solon Meeting House, and the infamous and recently renovated Solon Hotel. Good things and people are indeed found in our small communities.

I am proud to announce that in collaboration with the Spirit of America Foundation, MMA will unveil a new initiative during the 2024 October convention to annually honor a group of municipal officials, such as clerks, tax collectors or law enforcement officers. The purpose of the designation is to draw attention to the important day to day work that is accomplished by key municipal employees, often without recognition. Please stay tuned for more information.

Unfortunately, this year the Executive Committee, Association and community of Hampden grieved the loss of Ivan McPike who passed away unexpectedly

in May. He was a dedicated public servant, who had served his community in many capacities including as a member of the area school board and town council. His no nonsense approach and dry sense of humor is missed by the members of the Executive Committee who had the privilege of serving with Ivan.

Finally, I'd like to thank the members of the Executive Committee who supported my priorities and efforts throughout the year. In addition to Diane, I want to wish Melissa Doane, Bradley Town Manager, best wishes as she steps into the role of MMA Vice President. I'm also pleased to welcome Shiloh LaFreniere, Jay Town Manager and Dina Walker, Weld Selectperson, who will begin their Executive Committee terms in January. I would be remiss if I did not thank and bid a sincere farewell to our current Immediate Past President Jim

Bennett, Biddeford City Manager, and to Jon Beekman, Fayette Selectperson, whose terms on the Executive Committee will end this month. Their knowledge and expertise in many areas have been a great benefit to the Executive Committee and MMA, and will be greatly missed.

Although I'm stepping down as MMA president, there is no need to worry as I'm not going far. In 2024, I will serve as the Association's Immediate Past President and continue to support the efforts of MMA leadership and staff.

It has been a great honor to lead this incredible Association and its members. Thank you for your commitment to local government service and support throughout the year. Happy holidays to you and your family. 🏡

## PHOTO CONTEST!

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](mailto: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](mailto:kdufour@memun.org) or 1-800-452-8786.



# Zoom Bombings

Despite growing experience managing public participation via remote means, vigilance is key as a recent uptick in Zoom bombings has disrupted several public proceedings.

By Stephanie Bouchard

In the early days of the coronavirus pandemic, many in-person meetings went virtual, and with that transition to the online world came “Zoom bombers,” individuals who interrupted meetings with hate language and visuals. Soon, those hosting virtual meetings implemented strategies to minimize or eliminate such disruptions, and things calmed down – until last fall, when a spate of Zoom bombings upended municipal meetings across the country. Municipal leaders were caught off guard.

“In the beginning we had some issues and we were beginning to figure out how to use the technology to prevent some of that and control it, (then) we didn’t have any other issues,” said Jim Bennett, Biddeford’s city manager, and past president of the Maine Municipal Association.

That’s until Biddeford’s city council meeting on September 5. The meeting was progressing normally. About 30 minutes into the meeting, following the conclusion of remarks about serving alcohol at an event to be held in a municipal building, Bennett announced there were people online waiting to offer comment.

“Normally when we’re doing the meetings, most of the people online are the people that are regulars,” he said. “We know who they are.” But the names on the screen were not names he recognized. When he hit the computer key to let the first person talk, he wasn’t prepared for the hate speech that ensued. “It kind of caught me off guard,” he said. “That’s why it probably was 20 or 30 seconds before I actually went, ‘Oh my God, what’s going on?’ (Then) click on the right place on the computer in order to then stop it.”

It turned out that all the unknown names in the queue to speak were fake and they weren’t there to comment on city business. Bennett shut them all down and the council decided to suspend public comment from those online for the rest of the meeting.

Bennett later learned that a public meeting in South

Portland that same night had also been disrupted by hate speech. In the days that followed, a number of municipal meetings with virtual access in Maine and across the country were disrupted by people making antisemitic, homophobic and racist comments.

In a story in the Portland Press Herald, Carla Hill of the Anti-Defamation League’s (ADL) Center on Extremism said that the spate of Zoom bombings in early September were supported by a few extremist groups encouraging their supporters to join online municipal meetings and use the public comment period to promote their views.

Jonah Steinberg, regional director of the ADL’s New England office, told MMA in a phone interview that these recent Zoom bombings are fueled by “the same old hate,” rather than some specific reason.

“This is attention seeking,” he said. “It is a similar tactic to when people wake up in the morning and they find hateful leaflets distributed on their front lawn or when extremist groups demonstrate in a town square. They are trying to draw attention to themselves and to draw others to their hateful causes. . . . The best thing a community can do is simply to make it very clear that that kind of hate is not welcome in the forum.”

“It was pretty awful, the things that were said,” said Gary Lamb, Hallowell’s city manager, of a Zoom bombing of the city council’s September 11 meeting. “For all of Covid and all the Zooming, this is the first time somebody’s done this.”

After the incident, Hallowell, like Biddeford, made public declarations that such behavior is not acceptable and would not be tolerated. The city also took steps to keep future Zoom bombings from happening. Now, online participants wanting to comment are muted until a moderator unmutes them.

Before the Zoom bombing of the city council meeting, Hallowell didn’t have a specific plan in place to handle such incidents, Lamb said. “We were not proactive in that regard,” he said.

But being proactive doesn’t necessary mean public

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municipal meetings that allow for virtual participation are immune to disruption from Zoom bombers, points out Courtney O'Donnell, Bangor's assistant city manager and human resources director.

On the same night Hallowell's meeting was Zoom bombed, Bangor's city council was, too, even though, like in Biddeford, measures were in place to deter bad actors. In both Biddeford and Bangor, city council meetings allowing virtual participation are set up as webinars, meaning virtual participants must alert the staff person monitoring online activity that they want to speak. The staff person then unmutes the person.

After its Zoom bombing experience, Biddeford's city council opted to require virtual participants to have a paid or free account with Zoom, the thinking being that Zoom makes some attempt to verify the identity of account holders.

"The council had the whole range of discussion from no longer allowing people to make any comments virtually to not doing anything," Bennett said of the council's decision-making process. What made sense for the council, he said, was that requiring a Zoom account is a "fairly insignificant hurdle" that still allows people who can't be at a meeting in-person the opportunity to participate in the local process.

Bangor's city council considered requiring pre-registration after its Zoom bombing incident, O'Donnell said, but councilors didn't want to create a potential barrier to participation, and didn't see pre-registration as a strong enough deterrent. "It's super easy to mask yourself as a legitimate resident," she said. "In today's day and age,

you can just go on GIS and find somebody's address and who owns the property, so it doesn't seem foolproof for those people that are intent on doing that kind of behavior." Ultimately, Bangor decided not to make any changes and to continue to be vigilant.

How to allow citizens to participate virtually while still blocking bad actors from spewing hate in meetings often means municipalities have to walk a fine line. "We've got some pretty good guidance from our city attorney," said Gary Lamb from Hallowell. "We understand that you can say some pretty awful things and still be within the First Amendment. We don't want to step on that, but there's also a fairly, I guess you'd say broad parameter there, that if somebody is disrupting the meeting . . . just that disruption alone - the mayor and the council have the right to have decorum at their meetings, and just for that simple common sense aspect, you can shut somebody down."

"Generally speaking, the courts have recognized a right for chairs of boards to generally enforce rules of participation, making sure that decorum is kept," said Benjamin McCall, a municipal attorney at Jensen Baird in Portland.

"The difficulties usually arise not when you're choosing which means to allow for participation," he said, "but when municipalities and chairs and people who are in charge of these meetings are having to make quick, on the spot decisions about what types of comments from members of the public they deem to be acceptable and which ones they don't."

"There are plenty of pros in favor of keeping all means of communication open," he said, but it's best if municipalities find ways "to limit the possibility that those deci-

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sions are going to have to be made on the fly.”

Some of those limiting strategies include pre-registration and the webinar format, but municipalities can also opt not to offer virtual commenting at all. “The remote participation policy must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods,” McCall said. However, the Freedom of Access Act does not require municipalities to make remote public commenting available, beyond making reasonable accommodations for those with disabilities when necessary.

“If their entire body is meeting in person and they’re concerned about Zoom bombing or something similar to that, they always have the option of simply either not providing or disabling the part of Zoom that would allow people to speak to the meeting.”

In such cases, the body meeting – city council, select board, planning board, etc. – can simply stream the meeting using a variety of platforms, from Zoom to YouTube to local access television. “That’s one of the strategies that I would always recommend,” he said.

But it’s not the right option for every community, he acknowledges. Each municipality should get a sense of how valuable the community thinks remote participation is, and what the value is of providing that ability to participate remotely, he said.

“These situations are nuanced,” McCall said. “(Town) attorneys and others and MMA staff can help come up with creative and more tailor-made solutions to help municipalities out. I think it becomes a little more precarious to try to deal with these things without advice.” 🏔️

## Resources

Besides talking to your municipal attorney and MMA for ideas and advice, check out the municipal managers listserv to find out what your peers are experiencing and what’s working for them, or isn’t working, Jim Bennett suggests. “Virtually anything that anybody in Maine is going to face at the local government level, there’s somebody that’s probably already faced it; you just got to ask,” he said.

**For tips on how to prevent Zoom bombing, check out the Anti-Defamation League’s guide at <https://www.adl.org/resources/blog/how-prevent-zoombombing>.**

This is the language Bangor uses at the start of its public meetings that you are welcome to use or adapt: “Currently, the public has the choice to participate in meetings in person at City Hall or remotely through Zoom, and is available to watch through Facebook, television, and the City’s website. Public comment, whether in person or through Zoom requires a person to state their name and address, any inappropriate or offensive remarks may be removed, and the Council Chair will have discretion over the time allowed for comment. On Zoom, the public may be recognized to speak by the hand wave function or, on a phone, by pressing \*9.”

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# Election results by municipality

By Liz Mockler

Following are among the municipal election results from Nov. 7 voting. Unopposed candidates are not listed unless they served previously. Results were collected from published reports, research, municipal websites, and town and city clerks. The results are listed in alphabetical order by municipality.

Auburn: Incumbent Mayor **Jason Levesque** was defeated by former State Police Deputy Chief **Jeff Harmon**, who received 62% of the vote. Harmon is also a former Auburn police officer; Levesque has served as mayor since 2017. Meanwhile, **Tim Cowan** received 924 votes to defeat incumbent Ward 2 City Councilor **Ryan Hawes**, who collected 395 votes. **Benjamin Weisner** ran unopposed to replace Ward 4 Councilor **Joseph Morin**, who did not seek re-election. **Adam Platz** received the most votes with 2,993 in a four-way contest for two at-large seats. Incumbent **Belinda Gerry** received 2,670 votes to take the second seat. In Ward 5 voting, incumbent **Leroy Walker, Sr.** held off a challenger by a vote of 777 to 416 to win a seventh term on the council.

Augusta: Incumbent City Councilor **Courtney Gary-Al-len** held off a challenger to win another term by a vote of 2,897 to 1,523. Newcomer **Robert Austin** replaces **Linda Conti**, who was termed out this year.

Bangor: Newcomers **Carolyn Fish** and **Susan Deane** were elected to the city council, with Fish receiving the most votes among eight candidates with 3,151. Deane garnered 2,634 and incumbent **Joseph Leonard** received 2,448 to win another term. Fish and Deane replace **Clare Davitt** and **Jonathan Sprague**, who did not seek re-election.

Bath: The city council will welcome three new councilors, of which two ran unopposed. Newcomer **Megan Mansfield-Pryor** received 1,289 votes to defeat three challengers for the at-large seat. **Christopher Marks** will represent Ward 1, while **Caitlin McCorkle** took the Ward 6 opening. The trio will replace **Phyllis Bailey**, **Susan Bauer**, and **Elizabeth Dingley**, none of whom sought re-election.

Brewer: Newcomer **Dani O'Halloran** defeated two other novices to replace **Joseph Ferris**, who did not seek another term. O'Halloran received 1,131 votes, while her opponents won 699 and 341 votes.

Buckfield: Newcomer **Peter Fickett** ran unopposed to fill the unexpired term of **Michael Iveson**, who resigned earlier this year.

Bucksport: Incumbent Town Councilor **Mark Eastman** retained his seat by collecting the most votes in a five-way race for two seats. Newcomer **Tracey Hair** placed second to replace Councilor **Peter Stewart**, who did not seek re-election. Eastman received 736 votes, while Hair garnered 675 votes.

Brunswick: **Nathan MacDonald** defeated two opponents to win the at-large town council seat after serving on the school board. He received 58% of the vote to take the seat of **Kathy Wilson**, who did not seek re-election. In uncontested races, newcomer **Steven Weems** won the District 7 seat being vacated by **James Mason**, council chairman, who did not seek re-election. **James Ecker** will finish the term of Council Member and State Rep. **Dan Ankeles**, who is resigning to focus on his family and work.

Cape Elizabeth: Newcomers **Stephanie Anderson** and **Timothy Thompson** garnered the most votes in a four-way race to replace Town Councilors **Nicole Boucher** and **Gretchen Noonan**, who did not seek re-election. Anderson drew the most votes at 2,299, while Thompson received 1,982. Their competitors collected 1,807 and 1,777 votes.

Caribou: Incumbent **Courtney Boma** won re-election and newcomers **Jennifer Kelly** and **Tamara Lovewell** will replace **Mark Goughan** and **Louella Willey**. Neither sought re-election. Willey gave up her council seat and won election to a seat on the RSU 39 school board.

Eastport: Incumbent City Councilor **David Morang** was re-elected with a write-in campaign to fill one of two open council seats. Another incumbent, **Colleen Dana-Cummings**, held off a third candidate to win the second open seat.

Ellsworth: Two new members were elected to the city council from a field of five. Newcomers **Patrick Lyons** and **Nancy Smith** received 1,159 votes and 911 votes, respec-

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

tively. Incumbent **Gene Lyons** lost his re-election bid with 670 votes, as well as former councilor **Marc Blanchette**, who garnered 518 votes. The fifth candidate received 137 votes. Lyons and Smith replace councilors Lyons and **Dale Hamilton**, who did not seek re-election.

Fairfield: **Duane Bickford**, received 532 votes to defeat former Town Councilor **Lawrence MacDonald** and a third candidate to win a three-year term. He is the former town fire chief who retired after serving the fire department for more than 30 years.

Fort Fairfield: Incumbent **Robert Kilcollins** was defeated by newcomer **Shane McGillan**, who won the three-way race with 450 votes, far outpacing his opponents.

Freeport: Voters elected two new councilors and re-elected a third. **Joanna Benoit** and **Eric Smith** will replace **Edward Bradley** and **Jake Daniele**. Neither sought re-election. Incumbent **Matthew Pillsbury** defeated a challenger with 521 votes. Benoit will serve as an at-large councilor. Eric Smith will serve as District 2 councilor and Pillsbury will retain the District 3 seat.

Gorham: In a five-way race for two seats, voters re-elected **Suzanne Phillips** and seated newcomer **Charles “Lou” Simms**. Phillips received 2,516 votes and Simms collected 2,001 votes.

Hallowell: Incumbent Mayor **George Lapointe** retained his office, garnering 704 votes to City Councilor **Maureen AuCoin’s** 479 votes. It was the pair’s second contest; in 2020, Lapointe won the office by two votes. Incumbent **Michael Frett** defeated a challenger by a vote of 121 to 74 to keep his Ward 2 seat. Uncontested candidate **Danielle Obery** won the Ward 4 opening.

Lewiston: Mayor **Carl Sheline** and former state Rep. **Jon Connor** will compete in a ranked-choice runoff for the mayor’s position. Sheline received 45.1% of the vote, and Connor captured 37.9%. Former City Councilor **Luke Jensen** collected 11.9% and a fourth candidate received 5.1%. The runoff was scheduled for Dec. 12. The winner must receive at least 50% of the vote, plus one vote. In other voting, three incumbent city councilors were unseated, including council President **Richard LaChappelle**, **Lee Clement** and **Robert McCarthy**. The winners were newcomers **Michael Roy**, **David Chittim**, and **Susan Longchamps**. In the only other contested council race, **Eryn Soule-Leclair** defeated a challenger by just 12 votes to take the Ward 5 seat after **Larry Pease** chose not to seek re-election. Meanwhile, **Timothy Gallant** ran unopposed to replace **Stephanie Gelinas**, who did not seek re-election.

Mexico: **John Arsenault** received 278 votes to hold off two opponents to fill the remaining two years and eight months of **Kevin Jamison’s** term. Jamison resigned on Oct. 2. The challengers received 133 and 105 votes.

Oakland: Incumbent **Robert Nutting** received 988 votes to defeat two challengers to retain his town council seat. One opponent collected 755 votes, while another garnered 108 votes.

Portland: City Councilor **Mark Dion** was elected mayor after a ranked-choice runoff, defeating four other hopefuls to replace Mayor **Kathleen Snyder**, who did not seek re-election. In the final runoff, Dion defeated city councilors **Andrew Zarro** and **Pious Ali** with 10,750 votes. Zarro collected 10,107 votes, and Ali received 4,876 votes. Dion brings years of experience to the mayoral position; he has served as Portland city councilor, state legislator and as Cumberland County sheriff – all elected positions. Synder endorsed Dion for the mayor’s job.

Presque Isle: Newcomer **James Carroll** and **Hank King** were elected to fill the seats vacated by City Council Chairman **Jacob Shaw** and **Michael Chasse**. Neither sought re-election.

Scarborough: Incumbents **Jonathan Anderson** and **Jean-Marie Caterina** were returned to office, and newcomer **Donald Cushing** won the third open seat. Anderson received 5,638 votes, Caterina collected 5,621 and Cushing garnered 5,037. Cushing will replace **John Cloutier**, who did not seek re-election.

South Portland: Incumbent **Linda Cohen** defeated a challenger by a vote of 4,407 to 2,801 to earn another term representing District 1. Newcomer **Rachael Coleman** defeated an opponent by a vote of 4,200 to 2,606 to replace **Katherine Lewis**, who did not seek re-election.

Waterville: City Councilor **Michael Morris** received 1,834 votes to capture the mayor’s office, defeating a challenger who garnered 1,209 votes. Morris will replace outgoing Mayor **Jay Coelho**. In the Ward 2 city council race, incumbent **Flavia DeBrito** held off a challenger by a vote of 272 to 155.

Winslow: Three incumbent town councilors were unseated by newcomers. **Michael Joseph** collected 316 votes to defeat incumbent Councilor **Peter Drapeau**, who received 155 votes, while a third candidate collected 92 votes. The District 3 seat went to newcomer **Frances Hudson**, who collected 192 votes to defeat incumbent Councilor **Jerry Quirion**, who garnered 91 votes. In the District 5 race, **Adam Lint** received 288 votes to best Councilor **Joseph Gravel**, who collected 245 votes. 🏔️

# Maine's Homelessness Crisis

Municipal leaders from the state's largest communities are employing the strategies necessary to assist in responding to the crisis. However, it is a difficult balancing act.

By Betty Adams

In late October, the City of Bangor announced it planned to remove certain individuals from a homeless encampment near Hope House for "safety and security concerns."

The announcement, put out by City Manager Debbie Laurie, noted, "This decision was not made lightly. It was based on safety and security concerns for those individuals within the encampment who are engaged with services providers, as observed, and reported by individuals on site, including outreach, as well as neighbors."

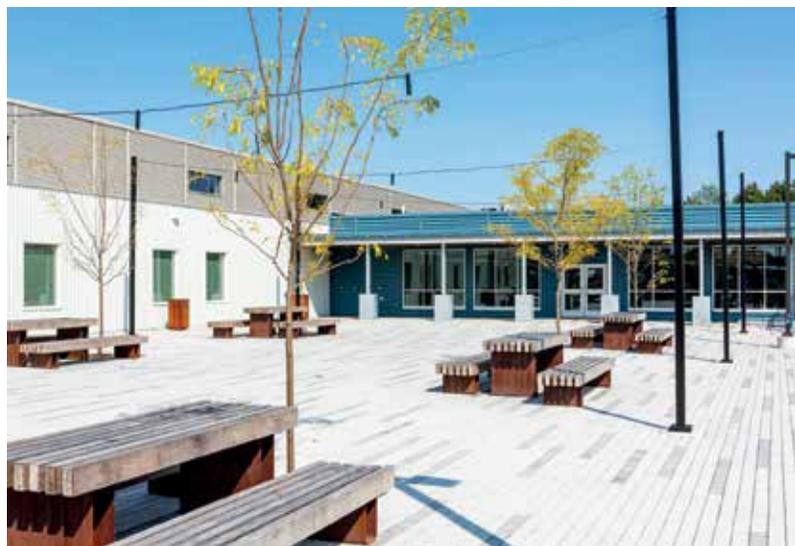
It also said the individuals being asked to leave were "refusing to engage with outreach staff and are engaged in activity that is endangering the well-being of others."

In Portland, where particular encampments are targeted for closure when they become a size where they are no longer considered safe, members of an Encampment Crisis Response Team made up of city staff, including those in the health and human services, public works, fire and police departments, plus outreach workers from nonprofit partners, spend months going to that encampment, offering shelter beds and services to individuals there.

At a November council meeting, then-Mayor Kate Snyder, noted that this holistic style approach has not worked as hoped: "Those folks haven't moved into shelters."

The City of Portland's website includes a Homeless Winter Emergency Response Plan that details the various warming centers, outreach services and efforts, and contact information for individuals and agencies responsible for each.

As outdoor temperatures drop below freezing, those services become more critical, and communities step up outreach efforts to serve people who are sleeping outdoors.



(Submitted photo)

The city also offers an "Unhoused Community Dashboard" which showed that on Nov. 27, people were living outdoors in tents in various encampments. Of the 237 tents, 176 of the tents were on city property, 31 on private property and 30 tents on state property.

City data shows that an average of 482 people stayed in shelters in Portland each night in October 2023. Additional individuals and families were housed in hotels. In November, the city reported sheltering an average of 1,000 people nightly.

At a Nov. 20 meeting, Portland City Council rejected 6-3 an order proposed by two of its members that "would allow unhoused people to camp on certain public property" until the end of April 2024. The vote followed a lengthy period of public comment both for and against the proposal.

Snyder, who was among those voting against the order, told councilors, "We have a commitment to people experiencing homelessness and to people who live in Portland." She also said, "We're not responding to one population, we're responding to a 68,000-person community."

Betty Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, [adamsbetty00@gmail.com](mailto:adamsbetty00@gmail.com).



(Submitted photos)

Immediately after that vote, one attendee at the meeting climbed atop the council bench and lay in front of the mayor before being removed by a police officer.

According to the Maine State Housing Authority, 4,258 people were counted as experiencing homelessness in Maine on Jan. 24, 2023, the date of the state's annual Point in Time Survey. The survey also provides a breakdown of "subpopulations," indicating that 245 were adult survivors of domestic violence; 24 were unaccompanied children (under age 18); 145 were ages 18-24; 299 were adults with a substance abuse disorder; 674 were adults with a serious mental illness; 123 were veterans and 370 were chronically homeless. Almost half the people counted as experiencing homelessness were in Cumberland County.

Jessica Grondin, director of communications and digital services for City of Portland, said that after a recent sustained effort – which included attempts to inform people about the recently opened \$25 million Homeless Services Center (HSC) at 654 Riverside Street – 16 people of the 112 contacted in the encampment on Marginal Way opted to go to a shelter.

She noted, "There was a lot of miscommunication and miseducation on what the Homeless Services Center offers and what it's like to be there. So HSC staff took videos on their phones and were showing people what it was like, really letting people know there's all kinds of reference services on site, there's all meals, there's storage, there's a health clinic on site. A lot of that has helped people understand that it's not like previous shelters in the city, and that has helped encourage some folks to accept a bed."

In a Sept. 29, 2023 memo to councilors, Portland City Manager Danielle West notes, "The HSC is considered a low-barrier shelter, going well beyond the criteria established by MaineHousing by providing 24/7 access; offering services focused on breaking the homelessness cycle through securing long-term housing; direct access to harm reduction services and connections to recovery programs; providing secure storage; treating

guests with dignity and respect; providing safety and security through de-escalation; being staffed by highly-trained, culturally-competent employees; and providing onsite physical and mental healthcare."

In that same memo, West noted that U.S. Department of Housing and Urban Development Regional Administrator Juana Matias toured the HSC on Aug. 1, 2023, and sent an email with her impressions of it: "What a great facility – clean, well designed, spacious, highly functional – the attention to detail was remarkable. Equally impressive were some of the operational and administrative protocols you have incorporated – the early check in procedures, the abundance of shuttle service, the privacy afforded clients, and the storage opportunities are all best practices that should be shared with other shelters and service providers. Oh, and the inclusivity and cultural competence on your team, wow, you should be so proud of that."

To make more shelter space available, Portland City Council adopted an order declaring a state of limited emergency in mid-November, noting that the HSC shelter was at capacity within a day of its March 27 opening, with "each of its 208 beds being occupied every night since." That order suspended regulations so that an additional 50 beds could be added there until Feb. 5, 2024.

Also, a new, 179-bed shelter designated for single asylum seekers at 166 Riverside Industrial Parkway opened Nov. 30 and is expected to free up 100-125 beds at the HSC shelter.

Kristen Dow, who was the city's director of health and human services until Dec. 1, 2023, said in late November that she anticipated moving 120 people from the HSC shelter to the new one on the day it opened.

A legislator from Bangor and one from Portland both submitted encampment and shelter-related bills for consideration in the second session of the 131<sup>st</sup> Legislature. Rep. Ambureen Rana, D- Bangor, submitted *An Act to Prohibit Clearing of Unhoused Encampments Without Providing Proper Housing Options* as well as *An Act to Prohibit Clearing Encampments of Unhoused*

*Individuals.* Both failed the Legislative Council screening process required of bills introduced in the second session.

Rep. Grayson Lookner, D-Portland, submitted *An Act to Establish Sanctioned Areas for Emergency Encampments in Certain Municipalities* and *An Act to Prohibit Certain Municipalities from Enforcing Moratoria on Emergency Shelters*. Only the latter survived the screening process in late November.

Communities are working regionally to find solutions to help people get into shelters and housing. At a September meeting of Bangor City Council's Government Operations Committee, Laurie provided a draft report listing "Short-term Action Steps for Addressing Homelessness in Bangor: A Twelve to Eighteen Month Plan."

The report says, "Bangor's City government cannot solve the challenges through Council or administrative actions alone. Addressing the issues is not solely a government responsibility, it is a community responsibility. The City may provide incentives, but it cannot compel other organizations to work more closely. While Bangor has many resources that it can use wisely, taxpayers cannot provide an open checkbook to increasingly shoulder responsibility for humanely addressing all needs."

And in Portland, Grondin said, "From our perspec-

tive, we think there needs to be more shelters in other communities; Portland can't be the only one doing emergency shelters. The numbers we have aren't just Portland people. We're accepting people from across the state."

In its "State of Homelessness: 2023 Edition" published in January 2023, the National Alliance to End Homelessness, a nonprofit, nonpartisan group, showed that out of every 10,000 people in Maine in 2022, some 31.8 of them are unhoused.

The group says, "To address homelessness, communities should take a coordinated approach, moving from a collection of individual programs to a community-wide response that is strategic and data driven. Communities that have adopted this approach use data about the needs of those experiencing homelessness to inform how they allocate resources, services, and programs."

In January 2023, the MaineHousing Outlook for 2023 noted, "The ongoing work to end homelessness in Maine as we currently know it by implementing better and more robust coordinated statewide system under the 'Built For Zero' strategy will move steadily forward in 2023 as well." It noted that coordinators in nine regional hubs across the state "have started their regional work to establish a by-name list and accounting of individuals experiencing or at risk of experiencing

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homelessness. These coordinators are an instrumental step towards Maine reaching real-time, quality data on all individuals in need of housing support.”

In October, the City of Auburn’s Community Development Office published data about its efforts from July 1, 2022, to June 30, 2023 to aid people who are homeless and those at risk of becoming homeless.

It says, “In its first six months, Auburn helped 34 homeless households and 14 households at-risk of becoming homeless.

“The General Assistance program, located within the same office, saw a 330% increase in local need, with 426 applications received, including 112 asylum-related cases (509% more than the previous year). The City’s General Assistance budget contributed an additional \$233,375 in leveraged funds for federal activities, a

237% year over year increase, primarily for housing, utility, and food aid.”

Auburn is among the communities served by Lewiston Housing, and the website notes that “Lewiston Housing is the Homeless Service Hub for Region 4 and is responsible for the day-to-day operation of the homeless response system for Androscoggin County including:

- convening and facilitating collaboration among providers across Androscoggin County,
- implementing and managing the Hub’s Coordinated Entry process for individuals and families experiencing homelessness, (and)
- leading a continuous quality improvement process for the Hub, including tracking Hub-level performance data, projects, and work plans.” 🏡



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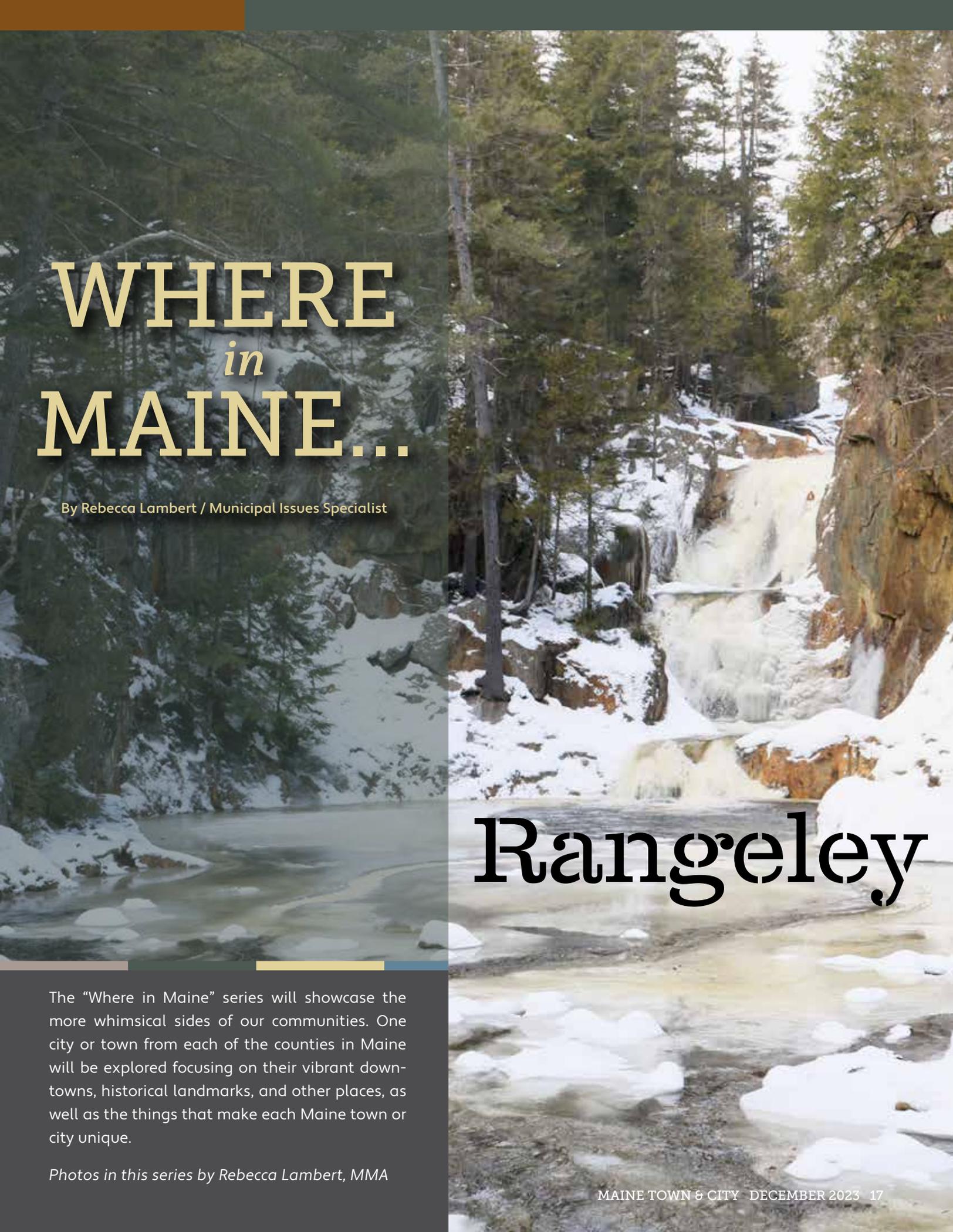
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# WHERE *in* MAINE...

By Rebecca Lambert / Municipal Issues Specialist

# Rangeley

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*

While the northern and western parts of Maine are quite rural in terms of amenities, with heyday began in the early 1900s. These areas have served as havens for nature and outdoor enthusiasts for decades. Rangeley, the epicenter of the Rangeley Lakes Region, located in Franklin County in the western part of the state, fits this description to a tee and has a little something for everyone. From hunting camps, inns, and camping to a variety of recreational options, scenic overlooks, and a rich history, there is much to enjoy.

Hands down, recreational opportunities and the scenic natural beauty is what has driven people to this area and still does to this day. It's not just one form of activity that is prevalent either. Camping in the summertime can be found all over, like at Rangeley Lake State Park, a state-owned facility that covers 869 acres and features 52 campsites with a beach, bathhouse, playground and dumping station.

An option owned by the Rangeley Lakes Heritage Trust is also available at the Cupsuptic Lake Park and Campground. This gem features RV sites, in addition to tent sites and offers wilderness camping options in remote locations. Some wilderness sites are located on an island on Cupsuptic Lake (a shuttle is available), while others are only accessible by foot or boat, or remotely located along the river. Although the campground is tucked away off Route 16, it is still close enough to the downtown area for easy access to shopping, groceries, and restaurants.

However, camping isn't the only lodging option here, as a quick google search will result in many Airbnb posts,

hunting camps or area motels. The Rangeley Inn & Tavern was built at the turn of the last century and still stands today. It was one of the dozens of places that hosted tourists who traveled by train from Boston, New York, and Philadelphia, escaping the heat of summer for the much cooler temperatures and aesthetics found in Rangeley.

Of course, it didn't hurt that the draw to the region was punctuated with rumors of anglers catching brook trout that weighed over eight pounds!

Summer activities include fishing for the elusive large brook trout among other species, hiking, and riding ATVs. With six major lakes and 112 smaller lakes and ponds, any activity you can imagine involving water can be indulged in Rangeley. Want to float around on a quiet pond to catch a glimpse of wildlife? Sure! Want to ride around Rangeley Lake on a jet ski? You can find rentals at Lakeside Marina! Why not take an ATV to explore the miles of trails available—the options are endless.

What about waterfalls or scenic overlooks? Oh boy, the Rangeley Lakes Area can deliver in this department. The most well-known scenic point is the Height of Land, technically located in Roxbury on Route 17. This spot, with a dedicated area to park off the main road, boasts an expansive view, overlooking lakes and mountains that has been declared one of the finest viewpoints in the state.

To rival that claim, a more obscure viewpoint that is privately owned and maintained is Quill Hill. This slice of heaven is located on Oddy's Road which is off Route 16 as you are headed towards Stratton. Quill Hill exists today because of one man, Adrian Brochu. He was staunchly





devoted to his family and wanted to create a space for families and friends to gather and enjoy the best view in Maine. Adrian began working on the road to the summit in 2010 with the mantra, “If you build it, they will come,” and people did.

As cancer ravaged his body, he was able to enjoy one last trip to the summit of Quill Hill, to mingle with the visitors there. This labor of love was duplicated less than an hour away in Kingfield at Ira Mountain. Due to increasing costs for road maintenance, this viewpoint is closed to all motorized traffic, but can still be enjoyed by making the trek by less impactful means.

If you have never been to Quill Hill, I would highly suggest checking it out. The four-mile road is open 24 hours a day from late May through mid-October, longer if the weather holds, and is available to all kind of vehicles, including RVs. There is a wood fired grill provided (with wood!) along with picnic tables and a wheelchair path. When the gate is closed, visitors are still welcome to hike, bike, ski, or snowmobile to the summit, but motorized vehicles are prohibited to prevent wear and tear on the road.

There are two donation boxes, one at the bottom and one near the grill area, to accept monetary contributions. Donations are not required but they are greatly appreciated as it helps to reduce the cost of road maintenance. They will also accept donations through Venmo.

These are just two of the many viewpoints in the area. As a side note, the full equinox will be happening on April 8, 2024. Quill Hill will be closed for vehicle access but consider hiking or biking the four miles in for what I can imagine will be a spectacular and unobstructed view of the eclipse.

Although the beauty can be enjoyed at any point throughout the year, it’s important to note that parking areas at the various spots are not plowed once snow flies.

There are several waterfalls you can hike to such as Angel Falls and the Cascade Stream Gorge Trail. If hiking isn’t your jam, right off the road along Route 4 you will find Smalls Falls. This is a popular spot in the summer that has multiple levels with four different waterfalls that all cascade into a large, ice-cold pool, perfect for those hot summer days.

The winter brings a magical change to the region, but recreation doesn’t stop when the snow starts. For some, that’s when things really heat up. Boats and fishing tackle get traded for ice fishing traps and winter clothes, and of course the long johns must come out of storage. Rangeley also offers some of the best snowmobiling in the state, although my friends in the Saint John Valley region might argue against that point.

For over 40 years, Rangeley has hosted a winter event called Snodeo. This year, the event will be held on January 25 – 28, 2024. Festivities will include snowmobile races, a casino night, chili/chowder cookoff, cardboard box races, snow sculptures, parade, fireworks, and much more. The proceeds helps the robust local snowmobile club to groom and maintain the approximately 180 miles of trails available for use.

After closing for a few years, Saddleback ski resort is back open and if the weather cooperates, should be open for the season by the time this magazine goes to print. Saddleback is a great little mountain to spend the day, whether you are a beginner or a seasoned skier or snowboarder.

If outdoor activities don’t interest you, Rangeley is also home to Moose Alley, a restaurant and bar with bowling lanes and billiards. On the weekends you can find live music here and on Sundays, for \$10 you can bowl as much as you would like from 7:00 a.m. until they close!

There are several shops in the downtown area with local wares, art galleries, and a movie theater. There are

plenty of sporting goods and outdoor gear stores, which is essential if you have forgotten something or encounter unexpected weather.

A short drive from Rangeley, in Oquossoc, is the Outdoor Heritage Museum, operated by the Rangeley Lakes Historical Society. This museum showcases the rich history of the region, how the town was created and the importance of the logging industry and waterways. The exhibits take you on a trip from the humble beginnings through the transformation into an age of steamboats and legendary hunting camps.

A little-known museum in Rangeley is the Wilhelm Reich Museum, located on the Dodge Pond Road off Route 4. Dr. Reich was an Austrian psychoanalyst who pioneered a controversial study involving orgone energy. The museum is essentially the 175-acre property, trails, and buildings, with the Orgone Energy Observatory at the peak offering breathtaking views.

Dr. Reich's work was deep and bawdy, yet fascinating. If you are interested in visiting this museum, I would encourage you to research orgone energy and his work to be sure this is right for you.

After all this activity, it's got to be time to find something to eat. Rest assured, Rangely has several options for you. A pizza staple in this town is The Red Onion and is one of the oldest buildings on Main Street. This establishment has been around for a long time and is still owned and operated by the same family.

A fun fact about this building is that it used to be located on High Street until someone decided to hook the building up to horses and drag it to where it sits today. The building has undergone renovations over the years—

no horses needed—and still serves up some delicious fare today.

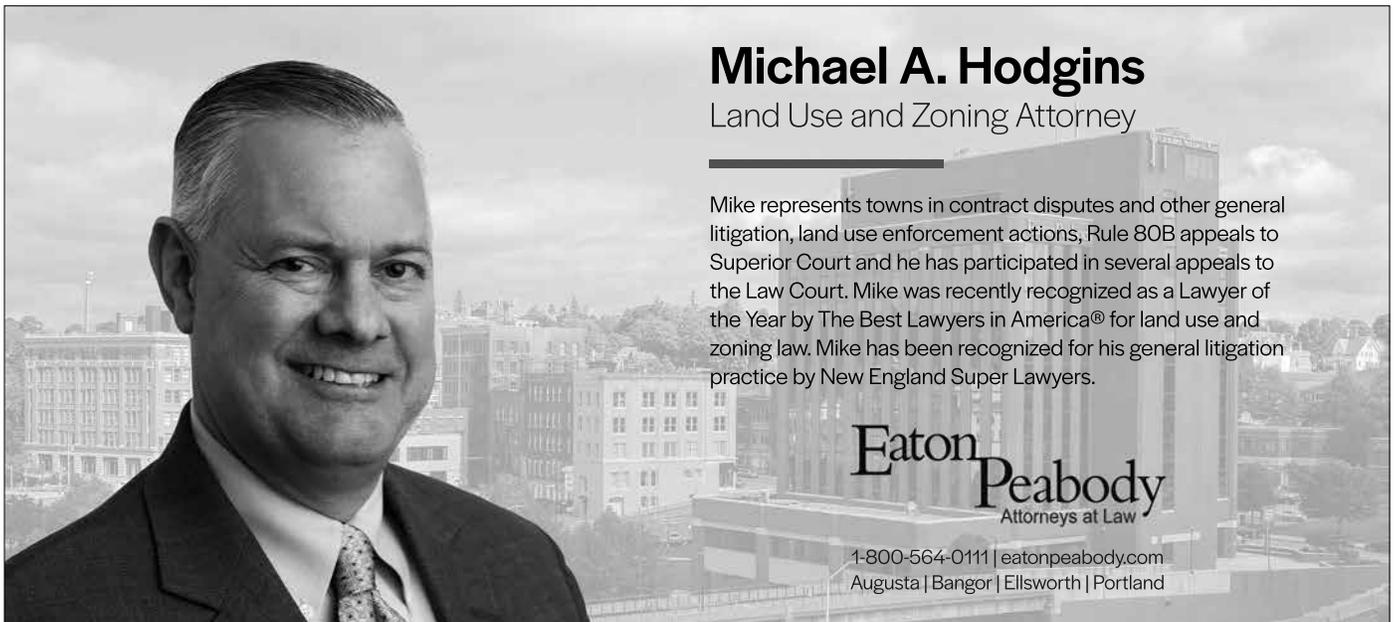
For a more upscale option there is Parkside & Main, also on Main Street and there are several breweries in the area for pub food and craft brews. If BBQ is on your mind, The Shed on Main Street has what one reviewer claims was the best brisket and pulled pork on the planet, that's quite a review!

It wouldn't be a Where In Maine article if I didn't share where the ice cream is located. The Pine Tree Frosty is easy to find, right on Main Street, for all your ice cream needs. Since they are currently closed for the season, I wasn't able to sample the product to provide an accurate review for you.

I will, however, share a new establishment that I noticed, also located on Main Street, called The Hideaway. This is an inviting café and coworking space that provides access to five workspaces in addition to a private meeting space, if needed. They serve a limited menu, but focus on tantalizing your senses with sights, tastes, and scents to help keep you focused and productive, but relaxed.

While in Rangeley, keep your eyes peeled for celebrities. Kurt Russell and his family have been coming to the region for years and he owns a 69-acre parcel of land there. I won't disclose where it is, but if you want to know, publicly accessible information is a beautiful thing.

Whether you are a born and raised Mainer who has been swimming at Smalls Falls for years, or a newcomer or visitor looking to experience the wonder of the Rangeley Lakes Region, don't delay. Do yourself a favor and plan some time to explore and bask in the energy of this magical region. 🏔️



**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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# Legislative Preview

In just a few short weeks, members of the Maine State Legislature will return to Augusta to complete the people's work.

By Kate Dufour, Rebecca Graham, Rebecca Lambert, Amanda Campbell, and Laura Ellis,  
members of MMA's Advocacy & Communications Department

The Maine State Legislature will reconvene on January 3, 2024 to complete the work that legislators started in 2023. To that end, over the last several months MMA's advocacy team has participated in committee proceedings, served on working groups, met with interested parties to develop strategies for guiding important bills carried over from the first session to adoption, and reviewed the limited information available on the new bills of municipal interest that will be debated next session. What follows is a summary of what is in store for 2024.

**Carryover Bills.** Over 480 bills, representing nearly 25% of all first session bills, were carried over into the second session. In some cases, these bills were carried over to allow for more in-depth review and study of a proposed initiative. For other bills, the lack of funding created a need to postpone final enactment in hopes that revenue rejections would produce the necessary funds for investment in the subsequent year. Unfortunately, other bills will continue to languish in their current postures throughout the session, only to suffer the fate of death upon final adjournment of the Legislature.

On the list of carryover bills of municipal interest, five are initiatives advanced by MMA's Legislative Policy Committee. These bills include:

- LD 1493, *An Act to Increase Affordable Housing by Expanding Tax Increment Financing*, sponsored by Rep. Raegan LaRochelle of Augusta, expands the allowable uses of the revenue generated in a tax increment financing district to include protecting existing multi-unit dwellings and affordable housing through the creation of overlay areas called "Chickadee Zones." The creation of these zones would enable municipalities to financially assist an owner or developer in the rehabilitation or construction of housing in exchange for a commitment to keep the rental rates affordable. The cost to the state for implementing the proposal is \$76,000 in FY 2024 and \$101,900 in FY 2025.
- LD 1664, *An Act to Increase Reimbursement Under the General Assistance Program*, sponsored by Sen. Marianne Moore of Washington County, increases state reimbursement for the assistance provided under the General Assistance program from 70% to 90%. The fiscal note on the enhanced reimbursement is \$8.5 million annually.
- LD 1685, *An Act to Increase Acreage Eligibility and Change Requirements for Filing Plans Under the Maine Tree Growth Tax Law*, sponsored by Rep. Ann Matlack of St. George, amends the Maine Tree Growth Tax Law by increasing the acreage eligibility requirement from 10 to 25 acres of forested land beginning April 1, 2025 and authorizing municipal assessors to retain copies of required forest management and harvesting plans.
- LD 1732, *An Act To Expand the General Assistance Program*, sponsored by Rep. Michele Meyer of Eliot, seeks to reform the statutes guiding the administration of the General Assistance program (GA) by requiring state and local administrator training, providing 24 hour/seven days per week responses to hotline questions, as well as requiring state officials to issue written decisions to inquiries within 24 hours of receipt. Like LD 1664, the bill increases state reimbursement for the cost of the direct aid provided from 70% to 90%, as well as provides funding for administrative costs that are currently borne solely by the property taxpayers. The members of the Health and Human Services Committee have been meeting during the interim to discuss options, with the goal of merging aspects of the four related proposals into one that can move forward during the 2024 session.
- LD 1857, *Resolve, To Establish a Public Safety Health and Wellness Grant Pilot Program*, sponsored by Rep. Lynn Copeland of Saco, as originally submitted sought to dedicate 5% of the revenue generated from the sales of adult use cannabis to a program

providing access to the unique physical and mental health services needed by Maine's first responders. Currently, the bill sits on the Appropriation's Table in its revised state. As amended the bill turns the request for ongoing financial support into a \$2 million two-year pilot program issuing grants to municipalities and counties seeking to provide public safety employees with wellness visits or specialized cardiac and metabolic screenings.

Additionally, LD 444, *An Act to Designate First Responders and Other Public Safety Professionals as a Special Risk Population for the Purposes of Improving Insurance Coverage for the Effects of Trauma*, sponsored by Sen. Donna Bailey of York County, is another attempt to address the uncaptured health risks experienced by first responders, which was carried over into the second session. While LD 444, was not advanced as part of MMA's legislative platform, it is similar in nature to LD 1857 described above, which is also cosponsored by Sen. Bailey. As drafted, the bill would require insurance coverage for risks that are linked to repeated exposure to traumatic events, harmful substances, and the emotional and physical stress levied upon first responders. The coverage would include screenings for first responders associated with the way cardiac, cancer, and metabolic

disorders occur in the first responder community, rather than linked to age, which is a typical trigger for coverage, and apply the coverage to all policies including those not directly linked to employment such as a private or spousal insurance policy. The goal is to create a special category to trigger screening similar to those available to other special risk populations such as children living in homes built before 1970, or individuals with a family history of breast cancer.

Considering that several of MMA's initiatives are in limbo awaiting funding from the legislature's appropriators, the announcement coming from Maine's Revenue Forecasting Committee in late November is great news. According to the most recent report, General Fund revenues are anticipated to exceed projections by \$139 million in FY 2024 and \$125 million in FY 2025. As a result, \$264 million will be available to fund programs and services over the biennium. The uptick in revenues also bodes well for municipalities, as total distributions under the revenue sharing program will increase to \$261 million in FY 2024 and \$263 million in FY 2025. Original revenue projections were \$252 million and \$256 million over the two-year budget cycle.

**New Bills.** While during the first session there are no limits placed on the number bills submitted for consideration by the legislature, the second session is reserved

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for so-called emergency bills only. As a result, six of the 10 members who serve on the Legislative Council (e.g., Senate President, Speaker of the House and the majority and minority leaders in each chamber) must affirmatively vote to advance newly proposed initiatives. Over the course of two meetings, the council supported 58 of the 283 requests. While there is very little information about these legislative requests (LR), it appears that several could impact the municipal operations. A list of municipally relevant LRs is published on page 24.

**Task Force Reports.** Over the fall months, MMA staff have participated in several working groups, task forces and commissions. The issues being studied cover the provision of public emergency services, maintenance of discontinued and abandoned roads, and as noted above improvements to the GA program. Since many of the required reports will not be finalized until after this edition of the magazine is published, municipal officials are urged to look to the Legislative Bulletin, action alerts, and future editions of the magazine for updates.

However, one of the studies deserving of mention is the Department of Inland Fisheries and Wildlife's continued work, which started in the 130<sup>th</sup> legislature, under LD 626, *Resolve, To Direct the Department of Agriculture,*

*Conservation and Forestry To Develop Recommendations Regarding Nonwater-dependent Floating Structures on Maine's Waters.* Originally sponsored by Rep. Paul Stearns of Guilford, at the crux of the bill is the lack of a regulatory environment or local capacity to deal with issues associated with floating homes in rural areas with pristine coveted lakes and great ponds. Because these bodies are classified as waters of the state, municipalities are limited in their authority, particularly for regulating the types of watercrafts allowed to operate on certain bodies of water, which is also complicated by multi-municipal boundaries on waterbodies. If left to the local level, it would be challenging to enforce multiple different ordinances for activity that can occur anywhere on the waterbody. The department resources necessary to enforce noisy party barges are no more abundantly available for the task of regulating floating short-term rentals that are registered boats, currently without a category in law. Stakeholders including harbor masters and MMA are working with the department to make recommendations to solve the key legal loopholes in statute. One current recommendation is to provide that floating homes are by default prohibited on all inland waterways. While questions may remain around how this will apply to certified registered vessels with liveaboard features and their uses on inland waters, more details will likely follow this month. The final report will be provided to the Agriculture, Conservation and Forestry Committee in January and will certainly center on maintaining public trust rights for all, not just upland owners.

**Engagement Strategy.** Finally, as MMA's advocacy team prepares for the second session, plans are underway for amplifying municipal voices in the cacophony of the legislative process. Our goal for this session is to ensure that municipal level subject matter experts on bills of local interest can more effectively and frequently participate in public hearings and work sessions on bills of local interest, thereby growing the municipal presence under the dome. Staff will also be using the Potholes & Politics podcast for broadcasting and sharing municipal issues, concerns, and experiences with the public.

Any municipal official or volunteer interested in helping us get the word out regarding the work that you do is urged to contact Rebecca Graham, Senior Legislative Advocate, at [rgraham@memun.org](mailto:rgraham@memun.org) or 1-800-452-8786. ▲

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## New Bills

While much of the Legislature's attention in 2024 will be spent on finalizing bills carried over from the first session, time and care will need to be dedicated to debating the merits of 58 new proposals. Here is what we know about a few of the municipally relevant bills.

LR 2621, *An Act to Establish a Civil Rights Unit Within the Office of the Attorney General and Provide for Public Education on Issues Regarding Hate and Bias*, sponsored by Speaker Rachel Talbot Ross of Portland, establishes a civil rights unit within the Office of the Attorney General to provide public education on issues regarding hate and bias.

LR 2708, *An Act Protecting the Confidentiality of Attorney-Client E-mail Communication for Residents of Jails and Correctional Facilities*, sponsored by Sen. Anne Carney of Cumberland County, extends the confidentiality protections, and consequences for violating that confidentiality, established in Public Law 2023, chapter 394 for attorney-client telephone calls to attorney-client e-mail communications.

LR 2713, *An Act to Assist Disabled Veterans in Applying for Excise Tax Exemptions*, sponsored by Sen. David LaFountain of Kennebec County, streamlines the process between the Department of the Secretary of State, Bureau of Motor Vehicles, the Department of Defense, Veterans and Emergency Management and municipalities to allow disabled veterans who receive one or more excise tax exemptions to receive the exemptions without being required to have a disabled veteran registration plate.

LR 2718, *An Act Regarding the Property Value Reassessment Process*, sponsored by Rep. Dan Ankeles of Brunswick, seeks to address property tax value reassessment, including reassessments of mobile homes and working waterfronts, as well as the data used in the reassessments.

LR 2773, *An Act to Reinstate State Police Rural Patrol Services Comment*, sponsored by Sen. Jeff Timberlake of Androscoggin County, directs the State Police to reinstate rural patrol services in all counties in which rural patrol services were eliminated.

LR 2798, *Resolve, to Investigate and Address Municipal Solid Waste Disposal Services Issues*, sponsored by Rep. James Dill of Old Town, directs the Department of Administrative and Financial Services, Bureau of General Services and the Department of Environmental Protection to investigate and make recommendations to address developments in solid waste management sys-

tems that have converged to create a crisis for approximately 159 central and northern Maine municipalities and for sewer and utility districts and departments all across the State.

LR 2831, *An Act to Ensure Safe Dispositions of Forfeited Firearms*, sponsored by Sen. Anne Carney of Cumberland County, amends the laws related to the disposition of forfeited firearms. Current law requires that forfeited firearms used in a murder or homicide be destroyed. This bill would extend that requirement to all forfeited firearms.

LR 2833, *An Act to Allow Municipalities to Use Land Value Taxation*, sponsored by Rep. Marc Malon of Biddeford, allows municipalities, as an alternative to the usual model of property taxation, to voluntarily elect to use the land value taxation model, which is a levy based on the value of the land itself, not buildings or improvements.

LR 2835, *An Act to Protect Access to Emergency Treatment for Injured Law Enforcement Dogs*, sponsored by Rep. Jessica Fay of Raymond, allows emergency medical personnel to provide emergency medical services to law enforcement dogs in accordance with canine clinical protocols adopted by the Medical Direction and Practices Board.

LR 2857, *An Act to Exempt Buildings Used to Cultivate Crops from the Maine Uniform Building and Energy Code*, sponsored by Rep. Kathy Shaw of Auburn, exempts buildings from compliance with the MUBEC and Energy Codes when used to grow crops.

LR 2869, *An Act to Strengthen Firefighters' Collective Bargaining Rights*, sponsored by Rep. Amy Roeder of Bangor, increases firefighter recruitment and retention rates by strengthening firefighters' collective bargaining rights.

LR 2906, *Resolve, to Require the Establishment of a Stakeholder Group to Examine and Improve the Recruitment, Retention and Wellness of Law Enforcement Professionals*, sponsored by President Troy Jackson of Aroostook County, requires the Department of Public Safety to convene a stakeholder group, including law enforcement officials, educators administrators, and mental health professionals, to examine and propose long term solutions to improve the recruitment, retention and wellness of law enforcement professionals.

LR 2929, *An Act to Support Municipalities by Repealing the Law Limiting the Municipal Property Tax Levy*, sponsored by Sen. Teresa Pierce of Cumberland County, repeals the law limiting the municipal property tax levy.

# Cybers Attacks on Municipalities

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

Within the government sector, local government entities have become the second highest victimized group behind academia. Regional and local governments are struggling with weak security planning, lax risk prevention, and poor response and recovery, and have been left vulnerable to attack.

The weakest areas include a lack of support from top officials. The answer is not just to have strong and secure IT systems, but to have personnel who are trained to recognize the threats, giving the IT department support in creating a human firewall.

## Phishing, Social Engineering & Human Error

Eighty-two percent of all data breaches are caused by human error, primarily resulting from phishing and spear phishing, with attackers impersonating a reputable entity with the aim of deceiving the target into revealing sensitive information or installing malware.

The tools attackers use once in the victim's network are increasingly sophisticated, but getting into the network in the first place is often done through social engineering. A single click by an unaware user can expose an entire database of sensitive information to the bad actors, allowing them to hold the entire network hostage.



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## Ransomware & Denial of Services

There are 1.7 million ransomware attacks every day, which means 19 ransomware attacks every second.

Among the many types of malicious malware, hackers prefer ransomware because it locks users out of their devices or blocks access to files until a sum of money or ransom is paid. Ransomware attacks cause a Denial of Service (DoS), downtime, data loss and possible intellectual property theft. In addition to the direct monetary impact, the downtime

caused by ransomware can be extremely disruptive. During this period of lockdown, the municipality's necessary services and vital information can no longer be accessed or operated.

See how the Cybersecurity & Infrastructure Security Agency (CISA) can help.

<https://www.cisa.gov/stopransomware>

## KnowBe4 Resources

- Free Phishing Security Test: Find out what percentage of your employees are Phish-prone with our free phishing simulator test. <https://www.knowbe4.com/phishing-security-test-offer>
- Can hackers spoof an email address of your own domain? Are you aware that one of the first things hackers try is to see if they can spoof the email address of your CEO? <https://www.knowbe4.com/domain-spoof-test/>
- Do you know how many of your users' emails have been leaked or exposed to potential hackers? Many of the email addresses and identities of your organization are exposed on the internet and easy to find for cybercriminals. With that email attack surface, they can launch social engineering, spear phishing and ransomware attacks on your organization. <https://www.knowbe4.com/email-exposure-check/> 🏠

## 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 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. Over the next several months, MCR will share recommendations and best practices with municipal leaders through contributions to the *Maine Town & City*. For more information about the program, please contact [MCR@maine.edu](mailto:MCR@maine.edu).



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# MMA Affiliate Groups

It does indeed “take a village” to fulfill the educational and training needs of municipal officials, and that is exactly what MMA affiliate groups are designed to do.

By Janine Pineo

Ask Sue Skidgell and Kim McLaughlin what it takes to train a municipal clerk and it quickly becomes clear that the “it takes a village” idiom is as accurate as it gets.

“Clerks are a family and our door is always open to our residents and each other,” Skidgell said.

Skidgell and McLaughlin are town clerks serving on opposite ends of the state: Skidgell in Perham in Aroostook County and McLaughlin in Old Orchard Beach in York County. Perham has a population just shy of 400 while Old Orchard Beach is just under 9,000 this time of year, but give it a few months and some sultry summer weather and OOB can boast around 75,000, according to the Maine Tourism Office.

The longtime clerks, who both hold certification as Master Municipal Clerk (MMC) and Certified Clerks of Maine (CCM), serve together as co-chairs of the Instructors Committee of the Maine Town and City Clerks’ Association (MTCCA).

That puts them right in the middle of providing training to the more than 700 clerks, deputies and assistants who are MTCCA members.

“We want to get all the information out there we can,” McLaughlin said. Clerks are expected to have the answer to whatever question comes their way, she said, be it a query from the manager, a board member, a fellow municipal worker, a resident, a visitor or anyone else.

“You’re never going to learn everything,” she said, but the MTCCA wants to make sure clerks know they have a place to find it, from the legal to the practical to the philosophical and more.

One way the MTCCA trains its members is as an affiliate of the Maine Municipal Association, with more than a dozen training sessions on the calendar in 2023.

MMA’s affiliate status is reserved for municipal professional groups whose purpose is to provide collaboration and specialized training for municipal officials serving in a particular role or region. Municipal professional groups that are approved as an MMA affiliate are considered the

primary conduit for occupation- or role-specific training.

For the MTCCA, that targeted training is part of a robust schedule that includes sessions aimed at new clerks as well as regular training on various areas of state law, from elections to vital records.

## The learning curve

Like many roles elsewhere in municipal employment, “there is a struggle to find municipal clerks,” McLaughlin said, adding that it has gotten worse since the COVID-19 pandemic hit in 2020. Municipalities are asking candidates if they’ve been certified already, a sign the candidate is trained, tested, and experienced.

McLaughlin said pay raises are being linked to certification, making it an incentive for personal reasons and a plus if a person is looking for a job in a different municipality.

Certification for Maine’s clerks has exacting standards and takes time: at least three years on the job before one can even think about applying to take the certification test.

“We are pretty consistent with our training,” Skidgell said. “Clerks need specific training for certification and some are mandatory.”

“We try to make our certifications strong,” McLaughlin said. “We have classes for everything.”

Election law for state and town meeting and local elections is a major component of annual MTCCA training sessions, with the local component held in February as town meeting season begins in March. September is always the month for sessions on state election law, with state officials running a two-day conference.

This is mandatory training for clerks to take every two years. It’s not only a refresher, but there also can be legislated changes to the laws that clerks will need to know, McLaughlin said. It’s crucial that clerks know what to do and what’s required, she said, adding that deadlines are not only for legal reasons but for the voters themselves.

Skidgell said MTCCA works with not only state agencies but MMA, too, particularly the Legal Services Department. For example, the February session on town

meeting and local elections is presented by the legal team and clerk instructors.

Vital records is another collaboration, she said, as MTCCA works with the vital records staff in Augusta to learn about any new laws and sometimes just practical information, such as what steps must be taken when a copy of a birth certificate is requested. How to handle the vital records of births, deaths and marriages is covered, from the process itself to what sort of fee to charge.

### The Zoom boom

One of the unexpected revelations that came with 2020 was the usefulness of virtual meetings, McLaughlin said. MTCCA always held in-person training sessions, offering DVDs and webinars where it could. There were times when two locations would be set up where one would have the instructors and the second would be a live stream of the instructors.

Skidgell said MMA and the clerk instructors had to learn on the fly how to present their training on Zoom. When everything shut down, she said, a class was scheduled for a month out. MMA staff “were amazing. Amazing. Kudos to them for making the switch for all of us,” she said. “Instructors were fabulous in stepping up to the plate. Our Zoom classes were a huge success.”

“Once we started doing Zoom, we didn’t realize how many clerks we were missing out on,” McLaughlin said. “It’s been a godsend in a way.”

In-person sessions are still needed because meeting people face to face helps with the flow of ideas, she said. “Once you know that person, you’ve seen them,” it’s easier to contact them when you need a question answered.

But the clerks are mindful of the constraints involved when taking into account the size of the state, which can mean many hours of travel time. For some, it might mean extra hours or days that the town office would have to be closed. Skidgell said some clerks have a tight budget, too, with costs of travel and lodging on top of course fees to consider.

That means many sessions are now via Zoom, giving clerks the training they need and can attend from anywhere, including their own home.

Another way the MTCCA has employed Zoom for training is with the advent of brown-bag lunch sessions.

“We’ve tried since COVID to have these brown-bag lunches where you can hop on and learn,” Skidgell said. “We’ve tried to be creative in how to connect.”

These sessions are informal and free. Topics can be anything, from election reporting to vital records to “ask the expert.” McLaughlin said another agency can host the lunches, opening up any number of possibilities for topics to cover.

Skidgell said it also is about connecting to the clerk community, giving people a chance to hop on and see other people in their profession.

An even wider community opportunity is with the Athe-



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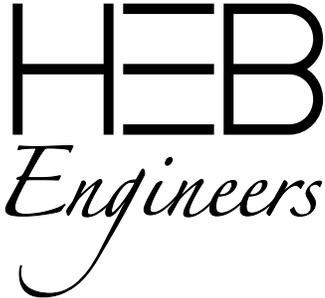
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nian Dialogue sessions on the MMA education calendar. Skidgell said now with Zoom, clerks from anywhere can attend these courses that explore leadership using the insights found in the assigned book that participants read prior to the training.

“You could now reach out worldwide,” she said. “We might be hosting, but the instructor might be in a different state.”

The dialogues are coordinated through the International Institute of Municipal Clerks. Clerks might not be first thought of as leaders, Skidgell said, but they are.

“I still need to lead in the public to help them understand town government,” she said. “We translate it into our day to day.”

### Changing it up

Another MMA affiliate is the Maine Town, City and County Management Association (MTCMA), which had three training sessions on the calendar this year.

The most recent was a joint workshop between MTCMA and its New Hampshire counterpart with its Leadership Exchange held in Freeport in early December. On the day’s agenda was workforce development and how to attract and retain people in today’s tight labor market.

Scott Morelli, South Portland’s city manager, leads MTCMA’s professional development committee, which meets several times a year to determine the needs of its members and translate it into relevant training sessions.

Morelli, who is a Certified Municipal Manager (CMM) and an International City/County Management Association Credentialed Manager (ICMA-CM), said December’s session was a good example of using local speakers as presenters, with a lineup of six municipal and county administrators to show what their communities have done to meet the demands of workers and today’s workplace.

In any field, we have to do a better job reaching younger members of the workforce who seek “purpose with a paycheck,” Morelli said. Work-life balance is a key issue. “How can we accommodate that?”

A couple of years ago, MTCMA began to ask members what they wanted for continuing training and education. “We’ve kind of changed up how we do it,” he said.

Members respond, the information is compiled and then sent back out with the question of how likely are they to attend. Morelli said the high interest topics are what they generally stick to. “It’s worked really well,” he said.

It also helps to mix up who their speakers are. “We have a lot of members and we have a lot who are doing things,” Morelli said. “We’re all about community building.”

While two types of certification are available, managers don’t have to be certified, which is less of a barrier for entry into the profession, Morelli thinks it would be good to have state-required training during the first year. “Things to help you improve,” he said.

To that end, MTCMA encourages its members to offer training topics. “The best ideas that we get come from members,” Morelli said. “Don’t be afraid to reach out.” 🏔️



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# Tupper: Trust your staff and let them lead

By Liz Mockler

Nathaniel “Nat” Tupper has spent years getting out of the way of his senior staff, trusting them to know their jobs and execute the work without needing him around. He has encouraged a friendly, positive workplace over decades as Yarmouth town manager, and believes empowering his leadership team is key to his own success.

Tupper, 66, will retire in early February after working a total of 43 years in municipal government, the past 32 in Yarmouth.

He moved around before settling in Yarmouth, starting in 1981 as manager of Winter Harbor, then Livermore Falls, then Barre, VT. He was hired as Yarmouth town manager in 1991.

Tupper said he would most miss the people he has worked with for so long, and a public that has been supportive over the years.

“I’ll miss the people I am working with on an everyday basis. They are my friends, and I will miss seeing them every single day,” Tupper said. “They are a wonderful team.”

Tupper praised the public for its willingness to support ideas and projects over the years. Residents in the town of 8,500 have worked hard to preserve “the feeling of community” that makes Yarmouth special.

“Having a part in making it such a great place is such a privilege,” he said. “I enjoyed meeting with the public. People wander in (and) you feel like you’re a part of a real, living thing that makes a difference.”

Tupper has overseen extensive capital improvements over three decades, including to all four town schools, the town hall, library, history center and public



Nathaniel Tupper

safety building. The restoration of public transit is a favorite accomplishment of Tupper’s, with the addition of the Metro BREEZ service.

The former manager of the year award recipient said he plans to “rest a bit” after retiring, and then “make some plans.”

In a recent email exchange, he discussed his management style and offered young and new managers some advice as they start down the path he is now finishing.

**Q** You are just finishing a 32-year career as Yarmouth manager. What was the most important thing you learned?

**A.** There is a lot of learning and growth that happens over a 43-year career in town management and the last 32-plus years in Yarmouth have been an incredible honor and blessing for me. Because town managers get to dabble in such a wide variety of issues and challenges, the new learning opportunities are continuous and challenging and range from finance, engineering, public safety and collaborative leadership to community dynamics, technology, coaching and communications. Every day brings new ideas, lessons, and opportunities and so I could not point to one particular lesson as the most important. But I can offer four things that I have learned to be – or strive to be: humble, prepared, kind and patient. Of course, one needs the knowledge and skills to perform the functions of the job, but much of that can only come with experience and on-the-job learning.

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

**Q** How did you get interested in municipal government?

**A.** I went to college without knowing what I wanted to study or prepare for, but I had a sense that I wanted to be part of making a positive difference in a community, and helping people, and I wanted to be part of a team that shared those desires and mission. Through my classes and connections at the University of Maine, I was introduced to the profession of municipal management, and it felt like it might be the right fit for me. And it has been.

**Q** What was your management style?

**A.** I suppose there are two parts of my style: First, I trust the people I work with and for, and I give the people that report to me my full support and confidence. And I look to them to lead and teach and execute within their area of expertise and authority. I try to be available to hear their concerns, to be thought partners as we discuss new and difficult challenges, and to

demonstrate to them that they can trust me to support and equip and celebrate them in their work successes and struggles. Second, I model, encourage, and expect teamwork from all our department heads and key staff. They work wonderfully together for the good of all, have fun together, and drop whatever they are doing to help any of their peers whenever help is needed.

**Q** What do young managers need to know to be successful?

**A.** Any new or young manager needs to know that it's okay not to know everything, and you don't need to be comfortable and confident to do everyone else's job. In fact, if the young manager can help others accept that we are all learning and finding our way together, and that we rely on each other, he or she will unlock the drive and talents and energies of staff and volunteers, elected officials, and citizen leaders. And they need to know that the contributions and leadership they bring matters a lot. This is hugely important work, and the manager has a big part of making it all come together.



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**Q** What did you find most challenging about being town manager?

**A.** Today the challenges arise from division, from expectations that are neither realistic nor compassionate, and (as has always been the case) the scarcity of resources. The need for transparency, accountability, metrics, public engagement, and communication is not in doubt, but the burden it places on getting things done and decisions made is a heavy weight to carry. I think it is worth it, but it is a major challenge and a demanding set of tasks.

**Q** What did success look like for you?

**A.** Success for me looked like a strong, caring community focused on building a sustainable future, a sense of both belonging and responsibility. It also looked like people enjoying the work they do together because of shared values, lots of laughing and supporting one another.

**Q** What was your favorite part of town management?

**A.** The people I got to play with! Staff, elected officials, citizens, regional partners and peers, vendors, lawyers, consultants, state officials, legislators... everyone. Because there are so many aspects and agendas and values in the mix, there is always a level of tension and concern about how to balance decisions and positions. I find that being able to laugh – at ourselves and the pickles we find ourselves in – helps everyone maintain perspective and remember we are looking for solutions that work for all and not just wins for a few. The relationships matter most and those are deepened with laughter, trust, inspiration, team problem solving – and play!

**Q** How did you and your staff adapt to major changes, especially coming into the computer age?

**A.** In all honesty, my staff adapted much better than I to advances and applications of technology. I can use age as my excuse, but in truth I have been blessed with staff and others who are far more proficient and comfortable with emerging technology and skills than I have. I adapted by letting them carry me; they adapted by assuming leadership.

**Q** Is there anything you would change about local government?

**A.** There is much that might be changed for the better in local government, but I would not suggest it in any way overshadows the tremendous positive changes we have witnessed and helped shepherd in over the past 20 years or so. The way we think about zoning and land use policy has moved forward greatly, now nearly as much as how we think about transportation systems and infrastructure. Local governments' role in housing, environmental health and sustainability, in inclusion and diversity, in concern for those in our communities who are left out has all been amazing. The mission and responsibilities of local governments (including all of K-12 public education) is profoundly expanded and reimagined even while the legal processes and citizen expectations to get things accomplished are staggering. Our partnerships with state government, county government, regional entities, and non-profits, which have emerged to help and urge town government (forward), have grown tremendously and are much more positive and productive. Much has changed. This is not your grandfather's town hall. But our heavy reliance on the property tax as the principal way to fund our work has not changed – and it must. 🏡

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Aloes, Elaine, Solon Selectboard Chair.....	January
Bowman, Ella, Oakland Town Manager.....	June
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Gerrish, Don, MMEHT Trustee.....	July
Lewis, John, MMA's IT Manager.....	November
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Mead, Lary, Old Orchard Beach Councilor.....	Aug/Sept
Montejo, Kathy, Lewiston City Clerk.....	April
Moshier, Glenn, Ellsworth City Manager/Chief.....	October
Sanborn, Ellen & Gesualdi, Scott Finance Directors.....	May
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**Where in Maine Series**

Eastport.....	October
Rangeley.....	December
St. Agatha.....	Aug/Sept
Turner.....	November
Wayne.....	July

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Paul Burgess

Wales Selectperson **Paul Burgess** received the 2023 Ethel N. Kelley Award during the Maine Municipal Association's 87th Annual Convention on Oct. 4. The award, established in 1986, honors its namesake for outstanding work beyond what is expected.

Kelley was dedicated to the municipalities she helped as part of her work for the Maine Municipal Association. Burgess, known as "Major" around town, has served Wales for 48 years, starting as a firefighter in 1975 and a member of the planning board in 1976. A year later, he ran for a select board seat and won the election. He continues to serve both the fire department and the select board. MMA received 18 nominations for the coveted award, whose nominees collectively had more than 500 years of local government service.

Oxford County Administrator **Donald Durrah, Jr.** died unexpectedly last month at age 50, after dedicating his work life to county government at all levels. Durrah came to Oxford County in June 2019 after serving as the 911 supervisor for Cumberland County for nearly 20 years. He began his professional career as a firefighter in Gray in 1991.



Tim DeLuca

Houlton Police Chief **Tim DeLuca** will take a dual role in the town of 5,300 after being named town manager, replacing Marian Anderson. DeLuca worked in various roles for 33 years for the Old Orchard Beach Police Department. He has served as Houlton police chief since 2017.

Brewer city councilors have tapped new assistant city manager, **Eric Glidden**, to serve as interim manager while City Manager **Stephen Bost** is on medical leave. Glidden replaced **James Smith**, who took the job of Bar Harbor town manager. A Hampden native, Glidden graduated from the University of Maine in 2008. His previous government experience includes a stint as town clerk for both Hermon and Searsport.

Former Franklin County Sheriff **Dennis Pike** died on



Dennis Pike

Nov. 1, ending a life of service that spanned nearly 50 years. Pike was praised for his compassion, mercy, and kindness toward the people he met. He served 46 years as a law enforcement officer, the final 12 years as sheriff. Pike, a veteran, was offered his first Farmington police job in 1966. He was lauded for his many efforts, including the popular K-9 program in Farmington. Pike also started a bike safety and inspection course and taught the D.A.R.E. program.

## SAVE THE DATE!

### MMA's 88th Annual Convention

October 2 & 3, 2024

Augusta Civic Center

**Jose Saavedra** has been named Bangor International Airport director. He replaces **Tony Caruso**, who retired this year. He comes to Maine from Virginia, where he directed industry programs for the American Association of Airport Executives. He has varied experience in the aviation industry, working for the Chicago Rockford International Airport, Gerald R. Ford International Airport and Grand Forks, among others. The Bangor airport, Maine's second busiest, is operated by the city.

**Gregory Watson** has been named director of Portland's Housing and Economic Development Department after working for 25 years in Massachusetts as an urban planner. In his planner's role, he managed planning and affordable housing development and finance programs, working across the state. Watson holds a master's degree in public administration from Clemson University. He has lived in Portland since 2020. Meanwhile,



Kristen Dow

**Kristen Dow**, Portland director of health and human services, has resigned, effective December 1, after taking a job with a private company specializing in working

with municipalities on health and human services. Dow has worked for the city for 18 years, beginning as a program manager in the public health department. She was appointed to the director position in 2019, after serving as interim director.



Jeffrey Wilson

Attorney **Jeffrey Wilson** has been hired as the Norway town manager, effective December 15. He succeeds **Dennis Lajoie**, who retired in the spring. **Bradley Plante** has served as the interim manager. A Massachusetts native, Wilson moved to Norway in 2014 and operates the law office

of Wilson & Associates in Paris. He graduated from Boston College Law School in 2007. 🏡



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Local Maine Issues  
from A-Z.

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is a podcast about municipalities in Maine and the people and policies that bring local government to your doorstep. Through stories, experiences, current events, and interviews with municipal officials, this podcast spotlights the everyday challenges and successes of local governments in our home state and all the issues being explored in Augusta at the Maine Legislature.

Check out our latest episode on Measuring Municipal Mil Rates 101 or what could be a new series called "Why did my property taxes go up?" with Kerry Leitchman, Camden and Rockport's tax assessor. Listen back through the previous 23 episodes covering a variety of municipal issues, tasks and pressures by subscribing, and rating us on your favorite podcast platform or through the MMA website.

**MMA:** <https://www.memun.org/Media-Publications/MMA-Podcast>

**Spotify:** <https://open.spotify.com/show/1LR5eRG-G1gS2qu5NRoCUS1>

**Apple Podcasts:** <https://podcasts.apple.com/us/podcast/potholes-politics-local-maine-issues-from-a-to-z/id1634403397>

## STATEWIDE

The state coffers will overflow with \$265 million in increased surplus over the current two-year budget, which started on July 1. The stronger than expected revenue resulted from an increase in payroll, sales, and employment taxes. The state has seen strong revenue growth over the past three years, led by higher consumer spending and strong income tax collections thanks to a robust job market. Gov. Janet Mills will present the Legislature with a supplement budget detailing her priorities for the additional revenue.

## AUBURN

Voters on November 7 approved the city's request to seek a bond of up to \$45 million for a new public works building to house both the fire and police departments for the first time. It was among the biggest projects endorsed by voters last month. A city study committee looked at options for both departments and recommended a public safety facility. The city will borrow the money at 4% interest over 30 years, for a total cost of \$82.8 million. The cost of the building increased significantly since

the city council announced the project in 2021. The council approved the project and bond question this year. The original cost of the project was estimated at \$27 million.

## BANGOR

Dispatchers at the Penobscot Regional Communications Center will no longer be called away for non-emergency calls after the county commissioners approved spending \$86,500 for artificial intelligence that can do it for them. The AI answering service, provided by Amazon Web Services, will hopefully smooth out dispatchers' workload at a time when they are overwhelmed by non-911 calls. Presently, if someone is calling in about a heart attack, the dispatcher could be delayed in taking the call. There are six open dispatch positions and six people being trained to start soon, meaning 12 full-time trained positions out of 36 are vacant. The county also hopes the AI will provide a better experience for callers.

## CAMDEN

A Missouri couple has been fined \$215,200 for cutting down trees and applying herbicides on a neighbor's



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land. The couple, who own a home in Camden, must pay a \$180,000 penalty to the town for the violations, and \$30,700 more for environmental testing and monitoring. The pesticide was Tebuthiuron and the two properties are near a public beach. The town removed contaminated soil, plants, and trees and brought in soil and vegetation to rehabilitate the area. The St. Louis couple will also be responsible for any future contamination. The couple has admitted their mistakes and is working with the town.

## HODGDON

Immigration is not often an issue in Maine, but last month 20 Romanians crossed the U.S.-Canada border in four cars. Houlton customs and border agents stopped the cars soon after entering the U.S. Most of the people were related, with 10 children and 10 adults. Because two were found in the Transnational Criminal Organized Crime database operated by the FBI, they were taken to the Fort Fairfield border office and processed for an expedited hearing.

## KITTERY

The town has joined four neighboring communities to launch a pilot project to reduce energy use and costs for homeowners in the five towns. Kittery is the lead community, joining with Kennebunk, Kennebunkport, Ogunquit, and Wells, to develop a multi-municipal program. The Southern Maine Energy Navigator Pilot Program has won an \$800,000 federal grant, one of only 12 municipal groups nationwide to receive funding, to begin the program in 2024. Key features of the three-year initiative are personalized guidance and support for homeowners in navigating complex energy programs that lower their household energy costs. “Energy navigators” will be trained to become experts in home energy solutions. They will conduct community outreach, help residents complete eligibility criteria and submit their applications, among other efforts. The pilot project is supported by several regional planning and economic development agencies, including the Greater Portland Council of Governments, which will provide Americorps Fellows to serve as energy navigators. The collaborative effort will offer young people a workforce development opportunity to become energy professionals.

## MADISON

The county sheriff told town officials in November that his office is approaching a crisis mode because only 50 percent of deputy jobs are filled. In 2015, Madison spent \$480,728 for five full-time deputies and a part-time assistant. In the current fiscal year, the town will pay the sheriff’s office \$589,500 for the coverage. There are currently three deputies assigned to cover Madison, one each for each shift. The select board last month agreed the cost of reconstituting a town police department is unrealistic given the cost of doing so.

## SCARBOROUGH

A preliminary plan by the state to raise two sections of roadway by four feet will give municipalities a look at what could become a common occurrence along the Maine coast. Raising roads and installing large culverts, as well as moving structures, are expected to play a role in Maine’s response to the changing climate. The Scarborough project is several years away from reality; design plans should be complete by 2025. Low-lying parts of Route 1 and Route 9 flood and become impassable in heavy rainstorms like the one that pelted the coast last December.

## WESTBROOK

The city has been awarded the 2023 Hire Vets Medallion Award from the U.S. Department of Labor for its commitment to employing and retaining veterans. The city staff includes 30 veterans, or 22% of the city workforce. The award also recognizes the city for investing in professional development of veterans. Officials said they continually seek veterans to apply for city jobs. 🏳️‍🌈



## **'TOWN MANAGER' – NOT JUST A JOB TITLE** **(Updated from May, 2020 "Legal Notes")**

We've heard of several instances recently where a town's administrative assistant has asked the select board for a promotion to "town manager." Or where the select board has sought to demote a town manager to "administrative assistant." All without any authorization or approval by the municipal legislative body (town meeting in each of these cases).

These examples are concerning because they suggest the parties may not fully understand that "town manager" is not simply a job title – it's a particular form of local government known as the "town manager plan."

Under the town manager plan, the administrative functions of local government are split off from the select board and given over to the manager, who is generally responsible for the hiring and supervision of all employees and appointees (except for boards and assessors) and for the administration of all municipal departments and operations. The manager, of course, is hired by and is ultimately responsible to the select board, who may discipline or remove the manager, but they have no role in daily operations or in supervising the manager's subordinates. However, the select board does retain, along with the voters, the all-important policymaking prerogatives of local government.

The town manager plan represents a significant departure from the basic select board-town meeting form of government in which the select board is responsible for both the administrative and executive functions of local government, with perhaps the assistance of some office staff.

Towns can implement the town manager plan either by simply adopting the off-the-shelf statutory plan (30-A M.R.S. §§ 2631-2639) or by adopting charter or ordinance provisions spelling out their own plan in detail. Either way, the plan can be adopted (or revoked) only by the voters.

We should note here that, unlike the town manager plan, an "administrative assistant" is not a recognized form of local government. This position is nowhere mentioned in statute, there is no "model" definition or job description, and the powers and duties vary widely from town to town where there is one. For more on the differences between town manager and administrative assistant, see "Manager vs. Administrator," *Maine Townsman*, Legal Notes, November 2007.

For a description of the town manager plan, the manager's responsibilities, and the respective roles of the manager and the select board, see our "Information Packet" on the subject, free to members at [www.memun.org](http://www.memun.org). (By R.P.F./S.F.P.)

## **SUBSURFACE WASTEWATER UPDATES**

The state Subsurface Wastewater Disposal Rules (10 C.M.R. ch. 241) were recently updated, effective September 23, 2023.

Changes include revisions and additions to defined terms; new requirements regarding septic tank risers; new provisions addressing both seasonal conversions and waste discharges from water softeners and iron systems; changes to soil fill age criteria; clarification of design flows for short-term rentals; and new permitting requirements for temporary portable toilets in use more than seven days.

Visit the Department of Health & Human Services, Subsurface Wastewater Unit website to access the new regulations ([www.maine.gov/dhhs/mecdc/environmental-health/plumb/index.htm](http://www.maine.gov/dhhs/mecdc/environmental-health/plumb/index.htm)).

The program has also created a "Municipal Office Resources" webpage ([www.maine.gov/dhhs/mecdc/environmental-health/plumb/Municipal\\_Office\\_Resources.htm](http://www.maine.gov/dhhs/mecdc/environmental-health/plumb/Municipal_Office_Resources.htm)) with resources for municipalities and local plumbing inspectors, including links to regulations, sample forms and guidance materials. (By S.F.P.)

## **ADVISORY OPINIONS ON PROPERTY ISSUES** **(Revised from October, 1995 "Legal Notes")**

**Question:** Our CEO, LPI, fire chief and planning board are often asked by realtors, prospective property buyers and others to provide advisory opinions about whether certain uses may be conducted on a property, whether code violations exist on a property, whether the septic system complies with the plumbing code, or whether the chimney is safe. Some landowners ask the CEO to advise them whether a variety of hypothetical scenarios would be legal, whether a lot is "buildable" or how to divide land so that it would avoid subdivision review. Must our officials provide these "certifications" and opinions?

**Answer:** The CEO, LPI, fire chief or planning board are not legally required (or generally authorized) to fulfill these types of requests. In fact, we advise municipal of-

officials not to place themselves in the position of certifying that property complies with codes or that a land use activity a prospective buyer is considering is “legal” or would be approved by the municipality. Real estate attorneys, land use consultants and home inspection companies are in the business of offering such opinions for a fee and have the necessary insurance coverage to back them up if they make a mistake.

If a realtor or prospective buyer wants to know if they can conduct a particular use, build or expand a certain structure, or wants to discuss hypothetical options for a property, the appropriate response from the CEO or planning board is to tell that person how to obtain a copy of local ordinances, tell them generally what the ordinances do and do not allow and refer them to their own attorney for consultation.

If a prospective buyer needs a decision as to a particular proposed use, the CEO or planning board should recommend that the buyer negotiate an option to purchase the property and then submit a permit application describing the buyer’s plans in detail. The CEO or board (as appropriate) then could formally review and approve or deny the specific application pursuant to local ordinances. In such instances the CEO or board would clearly be acting within the scope of their authority and with applicable protection from liability under the Maine Tort Claims Act (unauthorized acts are generally not within MTCA protections).

If an LPI is asked to certify that an existing subsurface disposal system is legal and not malfunctioning, the LPI should simply inform the person what records are on file regarding any permits previously issued for the system and what permits would have been necessary for such a system at the time it was installed (assuming the date of installation is known). The LPI could conduct a site inspection to see if there are any obvious signs of a malfunction but is not required to do so. Again, the property owner or buyer really should engage someone in the business of doing such inspections to test or excavate the system to certify that it is not malfunctioning. The buyer should not expect an LPI to provide that type of certification.

Likewise, a buyer or homeowner may ask the CEO or local building or fire inspector to inspect and certify that a building is safe or properly constructed in order to facilitate a property sale or to help the owner procure insurance coverage. However, unless a law or ordinance

## MUNICIPAL CALENDAR

**DECEMBER 25** – Christmas Day, is a legal holiday (4 M.R.S. § 1051).

**BY JANUARY 1** – Owners or keepers of dogs or wolf hybrids aged 6 months or more must obtain a license from the municipal clerk, an authorized veterinarian agent, or via the state’s online portal. A late fee applies after January 31. (7 M.R.S. §§ 3922, 3923-A).

**JANUARY 1** – New Year’s Day 2024 is a legal holiday (4 M.R.S. § 1051).

**BY JANUARY 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](mailto:GeneralAssistance.DHHS@maine.gov), or mailed to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

**JANUARY 15** – Martin Luther King, Jr. Day, the third Monday in January, is a legal holiday (4 M.R.S. § 1051).

specifically authorizes or requires such inspections and certifications, those officials should simply indicate what records are on file with the municipality regarding issuance of any required permits. Again, the buyer/homeowner can hire a private home inspection firm to perform this work for a fee.

We know it is difficult for local officials to refuse requests for advisory opinions and inspections, since good public relations are vital to any successful code enforcement program. However, when local officials give opinions about hypothetical proposals or the existence (or lack) of any code violations or problems with an existing structure or use, the officials are exposing themselves to possible personal liability for negligence if it turns out that the opinion about the hypothetical was wrong or that some hidden problem was missed.

In the long run, it is in the best interests of all parties for a prospective buyer or property owner to ask their own attorney or a private inspector to give these opinions. (By R.W.S./S.F.P.)

## COURT CONFIRMS ABATEMENT FORUM

In *Cassidy Holdings, LLC v. Aroostook County Comm’rs, et al.*, 2023 ME 69, Maine’s Law Court recently confirmed that the State Board of Property Tax Review (“State Board”) and the county commissioners have concurrent jurisdiction to hear property tax abatement appeals involving nonresidential property with an equalized municipal value of \$1 million or more.

The issue arose after Cassidy Holdings, LLC was denied an abatement of its 2021 property taxes by the Caribou Board of Assessors. Cassidy appealed the denial to the Aroostook County Commissioners pursuant to 36 M.R.S. § 844. (Caribou has not established a local board of assessment review). Believing jurisdiction for the appeal lay solely with the State Board, the Commissioners dismissed the appeal. Further appeals ensued ending with an appeal to Maine’s Law Court.

The Court held that the statute’s plain language (36 M.R.S. § 844) establishes concurrent jurisdiction for appeals involving nonresidential property valued at \$1 million or more, thereby allowing the taxpayer a choice whether to file its appeal with the county commissioners or with the State Board.

Note that the appeal process differs in municipalities that have established a local board of assessment review (BAR). In such municipalities, abatement appeals involving nonresidential property valued at \$1 million or more proceed from the assessors/municipal officers to the BAR per 36 M.R.S. § 843. In turn, appeals from BAR decisions involving such property proceed to the State Board.

For more on property tax abatements, see *MMA Legal Services Assessment Manual*, available to members on MMA’s website ([www.memun.org](http://www.memun.org)). (By S.F.P.) 

## TRAINING CALENDAR Maine Municipal Association & Affiliates

### DECEMBER

12/18	Mon.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
12/19	Tue.	MMTCTA Small Claims workshop	Augusta - MMA	MMTCTA

### JANUARY

1/25	Thurs.	Elected Officials Workshop	Zoom Webinar	MMA
1/30	Tues.	The Legislative Process A-Z	Zoom Webinar	MMA

### FEBRUARY

2/6 & 7		Title 30A- Town Meeting and Local Election Law	Zoom Webinar	MTCCA
2/13	Tues.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
2/15	Thurs.	Legislative Breakfast	Senator Inn	MFOA
2/29	Thurs.	Winter Training	Zoom	MEGFOA

### MARCH

3/7	Thurs.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
3/7	Thurs.	March Membership Meeting & Training	Clarion Inn	MBOIA
3/14	Thurs.	Preparing for Audit	Augusta MMA	MMTCTA
3/12	Tues.	Mental Health First Aid	Augusta - MMA	MMA
3/20	Wed.	Basic Municipal Budgeting	Augusta - MMA + HYBRID	MMA
3/29	Fri.	Interchange	Bangor - Hilton Garden Inn	MTCMA

# MAINE MUNICIPAL BOND BANK

## 2024 SPRING BOND ISSUE SCHEDULE

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

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

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

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

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

**Wednesday, February 7<sup>th</sup> – Application Deadline**

**Wednesday, March 13<sup>th</sup> – Application Approval (MMBB Board Meeting)**

**Monday, April 8<sup>th</sup> – Preliminary opinions and loan agreements due from bond counsel of each borrower**

**Wednesday, April 10<sup>th</sup> – Last date for signing school contracts and rates in place for water district. PUC approvals due**

**Week of April 22<sup>nd</sup> – Maine Municipal Bond Bank Pricing**

**Monday, May 13<sup>th</sup> – Final documents due from bond counsel**

**Wednesday, May 22<sup>nd</sup> – Pre-closing**

**Thursday, May 23<sup>rd</sup> – Closing – Bond proceeds available**

If you would like to participate in or have any questions regarding the 2024 Spring Bond Issue, please contact Toni Reed at [treed@mmbb.com](mailto:treed@mmbb.com) or (207)622-9386 ext. 213.





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