

Maine Town & City

The magazine of the Maine Municipal Association

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A New Year

Fresh Starts & New Initiatives

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In this issue

NEW YEAR'S RESOLUTIONS. In this month's Page 5 column, Cathy Conlow, MMA Executive Director, discusses her less than traditional resolutions. Cutting back on social media and reducing access to 24-hour news shows, top the list. **PAGE 5**

THE IMPORTANCE OF TREES. From aesthetics to serving as an economic driver to playing a vital role in climate resiliency efforts, trees are supporting community policy priorities. However, proper care and management, planning and inventories must be in place for residents to experience longer term benefits. **PAGE 7**

THE SAGA OF SHORT-TERM RENTALS. While the State continues to lean on municipalities to resolve the statewide housing crisis, communities are also grappling with the impacts short-term rentals place on long term housing stock, and increased demands on public safety among other municipal services. It is a balancing act between supporting a burgeoning economy and protecting the interests of lifelong residents. **PAGE 11**

AROOSTOOK RENEWABLE GATEWAY. Although a deal to build a powerline through the heart of rural Maine farms and woodlands is currently off the table, residents in the impacted communities are turning to moratoriums, formation of committees and legislative fixes, to ensure the concerns being raised are heard in the future. **PAGE 23**

ELECTED OFFICIALS' SURVIVAL GUIDE. Through a series of articles published in the Maine Town & City, MMA staff will provide the advice, tips, and tools elected officials need to fulfill their roles. The series begins in February with Rebecca McMahon, Director of Legal Services, providing an overview of the basics of elected office. **PAGE 27**

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A New Approach on the New Year

By Catherine Conlow / Executive Director



For the new year, I decided to ask my new friend, ChatGPT about the top five new year's resolutions, their measured success, and to see how I measure up to the general population.

Here are five popular resolutions cited on ChatGPT along with the rates of success individuals have in achieving these goals:

- **Exercise More/Get Fit.** Success rates can vary, but studies suggest that around 20% to 30% of individuals stick to their exercise resolutions long-term.
- **Eat Healthier/Diet.** Success rates can be challenging to quantify, but studies indicate that sustained dietary changes can be difficult for many individuals, with a significant number abandoning their resolutions within a few months.
- **Save Money/Manage Finances Better.** Resolving to save money, budget effectively, or pay off debts is another common goal. Success rates depend on various factors, but maintaining long-term financial discipline can be challenging, with some studies suggesting relatively low success rates.
- **Learn Something New.** Whether it's picking up a new hobby, mastering a skill, or pursuing further education, this resolution is popular. Success rates can vary widely depending on individual commitment and the complexity of the chosen endeavor.
- **Reduce Stress/Improve Mental Well-being.** Many people aim to manage stress better, practice mindfulness, or seek therapy for improved mental health. Success rates in this area can be influenced by various factors, including access to resources, support systems, and individual dedication.

Except for learning something new (ChatGPT), it turns out, the annual resolutions that I have clung to over the past thirty years align perfectly with a majority of people, as does my success rate. ChatGPT specifically notes "that success rates for New Year's resolutions are challenging to generalize, as they depend on individual circumstances, commitment levels, support systems,

and the specific nature of the resolution. Some individuals successfully achieve their resolutions, while others may struggle or abandon them over time. Success often depends on setting realistic goals, having a plan, staying committed, and adapting strategies as needed." So, in the vein of old habits die hard, I will continue to keep these resolutions front of mind with the intent of developing more realistic goals

and adapting strategies to help me stay committed.

Undaunted by my lack of success with these five resolutions, and in the spirit of managing expectations, I am adding a few more to the list, that will hopefully be easier for me to achieve. Specifically, I want to be a better role model for civil discourse, and to do so means I need to be more patient, kinder and less opinionated.

As we enter yet another contentious election year, I am confident that these resolutions and goals will be tested. As municipal officials, we understand that disagreement and discontent at all levels of government trickle down to the local level. Remember those bumper stickers "Think Globally, Act Locally?" It turns out the bumper stickers were unnecessary as most people already figured out that local government is where to enact change. It is the incivility that is somewhat unfamiliar to us as municipal officials. As local leaders, we know now that civility doesn't just happen, it takes intention and commitment. So, as we go forth in 2024, our role is to ensure safe spaces for dialogue and disagreement. With this in mind, I have added a few specific goals to aid me with my resolutions.

First, I will ingest less social media. ChatGPT tells me that unfiltered comments made on social media have heightened incivility in this country. As it stands, my social media feeds are mostly filled with fuzzy, cute animal posts and memes. In my hopes of connecting with my new neighbors, I have joined the "neighborhood-community" groups. As of today, I am a member of at least four. What I have noticed is that over the past few years, there has been an explosion of negative

comments on official town sites, as well as the well-intentioned community/neighborhood sites that seek to share useful, and sometimes useless information, with neighbors. What I frequently read as a well-intentioned post with useful information, quickly deteriorates into a neighborhood slug fest that ends with a few random shots at our local officials and employees.

Second, I intend to take in less of the 24-hour news programs. Regardless of which 24-hour news show you watch, you will be able to find untold numbers of legal experts and technical experts offering commentary on hypotheticals and boogeymen. While they generally focus on federal officials, they do take the occasional pot shot at state and local officials in Maine. But the long and short of it is, they just bum me out. Unfortunately, I continue to return in hopes of a happy ending. Let me help you understand, there is never a happy ending as it is the tension and drama that bring us back.

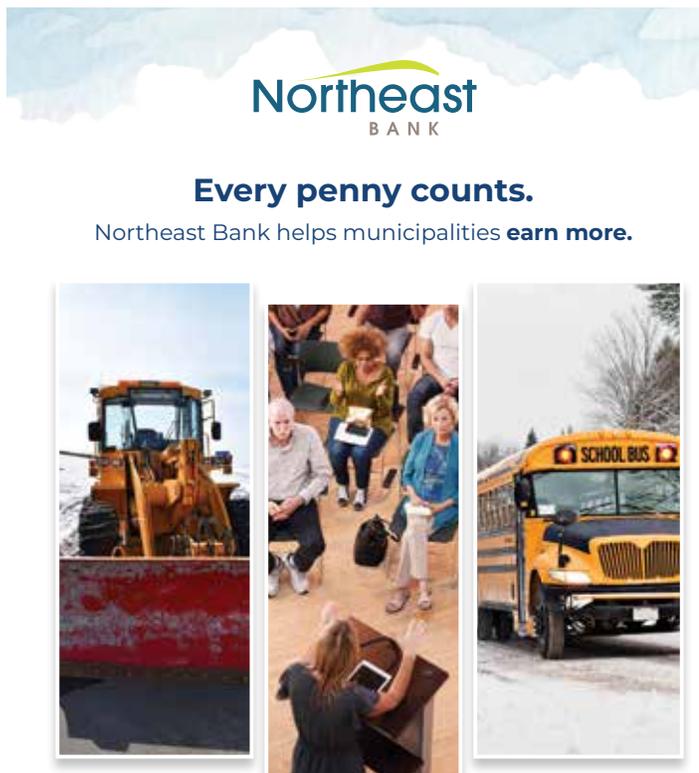
Third, I will share my useless opinions less. If I am successful at reducing my intake of news and social media, this one should be a walk in the park and as a bonus, improve my mental wellbeing. More importantly, my success on the third goal is likely to boost the mental

health of those around me.

After a challenging year in Maine, our communities and residents continue to face unprecedented challenges in the new year. The impacts of climate change on the built environment, PFAS contamination on our farms and drinking water, a housing and homelessness crisis that seems to continue to grow, and numerous other manmade and natural disasters, all test our physical health, mental health, patience, kindness, and sense of togetherness. But the one thing I understand about the people serving in Maine municipal government is that we always persevere and help each other.

For what it is worth, my new friend ChatGPT has reinforced the idea that clear goals and a strong support system, among other things, aid in our success. As you set new or old resolutions and we continue to tackle these unprecedented issues, I feel very optimistic that municipal leaders in Maine can rise to the challenge. And as they do so, MMA and all its employees will continue to act as a strong support system.

From all of us here at MMA, we wish you a very happy and peaceful new year. 🏡



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The Importance of Trees

Healthy trees are not only valued for their aesthetics, but also their economic power and impact on the environment.

By Stephanie Bouchard

Around the country – and the world – Maine is known for its trees as much as it is for its beautifully rugged coastline. It is the most forested state in the country with almost 90% (more than 17 million acres) of the land covered in trees. Trees cover nearly 45% of Maine’s most populated areas. Trees are valued here for their aesthetics and their economic power, and, in light of our changing climate, for their importance to the global environment.

Because of trees’ significance, many towns and cities across the state are making a point of managing their trees – on their streets, in public forests and parks, and in partnership with private property owners. Some municipalities have had formal tree plans for years, such as Portland, while others, such as Belfast, are just getting started.

Urban ecosystem management on the rise

Last spring, a group of Belfast citizens approached Aleta McKeage, a conservation biologist who lives in Belfast and was then the technical director at Waldo County Soil and Water Conservation District. The residents were concerned that the city didn’t have a formal tree commission or tree management plan and wanted to put something together to present to the city council. Currently, the city contracts with professionals to have tree work done in the city that can’t be handled by city staff.

“I give a lot of workshops and people here are very interested in this and want things to be done well,” says McKeage. “They see the old trees coming down from storms or just being ancient and hollow, and then they see bareness and that creates problems. We’re right on a hill that goes into a bay. As soon as you don’t have tree cover, that storm water from extreme events is just

washing straight into the bay along with everything else. So people understand that this is really important.”

McKeage, who is now the interim director of Viles Arboretum in Augusta, and a group of about 15 residents started meeting regularly to begin envisioning how Belfast could manage its trees. Last spring, they researched municipal ordinances in other communities and last summer, they learned i-Tree software programs, which they used to do a pilot inventory of the city’s trees.

As the group developed its tree management vision, they started having conversations with city councilors. Over the next couple of months, the group hopes to present to the council a tree management master plan and a proposal to create a formal tree commission that includes city staff, professional tree managers, citizens, and a new part-time tree warden position.

The residents working on the tree management proposal hope that Belfast’s citizens and city council will agree to their proposal in time to begin planting trees in the spring, says McKeage, but they know there’s a process the city must go through that includes a lot of discussion and potential revision. “This is a big change to add an empowered commission to our particular town,” McKeage notes. But during her workshops and public talks about the subject, she has come to believe Belfast’s citizens are excited about what the city could do. “The idea of managing the urban ecosystem is ascendant here,” she says.

The merit of municipal trees

Municipalities all over the country are seeing the value in their trees, says Leslie Berckes, the executive director of the Urban and Community Forestry Society, an international member organization for those who support or are active in municipal forestry.

Trees offer municipalities tangible benefits, she says, from beautifying communities and increasing property values to providing cooling shade in blistering heat to

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

reducing stormwater runoff. Trees, Berckes says, are an asset on the books for municipalities. “We could put a dollar value on what trees are providing us from the stormwater reduction,” she says. “(They are) one of our easiest, lowest hanging fruit when thinking about a climate mitigation strategy . . . (Municipalities) should be pushing harder now than ever to get more trees in the ground.”

An economic analysis of urban forestry in 2022 by the Northeast-Midwest State Foresters Alliance found that Maine’s urban trees save an estimated \$83.8 million each year through carbon sequestration and by reducing stormwater runoff and air pollution.

“Climate change is already negatively affecting trees in Maine’s towns and cities,” says Patty Cormier, director of the Maine Forest Service. “With more extreme weather patterns and occurrences, this increases the stress on trees along with air pollution and pests. Urban and community forests can help soften extreme weather and air pollution impacts due to climate change, especially for areas where, historically, investment in infrastructure has been less robust.”

Funding is available to municipalities to make investments in their trees, Cormier notes. In September, the state announced that more than \$3 million has been allocated from the federal government to support

urban and community forestry projects and workforce development in the forestry industry in Maine.

Thinking about the future

A couple of years ago, when the town of Brunswick decided to create its own tree nursery, it applied for a grant from Project Canopy, says Dennis Wilson, the town arborist and parks and recreation facility manager for the town. Project Canopy is an urban and community forestry program run by the state’s Forest Service. Among other supports, it offers grants to municipalities to aid in their tree management efforts.

The Tree Committee in Brunswick proposed that the town create its own tree nursery and received a Project Canopy grant to get phase one of its three phase project off the ground, Wilson says. Phase one, the creation of the tree nursery, was completed in 2022. Phases two and three – to add more raised growing beds – are in the planning stages now.

“We basically did it because knowing that trees are starting to decline due to climate change, changing growing temperatures, and air pollution and all this stuff, we wanted to get ahead of it,” Wilson says. By having a municipal tree nursery, the town can grow its own tree stock to fit its 5- and 10-year planting plans and not be dependent on what’s available from commercial growers.



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The citizens of Brunswick have made trees a priority, but Wilson recognizes it's easy for Mainers in general to put trees on the backburner because right now, "We've got quite a few of them." However, he notes, "That way of thinking is going to get us in trouble in the future. (We need) to make sure that we replace the trees that are dying so we don't get into the position in the future where all the trees are gone."

A municipality's approach to tree management will vary from community to community, based on needs and resources, but here are some tips to get you started:

- Have a tree management plan. "The reason you need a plan is there's really a lot to it," says Aleta McKeage. "Where do you put trees? Are they going to be too big for a space, say between a sidewalk and the street? Which trees are appropriate near water lines, near power lines? Which trees are resistant to pests? There's a whole lot of things to think about (when deciding) which species to use."
- Do a tree inventory. "Looking at what you've got and what you're missing is key," McKeage says. "Where are there gaps? And also, think about what's going to happen in the future, including losing trees like ash, and new species that are going to thrive and are already (adapted to) a warmer climate."
- Contact the Maine Forest Service and district foresters for guidance, advice, know-how, and funding opportunities through Project Canopy.
- Engage your community. Seek volunteers from residents and partner with community organizations such as schools, conservation commissions, garden

clubs, Soil and Water Conservation Districts, the Maine TREE Foundation, and local land trusts.

- Explore what other communities are doing. "There's a lot of interest in well thought-out tree protection ordinances or existing vegetation ordinances," says Mark Reiland, the city arborist for Portland. Portland's ordinance gives the city the authority to encourage more thoughtful design around existing tree canopy, he notes.
- If your community can afford it, invest in skilled tree staff. Not only can these professionals manage the health of trees, they are important planning contributors. "A lot of tree management and positive change is really affected at the planning level," Reiland says. "There's a pretty substantial impact to be made by reviewing development plans and meeting with other community leaders or just even working with other departments about what they're doing, some of their projects needs, and how they can better accommodate existing tree cover and stuff."
- "Trees follow wealth," says Leslie Berckes. Make sure your tree management plan factors in lower-income neighborhoods, where there may be less tree canopy.
- Pay attention to what's happening outside of Maine. "I'm always keeping my ear out or eye out for anything from the south or the west that potentially could harm us in Maine and trying to see if we can make some sort of management plan for the future if that were to come here," says Dennis Wilson. 🏔️

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The Saga of Short-term Rentals

By Colleen Hennessy

Short-term rentals have become a long-term issue for Maine's tourist towns and cities, and there isn't consistent agreement on the type of regulation municipalities should, or can, implement. Back in 2014, AirBnB had just opened a European office in Dublin, and started to transform the secondary home rental market in rural Ireland when I joined the site as a host on the Dingle Peninsula in County Kerry. West Kerry, where I lived at the time, had always been a tourist destination. The miles of sandy beaches, dramatic mountains views, and the quiet of rural village life attract tourists from Irish cities, as well as American and international visitors. Until the Celtic Tiger economic boom, local families supplemented their income from dwindling fishing and agriculture work by renting out their own seaside family homes while they stayed with relatives or in campervans. Residents with larger houses ran bed and breakfasts. As the building boom took shape, locals built on family land, sold off the houses as second homes, or rented them out weekly in the summer to pay the mortgage. Sound familiar?

I began hosting tourists in a studio chalet next to our family home after I left my role in the local government to stay home with my baby and toddler. Employment wasn't easy for families with young children due to our rural location, commuting times, and the lack of childcare options. AirBnB allowed us to rent this existing property to guests from all over Europe, with some protections, on our terms. This probably also sounds familiar in the Maine context. While our nightly rate was embarrassingly small by today's standards, it supplemented our income. West Kerry is now grappling with the collective costs of an increase in tourism in the shape of coastal erosion caused by increased traffic on dunes and beach parking areas, congestion and dangerous road conditions on rural roads designed for smaller numbers, littering and misuse of outdoor areas, noise and partying in areas where local residents are tucked in for bed and work early, and increased demand for long-term rentals driven by people wanting to relocate for rural life and more affordable housing.

Now, back in my home state, I'm surrounded by short-term rentals (STRs) and an expanded tourist season from



April to January in some areas of the Boothbay region. I've had all night parties next door, calls to the police for groups of tourists drunk and shouting during the day and night, parking along our road, tourists trying to access the cove from our pier, and walking around our yard and business property. It's not safe for our children to cycle around town as tourists drive the wrong way on one-way roads, and I worry about them letting them experience the summer freedom of my Maine childhood.

According to data provided by MaineHousing, there are 215 "whole-home" short-term rentals in Boothbay Harbor. In a municipality with 2,207 total housing units that's approximately 10%, and doesn't include the higher percentage of second/seasonal homes in the wider region. On a state level, between April 2022-2023 about 23,859 properties were considered short-term lets (definitions vary by type – some are owner-occupied, with a room or separate space used as vacation rental, some are whole properties rented for vacations for part of or the whole year, but all are generally rented to groups of people for less than 30 days at a time).

Maine's traditionally needed more houses than people due to the demand for vacation homes, and now that we have fewer homes than we need and have experienced the visible tension between year-round residents and tourists traveling to small communities during the COVID-19 stay-at-home orders, the public has been demanding municipalities deal with STRs across the state. The second home market share of seasonal homes was around 16% of the overall housing stock in 2021, according

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to the State of “Maine Housing Needs Study,” but in the “Coastal Region” and “Central Western Region” seasonal homes makes up one fifth of the overall housing stock. With a consistent lack of affordability, public services, less year-round employment, and a tourism product which hinges on selling a rural idyll (and so keeping development regulated) it isn’t surprising that municipalities are faced with a strong public perception that the short-term rentals market needs regulation to protect rentals for use by occupants who work locally and support public services and community development and an equally strong perception that regulating short-term rentals will hurt property owners and the tourist economy.

Who is right?

Recent housing analyses separately concluded, short term rentals account for only 3% of Maine’s overall housing stock and so aren’t the driver of our housing crisis and are negligible to the gap in supply and demand for long-term rental properties. Research by MaineHousing, Muskie School of Public Policy, Governor’s Office of Policy Innovation and Future, and the Maine Dept of Economic & Community agree that short-term rentals are not a significant driver of Maine’s housing crisis, and so regulation won’t be a solution. Perhaps even more importantly, Sarah Sturtevant, a Muskie Fellow, argues that municipalities need a significant shift in culture and priorities to help build 30,000-40,000 new homes, just to house Maine’s current residents and then the additional number of workers we need to attract to fill all open jobs, and this gap in supply is causing the lack of affordability in the rental market too.

Currently, a buyer with the median income cannot afford the median priced house in any county in Maine. Because such a large percentage (on average 77%) of Mainers can’t afford to buy a home, they are competing for a small rental stock, driving up prices in a market with no vacancies. None of these reports account for the impact on overall market price and availability in smaller markets like Boothbay Harbor or Rangeley with documented increases in STRs where owners can earn more weekly renting short-term than what they’ll earn in a month and so rental market values are inflated by tourism dollars at a higher percentage than other areas.

In light of the need to build new homes and apartments faster, and ultimately cheaper (which might not be possible in high-demand rural areas for a variety of reasons) municipalities should consider the cost-benefit of investing time and expertise in short-term rental ordinances versus land-use permitting and investment which transfers soft costs from the developer to the government, according to the Muskie workforce research.

After returning to Maine from Ireland, I worked in the Housing Department at the City of Portland while staff developed the controversial and (time-consuming) short-term rental policy. Jeff Levine, former Planning Director in Portland who is now at MIT and a consultant, helped the City handle the consultation and policy development for the State’s first short-term let ordinance (in effect January 2018). The process took over two years and required heavy staff involvement. Levine advises that all municipalities should tackle registration procedures and require inspections for safety reasons.

He said, “The municipality and neighbors should know where they are. And potential renters of the STR’s should be able to look them up and know they are safe. There should be strict rules for what happens if a STR becomes a nuisance in the neighborhood - and the registration should be subject to suspension for violations relatively quickly.”

On the flip side, as evident in Portland each time a rental ordinance is proposed, and most recently in towns heavily reliant on tourism, such as Bethel, there is a strong and vocal business interest in the short-term rental market who lobby municipalities to either ignore STRs or at the least avoid restrictions on numbers and types of rentals. The City of Portland ordinance implemented a total cap (400), owner maximums by building type, annual registration fees ranging from \$100-\$4,000 and inspections.

Levine added that in “strong markets like Portland short-term rentals do seem to impact the housing market and may warrant stronger regulations or even limitations. In some communities in the Boston area, for example, cities allow short term rentals in small multifamily buildings but only if the owner lives in one of the units. In other places, such as weaker markets and areas dependent on tourism for economic activity, registration and inspections may suffice.”

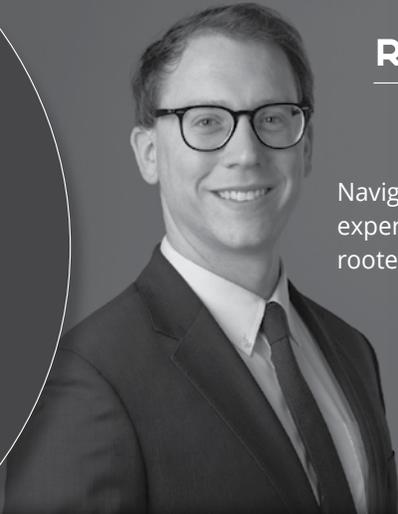
Maine’s largest land use authority, the Land Use Planning Commission, that regulates 10.4 million acres in areas such as the tourism-dependent Rangeley Lake and Moosehead Lake regions, is considering an approach in which property owners register and self-verify safety requirements rather than a cap or inspection process. Municipalities such as Stonington, Kennebunk and Bethel (a proposal that just recently was not approved) debated STR regulation limited to registration and inspection and

were met with heavy opposition. Midcoast towns, like Camden, have minimal regulations, like registration, and proposals have been met with heavy opposition or voted down, like in Rockland. Ordinances in Kennebunkport, Bar Harbor, Bangor, and Cape Elizabeth cap rental properties at an annual percentage of overall housing stock (Bangor) or limit use by owner or days rented. Old Orchard Beach requires property owners to secure a business license, which requires safety inspections.

It is clear this is an issue with no easy answer for cities and towns in Maine, or Ireland for that matter as County Kerry is also grappling with how to balance seasonal and long-term rentals, and that the public perception that these properties are displacing Mainers in communities with fragile housing stock will mean residents continue to bring the issue to elected officials and municipal staff, regardless of the measurable impact on solving our housing crisis. Current Maine law requires licensing of “lodging places” but vacation rentals are exempted, and municipalities can enact “lodging house” laws, which would not cover STRs. There have been three unsuccessful proposals to the legislature in recent years regarding short-term rentals. Technical support to address the safety concerns in rental housing stock could be streamlined by the State. Public consultation, research, legal issues and the administration of registrations, fees, and compliance proceedings are time and resource consuming. If municipalities need to focus on removing barriers to speed up housing construction and lower costs to swiftly increase our gap in housing production, perhaps the State has a role in streamlining the technical systems for municipalities in regards to short-term rental law. With an urgent push to address housing supply at the state-level, it will be interesting to see if further legislative proposals come forward to support municipalities with this contentious issue. 🏡

Portland Tourism Municipal Development District, known as Portland Tourism Development District (PTDD), is a collaboration between the City of Portland, hotels within the district, and Visit Portland, the Destination Marketing Organization for the Greater Portland area, to create Maine’s first tourism development district under the Maine State Development Law. Twenty-three hotels, with over forty rooms, agree to an assessment (1.5% on annual revenue for 2023-2024 year) fee which will be used for collective improvements in the city. Visit Portland will invest the assessment payments in strategic sales, marketing, promotions, destination development and special events. The rate, yet to be collected, is not a tax but rather a fee to participate in the PTDD and benefit from the collective improvement projects. The City of Portland’s finance department will issue the bill and collect payment. The City will keep 10% for administration costs, and has decided it won’t need to hire additional staff to administer the program at this time. Penalties for nonpayment will be the same as those applied for the nonpayment of property taxes. The hotels can terminate the agreement at anytime and the Housing and Economic Development Committee will annually report to the Council. The rate of assessment, along with the continuation of the PTDD, will require annual approval by the Council. Providence, Newport, and Boston have formed similar districts, while Block Island, Cape Cod, Albany, Long Island, and New York City are in the process of forming Tourism Development Districts.

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MMA Advocacy & You

By Amanda Campbell, MMA Legislative Advocate

Within the halls of state government, bills are proposed, debate is heard, and decisions are made that impact the way local governments work and deliver services. It is here where MMA does its work, with direction provided by its Legislative Policy Committee (LPC).

As a refresher, the 70-member LPC, elected by councils and select boards in June of an even numbered year, is comprised of two municipal officials from each of Maine's Senate Districts, who serve a two-year term, concurrent with the Legislature, to establish positions on initiatives of municipal interest. For bills that impact local government, the advocacy staff decides if a bill needs coverage with a bird's eye view or if the Association needs to climb into the nest. It's these nest-worthy bills that are brought to the LPC for discussion.

Based on LPC votes and debate, MMA provides testimony at public hearings in support of or opposition to legislation. In cases when questions arise, testimony neither for nor against a measure is offered, providing the Association a seat at the table and an opportunity to suggest amendments. During public hearings, advocates present testimony, answer questions, and clarify how sometimes well-meaning ideas have significant unintended consequences. Work sessions are then held to hash out details and MMA advocates are on hand to supply amplifying information when needed.

While MMA staff serve as the official voice of the LPC and member communities, municipal officials are truly the best advocates. Local stories and real-life experiences make for the most compelling testimony. Concisely crafted statements from local officials highlighting the impacts on their community go a long way and can be useful in supporting MMA's efforts. To that end, here are a few quick and easy ways local leaders can effectively

advocate for their communities:

- **Connect With Staff & the LPC.** Reach out to MMA's advocacy team by either calling or emailing Laura Ellis at 1-800-452-8786 or lellis@memun.org. Laura can provide a list of LPC members, which is also posted on the website (www.memun.org).
- **Read the Legislative Bulletin.** Published each Friday the Legislature is in session, the bulletin provides updates on legislative hearings, work sessions and chamber debates; previews of the issues to be discussed in the following weeks; and calls to action on particular bills. Since the content is often time sensitive, subscribers should consider receiving the bulletin electronically.
- **Visit the Legislature's Website.** Familiarize yourself with the bills in play, and the process of submitting testimony by visiting legislature.maine.gov. While "people in seats" is always best, electronic testimony offers another opportunity for your collective voices to be heard.
- **Educate Your Community.** Bring bills of municipal interest to the attention of your community's local officials. Planning boards, CEOs, public safety officials, and town office staff can all be impacted, and their input is crucial.
- **Share Your Story.** Are you a topic expert with lived experience? The team is always looking for municipal officials to tell a story or serve on a volunteer committee requiring a municipal presence.
- **United Front.** At a time when politics at every level seem to have created divides that are insurmountable, it's never been more important to become involved. Local leaders are the cornerstone of all government in Maine and lately, this institutional community knowledge has been either lacking, or ignored, by those making policy decisions. 🏡

Hines: Never a dull moment in Ludlow

By Liz Mockler



She's a town manager, carpenter, mason, expert seamstress and gardener who lives in the wee town of Hammond on land she's farmed since college. She is also president of the Maine Municipal Association for the new year.

Diane Hines has managed the Town of Ludlow since late 2010. Like life on her farm, she works multiple jobs for the rural Aroostook County town just northwest of Houlton.

She handles everything from car registrations to budgeting to prepping for select board meetings. She once had a deputy town clerk who helped her, but after she retired Hines upgraded the computer software and added that to her to-do list.

"I do everything, but it's very manageable," she said. "What makes the job for me are the people who come through that door. It's so interesting. What they bring and what I can give them."

The admitted "back-to-lander" tries to always leave an interaction with a resident on a good note. "There's so much negativity. I like to leave people with a good feeling. I don't want to be known as a grump."

In 1974, Hines and her husband, Glenn, came to Maine looking for a farm and found one in Hammond – "with 100 people and Irving woodlands." They thought at first they'd settle in Canada, but after a fruitless search up the East Coast, they decided to try Maine, where Hines summered every year at a Harrison camp near the western mountains.

She was still in college, married with children, when the couple bought their land – pretty much in the wilderness.

"So, at graduation, I had two babies in the audience and a farm to go to," she said.

Hines graduated from the Philadelphia College of Textile and Science, and agreed to give it up when Glenn "begged" on bended knee for her to strike out and live on the land with him in Maine.

She and her husband built a small house and raised their two sons; she learned masonry and carpentry and other building skills. They have been working on a studio for about 28 years. "It's complicated," she said.

"It's complicated," she said.

The stone, brick and lumber house has become known as "the castle," she said. There is one finished room.

They built a five-acre ornamental garden, and have grown most of their food since 1973. "There is always something to do. Always."

Hines takes Zumba dance classes inspired by Latin music, as well as learning Scottish dancing with a new teacher. She and her husband travel to several venues, including the University of Maine and Bangor, to attend concerts, live theater, opera piped in from New York City, The Bangor Symphony Orchestra and more.

"I don't know why more people don't know what is here in Maine," she said. "All the things we would have left behind we get in Maine."

Hines is excited about her new role as MMA president, she said. It will be a fresh, new entry on her to-do list. Her priority this year will be to always advocate for openness and transparency in local government, she said.

In a recent email exchange, Hines talked about the one thing she might change about municipal government and some differences between big and small communities.

Q Why did you decide to get involved with MMA's Executive Committee?

A. I received the nomination papers at my office in Wytopitlock and knowing about MMA from experience

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

decided to try for the nomination. I brought the papers to my Ludlow office as well. I think what helped was that when the voting paperwork came in, my name was at the top of the list. And I have lived and worked in the area for close to 50 years in a few different jobs that involved meeting the public. That helped I am sure. Though there was a “Diane Hires” who worked as a realtor in the area. Maybe folks thought they were voting for her. I try to be humble about this. But really this serving on the MMA Executive Committee for me is an honor. And not to brag at all, but it suits me. I feel quite at home around the meetings and the conferences.

Q During your term as president, what will be your top policy priorities or goals?

A. My priorities will be to continue the work a few others have laid before me, serving with inclusivity for all people in Maine. As town managers and select board members, I feel that we have an obligation to include all folks equally and with no bias. I have a strong feeling about how that looks as well. I have slightly experienced some aggressive behavior and through a couple of courses offered by MMA, such as Verbal Judo, I learned the best way to answer those aggressive statements. It is nice to be comfortable with hard situations, not that I look for them. If a person practices this enough, those folks who are aggressive towards you kind of give up. It's all about your reaction.

Q What do you think is the most pressing issue facing Maine municipalities?

A. As I mentioned in my last answer the state is facing much unnecessary aggression, especially with the recent

events in Lewiston. Town managers who had some folks invade their Zoom meetings with hateful language have shared with everyone on the list serve to warn others and share their solutions. Working together is very effective.

Q How can it be addressed?

A. Addressing this aggression is challenging and keeping on top of it is so crucial. We can't sweep this under the rug, but the best behavior is to model your own best behavior and be above the fray so to speak.

Q If you could change one thing about local government, what would it be?

A. One change that is important is more transparency. So many towns schedule meetings that are not well attended. This is okay if there are no issues, but if there are serious situations around town the attention should be public. As a speaker at the (MMA) Convention in October suggested, the more transparency the better. There are real stories about secret meetings and those types of meetings certainly increase lack of trust in local government. We can all serve local government's reputation better if we keep folks in the loop.

Q Where could the state improve in its partnerships with municipalities?

A. One former governor recently said that they were scared of MMA while they were in the state capital. That surprised me. Open communication is necessary between municipalities and the state government to get things done. After all, the Legislature is supposed to represent each municipality.



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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Q Do small towns like Ludlow have needs that large communities don't?

A. The needs of Ludlow are so similar to larger communities in Maine, but certainly on a smaller scale. The needs that Ludlow has that larger communities don't have would be more opportunities for education, professional work, and health services. Ludlow depends on larger communities for a lot of its service needs, but then so do all of the small towns around the larger Town of Houlton. The challenge is to be recognized and respected. Ten towns around Houlton had to form their own ambulance service for lack of acknowledgement by Houlton officials. This opened my eyes to the gumption of these ten towns to come together with respect for each other and support. That yields a great sense of community.

Q What lured you to rural Ludlow, with fewer than 400 residents?

A. There are now 434 residents in Ludlow according to the last census. I was working for a town with 103 residents, and I was learning the jobs that a town manager takes on, the many hats to be worn. I remember feeling that I could be better at my job if I had more practice. The idea of taking on a town of 400 at that time was exciting and gives the single person in the office lots of practice in all the tasks required of the job.

Q What do you like best about the town?

A. I love the complexion of the people in Ludlow. I came into the town when it had been closed for nine months for impropriety. I basically had to "clean up the office," – physically and, for the residents, emotionally. Folks had lost trust in their local government. And in the act of cleaning it up, I made a few folks angry since I believed in doing things the right way. There are always those who feel that it was good enough. I just felt that things could be more transparent and done by the book. That, sadly, is not always popular. Hence back to my dependency on MMA to help do things right.

Q What are your interests outside of work?

A. Outside of work, I do have a very busy and creative life. My husband and I have two sons, 13 grandchildren and six great grandchildren to keep track of. We have our own aspirations at a farm that we purchased in 1972. I have learned along the way to be a carpenter, a mason, and a gardener. My own interests are in the textile field, and I assist in the sculptures that we have been privileged to create. Other interests are music, theater, hiking and canoeing and animal husbandry. I am not a person to get bored since there is always something to do. 🏡



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RISK MANAGER

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

JANUARY 2024

Important Reminder For MMA Property & Casualty Pool Members

MMA Risk Management Services would like to take this opportunity to thank you in advance for taking the necessary steps to mitigate damages that occurred from the December storm. If your entity sustains damage, we ask that you please take all precautionary measures to protect your staff and facilities from any additional harm.

In the event that the catastrophic storm is designated a federal disaster, the Federal Emergency Management Agency (FEMA) as well as Maine Emergency Management Agency (MEMA) **will require** that you submit claims for a coverage decision before they are able to assist you with any damage. Therefore, to facilitate any claims you may have with FEMA and/or MEMA it is important that you **submit all claims** for damages to us as soon as possible, even if you believe there is no coverage with the MMA Property & Casualty Pool.



Thank you



All of us at MMA Risk Management Services wish to thank you again for making the 87th Annual Maine Municipal Association Convention a success.

MMA Risk Management Services recognized and celebrated its 45th Anniversary of the Workers' Compensation Fund and Unemployment Compensation Fund. During the convention we distributed hundreds of pairs of ice cleats to our membership in a statewide effort to reduce slips, trips and falls, and the City of Sanford and the Town of Thomaston each won a customized water absorbent mat for their communities. We thank you for your dedication to Risk Management Services and wish you all a happy, healthy, and safe new year.



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*as the newest member of
Property & Casualty Pool*

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

Lone Workers

A recent study by the National Safety Council reported that 15% of workers nationally are lone workers. The hazards that lone workers experience include:

- Falls from heights;
- Machinery entrapment;
- Slips or falls;
- Entanglement;
- Chemical exposure;
- Electrocuting;
- Being struck by heavy equipment or motor vehicles;
- Sudden illness; and
- Hazardous weather (snow, storms, wind, floods etc.).

With these hazards, the lone worker may experience additional hardships that can increase the likelihood and severity of these incidents. Depending on the location of a lone worker, access to communication methods and emergency services may be restricted. Lone workers may also be more susceptible to violence in the workplace, especially in public-facing duties.



Lone Workers Best Practices

Hazards to lone workers can be minimized through appropriate measures that have been properly investigated and applied to the workplace. These include:

- Identifying the hazards, such as job safety analysis and hazard analysis;
- Scheduling high-risk tasks during normal business hours or when another worker can aid;
- Teaching and encouraging lone workers to do their own hazard identification;
- Establishing communication procedures with lone workers; and
- Having a lone worker policy that is periodically reviewed and updated as needed.

Communication Methods and Monitoring

Creating and maintaining lone workers communication procedures is also critical for employee safety and can take many forms. One method is for lone workers to periodically check in to ensure that they are safe and not in need of assistance. Communication can be established via cell phone, radios, and through signaling procedures for checking in and out of remote locations. Some of the newer smart tool systems include:

- Apps that can be put on phones or other devices, including live GPS that can track location and movement.
- Devices created to check for sudden motion or falls and to report when a lack of motion or a sudden fall has been detected.
- SOS alarms can also be used to enable lone workers in remote locations to report an incident and their location immediately to emergency services providers.

When beginning a new communication or monitoring method, it is extremely important that the method used is easily performed by the worker and that the communication protocol is tested regularly. Lone worker safety is an issue that affects many of our members and lone worker situations can involve significant risks. By assessing the work being done and applying the appropriate controls, lone worker exposures can be minimized, and employee safety and satisfaction increased.

Workers' Compensation Payroll Audit

Annually, payroll audits are performed for members of the MMA Workers' Compensation Fund. These audits are based on the previous year's coverage (January 1 to December 31) and must be completed during the first quarter of each year. The audit compares **estimated annual payroll** projections (which your entity provided to MMA in 2023) to the **actual annual payroll** totals at the end of the year. Therefore, if you overestimated your payroll, you may receive a contribution credit returned to your entity, or vice versa if the reported payroll was underestimated.

INDEPENDENT CONTRACTOR – IMPORTANT UPDATE:

Please note that if you utilize contractors that do not have Workers' Compensation or a WCB 267, the contractor will be treated as an employee, and a portion of their payroll will be included in your payroll audit, thereby increasing your overall contribution. With that said, we are often asked for direction when it comes to contractors that are not legally required to have Workers' Compensation coverage. Well, as of October 25, 2023, the Maine Workers' Compensation Board has instituted some new direction on the subject. Now, an individual who wants to create a rebuttable presumption of independent contractor status may file a statement - **Independent Contractor Statement (Form WCB-267)** - with the Board. And to that point, the Work-



ers' Compensation Board will no longer review or approve Predetermination Applications (WCB-266). This means there are no decisions or paperwork sent from the Board. **The Independent Contractor Statement is effective when it is received by the Board and is valid for one year.** The WCB-267 form can be obtained by going to:

<https://www.maine.gov/wcb/Departments/coverage/independentcontractor.html>

Information regarding independent contractors who have filed a statement is available on the same webpage and is updated weekly thereafter.

But, another significant puzzle piece to the payroll audit process is the management of independent contractors. When you utilize the services of an independent contractor, we always recommend that Members:

- Require evidence of General Liability Coverage, Completed Operations Coverage and Workers' Compensation Coverage, at a minimum;
- Utilize a written agreement/contract that details the expected services to be performed; and
- Enter into an agreement/contract that includes Indemnification and Hold Harmless clauses, as well as names your entity as an Additional Insured.

The audit process is important and with some planning can be completed with ease. For more tools, information, and assistance, please contact us at: rmsunderwriting@memun.org

Important Documents in Your Email

MMA Risk Management Services has sent your Workers' Compensation renewal packet and invoice. Please look for an email from rmsunderwriting@memun.org.

Please be sure to keep this document accessible for future reference and note that your first invoice is included in the attachment. The payment schedule, if applicable, is found on page 2 of the invoice. All future invoices will be emailed from our rmsbilling@memun.org email. If you would like to pay your invoice by ACH credit, please contact our finance department at finance@memun.org for instructions.

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

The Ed MacDonald Safety Enhancement Grant is Open

MMA Risk Management Services is excited to assist members of the MMA Workers' Compensation Fund by providing funding for efforts to reduce the frequency or severity of workplace injuries. **The Ed MacDonald Safety Enhancement Grant awards up to \$3,000 for each approved grant application with no matching contribution required. Grant applications are due by April 15th.**

The MMA Workers' Compensation Fund strives to assist the membership in the reduction or elimination of workplace hazards that all too often result in employee injuries. Based on claims analysis, we have determined that the highest reported claims continue to be slips, trips, and falls year after year. Slip, trip and fall hazards occur virtually in every type of workplace, with the top hazards causing related claims to include indoor walking surface irregularities, weather conditions, inadequate lighting, stairs and handrails, the use of stepstools and ladders, tripping hazards, improper use of floor mats and runners, and contaminants on the floor. The Safety Enhancement Grant can help reduce or eliminate such hazards.

We encourage our members to conduct a walk-through of their buildings, grounds, and operations areas to find creative solutions to reduce workplace hazards.

Some examples of workplace hazards prevention solutions include:

- Installing slip resistant floors in high-risk areas, such as entrances and kitchens;
- Supporting proper ergonomics;
- Providing traffic control equipment, such as cones, high visibility vests, and stop/slow paddles;
- Improving lighting in stairwells and parking lots;
- Providing cold-water rescue equipment, such as immersion suits, throw ropes, and life vests;
- Utilizing fall protection equipment, including body harnesses and lanyards; and
- Improving signage.

Grant applications are located at <https://www.memun.org/Risk-Management/Grants-Scholarships/Ed-MacDonald-Safety-Grant>. We look forward to receiving your next grant submission.



The Municipal Risk Manager

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

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FREQUENTLY ASKED QUESTIONS

What is the Unemployment Compensation Fund?

The Maine Municipal Association Unemployment Compensation (UC) Group Fund was founded in 1978 to assist municipalities and quasi-public entities in meeting their obligations under the Employment Security Act. The major components of the UC Fund are the opportunities for cost savings, efficient and effective claims assistance, and the potential for earning dividends through good loss experience. The Unemployment Compensation Fund currently has 248 members that are enjoying the expert advice and assistance offered by Denise Kolreg, our MMA Unemployment Coordinator. The enrollment dates are limited to January and July each year, so now is the perfect time to start the enrollment process and have the support you always wanted.

- **TECHNICAL GUIDANCE:** With fact findings, appeal hearings, filing of quarterly wage reports, requests for separation, and wage audits.
- **DIVIDENDS AND EXCESS BALANCE RETURNS:** The MMA Executive Committee oversees the UC Fund and voted at the 2023 meeting to distribute \$100,000 in excess funds and credit \$300,000 in dividends to identified members.
- **MODERATION OF CASH FLOW:** Each December members of the UC Fund are notified of their contribution obligation for the next calendar year. The amount of the contribution is fixed for the year and additional payments are not required in the event a large sum is paid out in claims.
- **SIMPLIFICATION:** Communications and reporting to the Department of Labor (DOL) are simplified. All mail for UC Fund members from the Maine DOL is directed to MMA. In most cases the Fund Coordinator can resolve any issues raised.

For more information, please email rmsunderwriting@memun.org or call (800) 590-5583 and ask to speak with Denise Kolreg.

Aroostook Renewable Gateway

While there is general agreement on the need to increase access to renewable energy throughout Maine, disagreement exists with respect to the process.

By Janine Pineo



(Photo by Janine Pineo)

The decision came four days before Christmas: Maine’s Public Utilities Commission (PUC) ended a deal with LS Power to build a billion-dollar power line through the heart of rural Maine’s farms and woodlands.

The ruling wasn’t about the plan to erect 140-foot-tall structures to carry 160 miles of transmission lines that would cut across the properties of about 3,500 landowners. Nor was it in response to objections raised by landowners and municipalities.

The PUC terminated the deal because the terms of the contract, including the cost, had failed to be negotiated. LS Power couldn’t hold to its initial price, the PUC announced, adding it did not offer a binding price in its contract proposal and shifted a significant amount of risk to ratepayers.

The PUC plans to put the transmission line project out to bid again.

“We’re not out of the woods yet,” said Tom Bolen, chair of the Albion Transmission Line Committee. “This can still be a warning shot. We need to wake up.”

For the moment, the Aroostook Renewable Gateway as it was, is off the table, but for Bolen and others who have organized at the municipal level, what happened with LS Power is just the start of their work.

The original plan

In June 2021, the governor signed into law the Northern Maine Renewable Energy Development Program that, among other points, would “encourage the rapid development of renewable resources in northern Maine” and “develop the transmission infrastructure necessary for the State to expeditiously meet its renewable energy and climate goals.”

The new law set a deadline of Nov. 1, 2022, for the PUC to approve contracts to fulfill the terms – which include cost and economic benefit to northern Maine – that would finally connect directly the northern part of the state to the New England electric grid instead of Canada’s, a longtime sticking point that has stymied power generation projects in that region for decades. To that end, the commission approved on the 2022 due date two projects simultaneously: LS Power Grid Maine for the transmission line and King Pine Wind Generation Project for the generation project.

The PUC’s 2022 order specifically stated that the projects “represent the optimum choice pursuant to the statutory criteria. Nevertheless, issues remain relating to the total cost of these projects and the public interest standard set forth in the act.”

Longroad Development Co. is the developer of the King Pine Wind farm, which is still on the table. King Pine would

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



Residents fill a room at the Etna Town Office to learn about Aroostook Renewable Gateway project proposed by LS Power. (Photo by Janine Pineo)

be the largest on-shore wind farm east of the Mississippi River, located north of Merrill in Webbertown Township on about 4,500 acres. The 179 wind turbines would produce 1,000 MW of power and range in height from 387 to 436 feet with rotor diameters between 492 to 535 feet.

The transmission line as defined by the law enacted in 2021 would be a 345kV double circuit capable of transmitting 1,200 MW and include interconnection facilities such as substations.

LS Power presented such a proposal, including 110-foot-high single circuit and 140-foot-high double circuit towers stretching across 140 to 160 miles of land depending on the final route selected.

According to the initial PUC order, the ratepayer cost of the transmission line was approximately \$2.78 billion with the wind farm expected to benefit ratepayers to the tune of \$1.08 billion, thereby making the net cost about \$1.7 billion over the 30-year deal.

The Legislature and the governor approved the plans in June 2023. Not long thereafter, about 3,500 Maine residents along the proposed transmission line received letters from LS Power informing them that their land was part of the proposed routes.

The local response

“It was the end of June when we heard about it,” Bolen said, who then attended the July 19 open house meeting LS Power held in Albion, one of six scheduled in affected municipalities. Charts, maps, and other documents were available, with company representatives stationed near various displays.

Bolen said they were shuttled from one presenter to another, with no open question-and-answer session.

“That was it, that was our introduction to this whole fiasco,” he said. “I was appalled. It was shocking.”

In Etna the night before the Albion meeting, parking lots overflowed onto all surrounding roadsides as scores lined up to wait outside the small town office in the hot and humid summer afternoon, some holding the letters LS Power had sent them as the line slowly edged toward the doors.

Once inside, people were funneled into the circuit around the crowded, noisy room, ending with a table holding printed maps and some computer terminals to locate specific parcels where people attempted to match their tax-map properties to the company’s maps. Only on the company’s website FAQs page was it clearly stated that LS Power “created their own unique map parcel indicator numbers to identify each parcel in the project study area.”

The Albion meeting, Bolen said, “spurred us along.”

He and three other people attended an Albion select board meeting shortly after where the board asked him to chair a committee on the transmission line. Before August was out, the town had a unanimous vote for a moratorium on transmission lines within the town. “There was no pushback whatsoever,” he said.

Other nearby municipalities and residents became involved in Albion’s weekly meetings as the committee delved into Maine law and eminent domain, alternative transmission methods and legislative avenues. Local representatives and senators were contacted, and paths to presenting a case to the PUC were pursued.

By October, a number of the 41 communities along the proposed transmission line had committees dedicated to the topic, including Etna, Freedom and Palermo. Ten piec-



People wait to enter the Etna Town Office for one of six open houses held by LS Power. (Photo by Janine Pineo)

es of emergency legislation were on the docket within the Legislature, and about 100 people attended a rally mid-month in Augusta.

The next steps

A number of municipalities have laid out paths to pursue as residents and committees have turned a spotlight on utility planning, state laws and alternate transmission methods.

About half of the municipalities have regionalized their meetings to share information, Bolen said, as well as to present a united front to the PUC and the Legislature.

Transmission line moratoriums are in place, too, up and down the proposed corridor as municipalities buy time to work on the legalities involved in a project such as this, not unlike how many approached the onslaught of solar farms and the regulations necessary for those entities within town limits.

Brook DeLorme is on the ad hoc committee in Palermo, where more than 250 parcels of land were in the path of the Gateway project. She soon found herself versed in an array of topics surrounding the project.

High on the list was the state of Maine's eminent domain laws. "Maine law is really bad in terms of eminent domain," she said in October. The law allows private companies to use eminent domain, and it would have applied in the LS Power project if it had gotten PUC approval.

"If we don't manage to change the laws now, there will be another one and another one," she said.

DeLorme also is involved in Preserve Rural Maine, a newly formed nonprofit that attempted intervenor status with the PUC. While their initial petition was denied in October, the group planned to pursue this route, she said.



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The PUC grants mandatory intervention to “persons or groups who may be substantially and directly affected by the proceeding,” according to its webpage. It also has a discretionary intervention option if the commission agrees to grant it.

DeLorme and Bolen also dug into aerial versus underground high-voltage direct current (HVDC) transmission systems. While underground costs more, it can be built along existing corridors and using a space that is five feet wide and five feet deep.

An example is the Champlain Hudson Power Express in New York, a \$6 billion, 339-mile transmission line between Quebec and New York City with more than half the route submerged under Lake Champlain and the Hudson River and the rest buried underground. Another project is Twin States Clean Energy Link between Canada, Vermont and New Hampshire that would use existing transmission corridors and bury the lines along roadways elsewhere. The 211-mile transmission line would cost \$2 billion.

Bolen said the state needs to conduct a comprehensive feasibility study on buried HVDC as it works to set up the state for success to meet its renewable energy goals. More projects are on the radar for the state, he said, but Maine is without an overall transmission plan that would minimize the impact to communities and the vistas that lines would traverse.

Dr. Josh Kerksmar, chair of the Unity Transmission Line Committee and board vice president for Preserve Rural Maine, said in October that Unity’s moratorium would give the town time to formulate an ordinance.

An assistant professor of environmental humanities at Unity College, Kerksmar said no one is against green energy – hence the inception of the nonprofit – just the way this process has been done.

Officials at an out-of-state company, he said, are sitting with a two-dimensional map of the state and “completely discount what may be a meaningful space to someone. It feels psychologically violent.”

His background as a historian, he said, gives him perspective, and that the socioeconomic aspects of projects like this have happened before.

Kerksmar said Gateway was “coming through areas that don’t have the money to fight it. I think it’s a systemic problem. People in poor areas don’t necessarily have that advantage.”

He said the opposition’s job is saying this isn’t right.

The primary incentive to minimize cost is part of the problem, Kerksmar said, leaving those involved blind to the complexity.

“We are trying to remind them things are more complex,” he said. “It’s easy to dismiss the concerns of people.” 🏔️

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An Elected Official's Survival Guide, A Series

Everything you need to know about elected office but didn't know you needed to ask.

By Kate Dufour / Director, Advocacy & Communications

Now that election results are verified, inaugural events are under our belts, and for the most part, newly elected officials have been sworn into office, it is time to get to the business of governing. However, it is possible that at least one newly elected municipal official is asking... oh dear, what do I do?

No worries, you are not alone. When I first ran for city council in 2014, despite having worked for MMA for nearly two decades, the chills of anticipation and quite honestly fear, ran down my spine the first Monday evening I sat in council chambers and started to attend to needs of Hallowell residents. While the packet of materials received was informative, including a copy of the budget with a seemingly unending number of columns all populated with important data, council committee reports and updates from the manager and mayor, it was overwhelming.

As is the case with any "first," it took some time to understand the process, the players, and to figure out how I could best support the efforts of the council. While I continue to learn something new every time we convene, the process is getting, dare I say, fun.

While on-the-job training is part of the process, I nonetheless would have benefited from a newly elected officials' handbook. One that not only provides background information on the roles of council members, but a handbook that includes a map of city hall, a primer on department responsibilities and staff, as well as the advice that comes with experience, such as jiggling the handle when using the facilities.

While the last bit of information may seem trite, knowing the simple things does matter and allows for newly elected officials to embrace their roles more rapidly and effectively.

I'm not alone in this desire for a handbook,* as several municipal officials have reached out to MMA for these resources. Hence, the idea for this newly elected officials' survival guide series, for which Cathy Conlow, MMA Executive Director, deserves credit.

Spoiler alert...advice on how to deal with tricky plumbing will not be included.

However, through a series of articles published in the Town & City magazine, MMA staff will provide the advice, tips, and tools elected officials need to fulfill their roles. Featured topics will include a description of the steps involved in the manager recruitment and hiring process; an overview of important risk management products and services, such as public officials' liability protection; information on the training programs available to help officials navigate elected office; and tips on how elected leaders can advocate for municipal interests before the Maine State Legislature.

The series begins in February with Rebecca McMahan, Director of Legal Services, providing an overview of the basics of elected office.

We hope you find the series useful. 🏡

* Update: At its first meeting of 2024, a workbook containing valuable information was distributed to the Hallowell City Council.

PHOTO CONTEST!

Do you have a creative itch to scratch? Want the quintessential photo of your community enshrined for eternity? More importantly, do you want to prove to “Tom” that your town has the best scenery around?

Well, do I have a deal for you!

MMA is on the hunt 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 locations in your towns and cities. The winning photos, 52 in all, will be printed on a deck of playing cards and distributed to attendees at the 2024 MMA Annual Convention.

All communities contributing photos will be entered into a drawing for a two-day pass to the convention, but more importantly, winners will be bestowed with bragging rights. Take that, Tom!

Since a panel of judges will convene in May to select the winning photos, time is of the essence. Get out there and snap photos. Place a communitywide call for contributions in a local newsletter or nonchalantly mention the opportunity at town meeting. Paw through your phones, photo boxes and files. We know you have a winning photo somewhere.

As is the case with any contest, here is the fine print:

- Photos must be submitted to Sue Bourdon at sbourdon@memun.org no later than noon, on Monday, April 1, 2024. No joke!
- Despite the encouragement to sort through boxes and files, photos must be submitted in an electronic format, jpg preferred.
- Photos do not have to be taken by a municipal employee, however, once submitted, MMA will retain the right to reprint the photo. Remuneration will not be provided to the submitting community or the photographer.
- Finally, the submission must include a description of the photo and an explanation of its significance to your community, region, or State.

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



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Local Maine Issues
from A-Z.

“Potholes & Politics: Local Maine Issues from A to Z” 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 Leichtman, 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>

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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
31						

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

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

Wednesday, February 7th - Application Deadline

Wednesday, March 13th - Application Approval (MMBB Board Meeting)

Monday, April 8th - Preliminary opinions and loan agreements due from bond counsel of each borrower

Wednesday, April 10th - Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of April 22nd - Maine Municipal Bond Bank Pricing

Monday, May 13th - Final documents due from bond counsel

Wednesday, May 22nd - Pre-closing

Thursday, May 23rd - 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 or (207)622-9386 ext. 213.



SAVE THE DATE!

Municipal Technology & Innovation Conference

May 22, 2024

Municipal Human Resources & Management Conference

June 12, 2024

MMA's Annual Convention

October 2 & 3, 2024



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- Build ✓
- Grow ✓

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TRAINING CALENDAR

Maine Municipal Association & Affiliates

JANUARY				
1/23	Tues.	Municipal Summer Internships Information Session	Zoom Meeting	MMA
1/25	Thurs.	Elected Officials Workshop	Zoom Webinar	MMA
1/30	Tues.	The Legislative Process A-Z	Zoom Meeting	MMA
FEBRUARY				
2/6 & 7	Tues. - Wed.	MTCCA Title 30A- Town Meeting & Local Election Law	Zoom Webinar	MTCCA
2/13	Tues.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
2/13	Tues.	MWDA GA Basics	Zoom Webinar	MWDA
2/15	Thurs.	MFCA Legislative Breakfast	Augusta - Senator Inn	MFCA
2/28	Wed.	Moderating Town Meetings	Zoom Webinar	MMA
2/28 & 29	Wed. - Thurs.	MTCCA Athenian Dialogue	Zoom Meeting	MTCCA
2/29	Thurs.	MEGFOA Winter Training	Augusta - MMA + HYBRID	MEGFOA
MARCH				
3/7	Thurs.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
3/12	Tues.	Mental Health First Aid	Augusta - MMA	MMA
3/12	Tues.	MWDA Advanced GA	Zoom Webinar	MWDA
3/14	Thurs.	MMTCTA Preparing for an Audit	Augusta - MMA	MMTCTA
3/20	Wed.	Basic Municipal Budgeting	Augusta - MMA+ HYBRID	MMA
3/27-3/29	Wed. - Fri.	MFCA Professional Development Conference	Newry - Sunday River	MFCA
3/29	Fri.	MTCMA 44th Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn	MTCMA
APRIL				
4/2	Tues.	MLGHRA Spring Training	Augusta - MMA + HYBRID	MLGHRA
4/2	Tues.	Elected Officials Workshop	Lewiston - The Green Ladle	MMA
4/19	Fri.	MAAO Northern Maine Spring Workshop	Caribou - Northern Maine Development Commission + HYBRID	MAAO
4/22-4/23	Mon - Tues.	MWDA Spring Training Seminar	Bangor - Hilton Garden Inn	MWDA
4/24-4/25	Wed - Thurs.	MCAPWA Supervisory Leadership in Public Works Program - Part I	Augusta - MaineDOT	MCAPWA

David Bucknam will continue to serve as both Skowhegan police chief and interim town manager after the select board decided in December to delay filling the manager's job permanently – for now. Bucknam, police chief since 2017, was named temporary manager in November after former manager **Christine Almand** took a medical-related leave and ultimately stepped down. The three options being considered are leaving Bucknam in the dual role; appointing a different interim manager; or beginning a search for a permanent replacement.



Rebecca Cyr

Rebecca Cyr was appointed as parks and recreation program director in Madawaska. She is a lifelong resident, who received her degree from the University of Maine at Farmington as an elementary special education teacher. The program director oversees and coordinates programming and events under the

guidance of a recreational director as well as working alongside staff and volunteers in providing quality programs for people of all ages. Cyr is looking forward to getting back to full-time work in a way that will contribute to her amazing community.



Jerry Goss

Brewer Deputy Mayor **Jerry Goss** died suddenly on Dec. 7 at the age of 76. Goss was a beloved member of the Brewer and Greater Bangor communities, where he served on many committees and boards for over five decades. Much of his public service was related to children and sports. He earned a bachelor's and master's degree in education from the University of Maine. He was the co-director of the Maine Principals' Association's Bangor high school basketball tournament, among many other sports efforts and accomplishments. He was serving his fifth term on the city council at the time of his death; with four stints as mayor. He was named principal of the year in 1997 and went on to earn several awards over his lifetime, including an award this year for outstanding contributions to children. Goss was a U.S. Air Force veteran and a member of the Army Reserves. He was a lifelong resident of Milford and Brewer.

Ibrahim "Abe" Haroon of Michigan has been named Livermore Falls police chief, effective in early February. He replaces **Michael Adcock**, who resigned in August. Although Haroon is experienced, he must obtain certifica-

tion through the Maine Criminal Justice Academy. Until he resigned to pursue municipal opportunities, Haroon worked as director of the Ferris State University Public Safety Department in Big Rapids, Michigan.

Police Capt. **David Kerns**, a Bar Harbor officer for 24 years, has been named chief of the merged department that covers the towns of Mount Desert and Bar Harbor. Kerns has been acting chief since former Chief **Jim Willis** retired in August. For 10 years Kerns helped Willis consolidate the functions of both departments, with the towns sharing the cost of the chief under a municipal sharing agreement. He will remain a Bar Harbor employee.

Kelly Pinney-Michaud was named Oakland town manager, effective Jan. 1, after serving in an interim role since October. Pinney-Michaud earned a bachelor's degree in science, with a focus on health education, from Plymouth



Charles Stubbert, III

State University in New Hampshire, and a master's degree in business administration from Thomas College in Waterville. Meanwhile, Deputy Police Chief **Charles "Rick" Stubbert, III** will assume the duties of chief in February, after current Police Chief **Michael Tracy** retires after 43 years with the town. Stubbert is a 23-year veteran of the Oakland department; his first job was as a part-time patrolman in 1996. He has also worked for the Maine Drug Enforcement Agency for the last 12 years. Stubbert earned a bachelor's degree in history from St. Anselm College in Manchester, N.H., in 1995 and he graduated from the Maine



Michael Tracy

Criminal Justice Academy in 2001. Stubbert will serve in the deputy chief's position until Tracy retires on Feb. 8.

After serving for more than forty years on the Maine Municipal Employees Health Trust Board of Trustees (MMEHT), **Richard Metivier**, formerly the Finance Director for the City of Lewiston, retired from the board on December 31, 2023. Metivier was a dedicated member of the board since its inception and served as chair from 1993 to 1998. After graduating from Husson College with a bachelor's in business administration, his first job was for the City of Lewiston as assistant to the controller. During his service on the board, Metivier illustrated his commitment to MMEHT members and retirees by tirelessly ensuring access to high-quality insurance programs, controlling

It is with mixed emotions that the Maine Municipal Association announces the retirement of **Sarah Ledoux**, Chief Financial Officer. Sarah left employment with the State of Maine in January of 1996 to join MMA as an accountant. The move to support those serving in the most effective form of government was and continues to this day to be evidence of her sound judgement. Not one to let the moss grow under her feet, Sarah quickly ascended the chain of authority, when first promoted to senior accountant/financial services manager in 2005, and then to controller in 2011. Refusing to rest on her laurels, Sarah was deservedly promoted to CFO/director of financial planning in 2019. Her promotion to CFO was due, in part, to her exceptional dedication to her vocation, as she obtained her master's degree in business, while fully employed as



Sarah Ledoux

MMA's controller. During her near three-decade career with MMA, Sarah has made many memories, suffered a few tragic losses, and developed lifelong friendships. In both throwing caution to the wind and dispelling the myth regarding the level of adventurism among those with a passion for finance work, first on her list of post-retirement adventures is walking the Camino de Santiago through Portugal and Spain. Upon her return from Spain, you'll find Sarah biking, hiking, camping, and appreciating what life has to offer. But fear not, Sarah has pledged to return to work after a brief hiatus. Not in the finance field but in service to her community as a school lunch lady in the hopes of handing out chocolate milk to kindergarteners; a career path well suited for a kind, humble and giving woman. Best wishes, Sarah!

costs, and limiting increases in premium rates. Metivier will continue to serve as MMA's appointee on the Maine-PERS board, representing the interests of Participating Local Districts. MMA Immediate Past President, Elaine Aloes, extended an honorary membership to Metivier in recognition of his distinguished career in municipal government.



Jared Mills

Jared Mills, who worked as both Augusta police chief and assistant city manager, resigned in December after 25 years with the capital city. Mills, 49, was eligible to retire this year. After enjoying some time off, Mills said he intends to apply for the joint position of assistant city manager and director of human resources. Mills, who earned a master's degree in public administration in 2017, said he would also be interested in a managing job in the future. City Manager **Susan Robertson** plans to retire next October. Mills was hired as a patrolman in 1998 and earned the chief's job in 2018.

Shelly Page will join the MMA ranks as chief financial officer, replacing the retiring Sarah Ledoux. With a business degree from the University of Maine and certified as a credit union financial counselor, Page began her career as a regional shortage controller for Filene's Basement in Massachusetts and Illinois before returning to Maine to serve as the chief executive officer for the New England United Methodist Federal Credit Union and then as president/chief executive officer of the Sabattus Regional Credit Union. Most recently, Page served as the director of

finance and administration for the Maine Service Employees Association, which represents over 10,000 employees in Maine. Page's first day at MMA is January 29.

The Maine Municipal Employees Health Trust Board of Trustees thanks **Martin Puckett** and **Belle Ryder** for their dedicated service to the board. Puckett, the former city manager in Presque Isle, was a member of the board from 2011 to 2023, and most recently served as chair. Ryder served on the board from 2021 to 2023, representing the Town of Orono. Both Puckett and Ryder have recently taken new positions outside of municipal government. The board and Association wish them well.



Galen Weibley

Galen Weibley has been hired as Kennebunkport director of planning and development after serving four years in essentially the same job for the City of Presque Isle. His last day on the job was Dec. 28. Weibley was appointed to the Loring Development Authority in May 2021 and planned to resign that post as well.

Prior to arriving in Maine, Weibley worked for five years for the Pennsylvania General Assembly as a legislative staffer. He was elected as Township Supervisor in 2014; a supervisor is very similar to a selectperson. He served for six years. Weibley earned a bachelor's degree in horticulture science, with a minor in public policy from Delaware Valley University in Doylestown, Pennsylvania. The Presque Isle council decided not to fill Weibley's position until after the first quarter of 2024. 🏔️

IN THE NEWS

STATEWIDE

Neighborhoods were evacuated, businesses flooded, a hundred state roads were washed out and municipalities rushed to protect assets and property as a powerful storm poured six inches of rain on most of the state on Dec. 18. Most other rivers, particularly in rural and remote parts of the state, also topped their banks, and made it impossible for thousands of residents to even leave their homes. Trees, even large, mature species, snapped like matchsticks under the pounding wind. Gov. Janet Mills declared a civil emergency on Dec. 19, which will give Maine access to federal funding. All of Maine except York and Cumberland counties were part of the emergency. Some homeowners waited several days to get power restored – some areas were dark until Christmas. Both the Androscoggin River near Auburn and the Kennebec River in Greater Augusta flooded on Dec. 19 and officials warned that more melted snow and rain runoff would keep the rivers at flood levels for days. The storm left scars across the landscape and flooded homes and businesses, even far inland. The storm was forecasted for several days to hit the Northeast as it swept up the East Coast, starting in Florida. Weather experts said there is a 1% chance of a 100-year-flood every year. But

the December storm caused a 100-year flood on the 18th and another on the 19th.

BANGOR

Bangor police can now receive anonymous tips, including videos and photos, via a new app called Bangor PD. The app will also send users community notices and crime alerts. It is available through the Apple Store and Google Play and took a year to bring it to the public. Bangor police said the app makes communicating with the public more efficient, as well as allowing citizens to connect with the police department in real time. In a separate approach, Waterville residents can sign up for notices on a variety of topics to be sent to their email, phone, pager, or voicemail alert. People who sign up for the notices can choose among categories to tailor the notices to their interests. Categories include severe weather advisories; traffic reports; parking bans; trash and recycling notices; and updates on a major bridge project in the city. Residents also can opt to receive announcements about upcoming city events and meetings, including from the city council and the planning board. The new communications system was a longtime effort of the city to better communicate with both residents and visitors, officials said.



From material marketing including propane tank and tire removal to education and outreach, MRRRA is your resource for all things recycling in Maine



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mrra.net



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BRUNSWICK

The town council in December unanimously passed a townwide emissions reduction target of 65% by 2030 and net zero by 2050. The council also set a net-zero target for municipal and school operations by 2040. Officials said the targets will fight climate change and give the town access to state and federal funds to help with climate work. The council also thinks the new plan could be an example for other municipalities. The emissions targets were recommended by the Climate Action Task Force, a local committee that developed a Climate Action Plan with \$50,000 in state grants. The task force's next work will be to develop a plan with steps the town can take to meet the targets.

CUMBERLAND/YORK

Despite a severe housing shortage, the state remains a draw for people looking for second homes, according to an online industry report. York and Cumberland counties made the top 10 markets in the U.S. to see the largest increase in second-home sales – the only state to have two rankings in the top 10. Sales in York County jumped 16% from 2021 to 2022 and 14% in Cumberland County over the period. The two counties are home to some of the poshest communities in Maine with huge tourism traffic, as well as the popular Portland, the state's largest municipality. The average sale price in York County was \$2.1 million year to year, compared to \$1.7 million in Cumberland County.

FAIRFIELD

The first students to attend the new regional firefighter training facility graduated in December with nationally recognized certificates of accomplishment. It's the first facility in Maine to train recruits to the National Fire Protection Association's Firefighter I and II certification levels. The three-story training building opened last year. It is intended to recruit and train firefighters to replace the baby boomers who are retiring. Grants, along with a \$150,000 contribution from Somerset County, financed the facility. Its cost was \$551,000. It is open to firefighters throughout the Greater Fairfield/Waterville area. There also is pressure on other counties and municipalities to establish more training centers, given there is no fire academy in Maine.

KITTERY

A new report calls for the town, together with partners, to reduce barriers to multi-family housing projects as a challenging housing shortfall lingers across Maine. With a federal grant and partners such as Portsmouth Naval Shipyard and the southern Maine planning commission, the town will develop strategies to increase housing stock without having to increase lot sizes and parking. The ultimate game plan will include protections for sensitive areas and aquifers. In the 10 communities that surround the shipyard, including Kittery, housing prices have increased 46% in the last three years. The shipyard plans to hire up to 4,000 workers in the coming years to replace those retiring and changing jobs. The lack of affordable housing in the surrounding area makes it difficult for the shipyard to recruit new employees. The report, funded by the federal government, also suggests developing a housing trust fund to provide local funding for future projects. Other strategies include increasing density and lot size; reducing land requirements for multi-family housing; reviewing zoning and subdivision regulations; and expanding water and sewer capacity. The population in the 10 communities around the shipyard is estimated to grow from 114,000 today to 123,000 by 2038. Other partners include representatives from Portsmouth, the Maine transportation department, regional planning organizations, as well as other municipal, state, and federal agencies.

SOUTH PORTLAND

The city council reached a longtime goal in the fall of passing detailed regulations for tree removal, hoping to balance preservation and development. The regulations in the new tree ordinance establish which trees must be protected and set out activities that are subject to review. The tree ordinance also establishes processes for reviewing what kind of activities are impacting protected trees. The ordinance passed by a 5-1 vote at a mid-November meeting. Most homeowners will be exempt because their projects seldom require city action. Cemeteries are also exempt from the ordinance. 🌲

Clarification: The December edition of the News featuring the Southern Maine Energy Navigator Program failed to mention that the Southern Maine Planning and Development Commission wrote the grant and will oversee the program. As a result of this effort, \$800,000 in federal revenue will be used to reduce energy use and related costs for homeowners in Kittery, Kennebunk, Kennebunkport, Ogunquit and Wells.

MAXIMUM INTEREST RATE FOR 2024 DELINQUENT TAXES

The State Treasurer has established 8.5% as the maximum interest rate that municipalities may charge for delinquent property taxes committed during calendar year 2024.

Note that interest does not actually accrue on unpaid taxes unless a municipality's legislative body establishes the rate of interest and the date or dates after which interest will accrue. This must be done at the meeting at which the body votes to raise a tax or at any subsequent meeting prior to commitment of the tax. 36 M.R.S. § 505(4). (By S.F.P.)

2024: A NEW MINIMUM WAGE

Maine's minimum hourly wage for most workers increased from \$13.80 to \$14.15 per hour on January 1, 2024. State law mandates that each January 1st the state minimum wage is adjusted based on the cost of living as measured by the percentage increase (if any) in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Northeast Region, as reported by the U.S. Department of Labor, Bureau of Labor Statistics.

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

SETTING THE ANNUAL MEETING DATE

It's our view in MMA Legal Services that unless a charter provides otherwise, the municipal officers have sole discretion to determine the dates of all town meetings, including the date of the municipality's annual meeting. See *Allen v. Hackett*, 123 Me. 106 (1923).

If the chosen date deviates significantly from the customary date of the municipality's annual meeting, it is prudent to advertise the change widely, but state law contains no legal requirement to do so beyond posting a town meeting warrant at the appropriate time and manner per 30-A M.R.S. §§ 2523, 2528. (Municipalities that have adopted a different method of notification/posting via a charter, or an ordinance per 30-A M.R.S. § 2523(4) follow those requirements).

On a related note, how does changing the annual meeting date impact the terms of elected officials? Generally, an elected official's term runs from the annual election in the year the official was elected to the annu-

al election in the year the official's term ends and his/her successor is sworn – unless a charter or ordinance establishes a specific date that terms commence (e.g., July 1). Thus, an annual meeting moved up from November to June will end terms that expire in that calendar year a few months early, while an annual meeting moved out from March to June extends time in office by a few months. (**Note:** Special procedures apply when terms are formally changed, for example, from one to three years). Also, see “Elected Officials Hold Over If Annual Election Delayed,” *Maine Town & City*, Legal Notes, April 2020.

For a discussion of the many considerations that impact scheduling of town meetings, see our *Town Meeting & Elections Manual*. (By S.F.P.)

ANNUAL REPORT REMINDERS

We want to remind members that Maine law requires every municipality to publish an annual report covering the last completed fiscal year. Among other items, the annual report must include information on financial transactions, municipal assets and liabilities and portions of the annual audit. See 30-A M.R.S. § 2801 and chapter 4 of MMA Legal Services' *Town Meeting & Elections Manual* for a complete list of required content.

Availability of Report. Copies of the annual report must be kept in the municipal office or clerk's office and be open to public inspection during usual business hours.

Distribution to Voters. Copies must be deposited in the municipal office or another convenient place of business for distribution to the voters at least three days before the annual meeting or annual business meeting. There is no obligation to physically deliver or mail the annual report to voters; “distribution to the voters” appears to mean simply that the report must be provided to any voter who requests a copy.

Form. Many municipalities provide access to the report electronically via a municipal website or distribute it via a subscriber email list. These are effective and convenient ways to increase access to the report. However, the law appears to require that the report also exist in paper form. No minimum number of printed copies is specified in the law, so printing a reasonable number of paper copies based on historical demand should suffice. This also complies with retention requirements (below) that require permanent records to be stored in specific formats.

Copies to State Agencies. A copy of the report should be mailed to each of the following:

- State Librarian: State House Station #64, Augusta, Maine 04333.
- Department of Administrative and Financial Services, Maine Revenue Services, Property Tax Division: P.O. Box 9106, Augusta, Maine 04332-9106.
- The Fogler Library at the University of Maine, Orono: Special Collections, 5729 Fogler Library, University of Maine, Orono, Maine 04469-5729.

MMA also requests a copy be sent to us at Maine Municipal Association, Resource Center, 60 Community Drive, Augusta, Maine 04330.

Retention. Pursuant to the Maine State Archives Local Government Record Retention Schedules (www.maine.gov/sos/arc/records/), a copy of each year's annual report must be retained in municipal files indefinitely.

Warrant articles. There is no statutory requirement that the annual report contain a copy of the warrant for the annual meeting. If a draft of the warrant is included in the annual report, this version has no legal significance and any errors found in that draft will not impact the meeting. Only the official posted version of the warrant controls. For more details, see "Town Meeting Warrants - Posted vs. Published," *Maine Town & City*, Legal Notes, March 2023. (By S.F.P.)

"TOWN ADMINISTRATOR": WHAT'S IN A TITLE?

Last month we addressed an increased use of the title "town manager" among municipalities. See "Town Manager: Not Just A Job Title," December 2023 Legal Notes. We reminded readers that renaming a position as "town manager" does not, by itself, confer the formal responsibilities and authorities of a manager. This can only be accomplished via legislative body (town meeting or council) action to establish a manager form of government.

This month we want to address a similar trend: We have recently noticed that many former "administrative assistants," "select board secretaries" and "AAs" now have the title of "town administrator." Here too, a job title is not always the end of the story.

Although a model set of responsibilities for managers is set out in statute, the positions of "administrative assistant," "town administrator," or "AA" are nowhere mentioned in Maine law and there is no "model" definition or job description.

MUNICIPAL CALENDAR

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

BEFORE ANNUAL TOWN MEETING — Unless otherwise provided by charter, select board members must have a warrant posted at least seven days before town meeting by a constable or named resident who must make a return on the warrant. (30-A M.R.S. § 2523).

- If adoption of an ordinance is proposed, comply with 30-A M.R.S. § 3002.
- Referendum question wording must be "filed with the clerk" 60 days before the election 60 days before election unless a charter provides otherwise. See 30-A M.R.S. § 2528 for hearing and notice requirements.
- The registrar of voters must accept the registration and enrollment of voters prior to the municipal election according to the schedule prescribed by 21-A M.R.S. § 122.
- Copies of annual report must be available in the municipal office or a convenient place of business at least three days before the annual meeting (30-A M.R.S. § 2801).
- Send copy of annual report to: State Tax Assessor, State Librarian, UMO's Folger Library, and MMA.
- Calculate the municipality's "LD 1" levy limit. 30-A MRS § 5721-A. Forms available from MMA.

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

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

As a result, the powers and duties of an AA or administrator vary widely among municipalities that have one. In some communities, the AA is a clerical position; in others the position assists the select board with office management but final authority for appointments, hiring employees, discipline, purchasing, and similar functions remains with the select board. In other communities, an AA or administrator exercises some powers traditionally given to a town manager.

Although the title of “town administrator” implies that the incumbent exercises significant authority, a newly minted “town administrator” should not assume the individual exercises the same powers as administrators in neighboring towns or cities because each position is unique and, as with managers, adding the title alone does not grant the position any particular authority under state law.

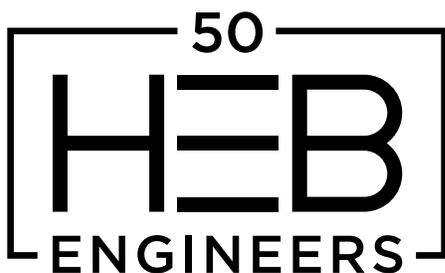
Moreover, if an administrative assistant or administrator will exercise formal administrative responsibilities, such as hiring or supervising employment positions, acting as purchasing agent or will have other duties similar to those of a town manager, the municipal legislative body generally must approve those types of responsibilities (a municipal charter may be required

in some cases). Some powers may not be delegated through a job description alone.

An AA or administrator position may be established in a variety of ways, for example through a budget appropriation and job description adopted by the municipal officers, through a warrant article, or by ordinance or charter. Which of these methods might be necessary depends on the specific duties assigned to the position. Because it is not always apparent which authorities may be assigned via simple job description or instead require authorization via an ordinance or charter, we strongly encourage consultation with legal counsel to ensure that any new relationships are clearly defined and legally established. (By S.F.P.) 🏔️

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

If so, MMA wants to help share your successes with municipal officials across the state. Please submit descriptions and photos of your events, promotions and festivities to:

Sue Bourdon (sbourdon@memun.org) or
Kate Dufour (kdufour@memun.org).

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

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

We look forward to hearing from you.

WHO TO CONTACT at MMA

Staff may be reached by email by using the first initial of first name then last name@memun.org (example: jdoe@memun.org)

DESCRIPTION	CONTACT	EXT #	DESCRIPTION	CONTACT	EXT #
EXECUTIVE OFFICE & MEMBER RELATIONS			SERVICES AND PROGRAMS		
Administration General Issues/Concerns	Cathy Conlow	2218	ADVOCACY & COMMUNICATIONS		
Corporate & Governance Issues	Kelly Maines	2241	General Information	Laura Ellis	2207
Human Resources	Cynthia Branscom	2215	General Advocacy Questions:		
Media / Press Calls	Kate Dufour	2213	• State Budget, LD 1	Kate Dufour	2213
MMA Municipal & Associate Membership	Kelly Maines	2241	• Public Safety; County Jails; Transportation; State & Local Government; Housing; Criminal Justice	Rebecca Graham	2201
Public Access Officer	Kelly Maines	2241	• Elections; Cannabis; Education; State & Local Government; and Energy, Utilities & Technology	Rebecca Lambert	2307
MMA Annual Business Meeting	Kelly Maines	2241	• General Assistance; Tax Policy; Labor; Environment & Natural Resources; Marine Resources; Climate Change; Fiscal Survey; Solid Waste; and Land Use Policies	Amanda Campbell	2208
AFFILIATE & SUPPORTING MEMBERSHIPS			ANNUAL CONVENTION		
AFFILIATE STATUS			Program Planning & Logistical Arrangements	Peter Osborne	2390
Affiliate Status, Membership & Administrative Support Services	Melissa White	2299	Registration Information	Louise Wing	2284
Affiliate Financial Reports	Renee Breault	2260	Exhibit Space	Sue Bourdon	2298
SUPPORTING MEMBERSHIPS			Ethel Kelley Memorial Award	Kate Dufour	2213
Billing & General Information	Kelly Maines	2241	Town Report Competition	Carol Weigelt	2219
Marketing & Exhibitor Information	Sue Bourdon	2298	EDUCATIONAL SERVICES / TRAINING		
ADMINISTRATIVE SERVICES			Affiliate Group Training & Workshops	Melissa White	2299
Accounts Payable & Receivable	Sherry Emmons	2264	MMA Training & Workshops	Melissa White	2299
Building Operations	Louise Wing	2284	Citizen Education	Kate Dufour	2213
IT Services	Brian McDonald	2276	IT SERVICES		
Membership Database	Personify	5555	Basic Advisory & Contractual	Brian McDonald	2276
Mailing List Requests	Personify	5555	LEGAL SERVICES		
Purchasing	Louise Wing	2284	Legal Advisory Services and Legal Information Packets, Samples, etc.	Jackie Kresser	2200
Receptionist/Conference Room Reservations	Jo Ann Larino-Greves	0	PERSONNEL / LABOR RELATIONS		
GROUP SELF FUNDED INSURANCE PROGRAMS			Information Packets, Sample Job Descriptions	Cynthia Branscom	2215
HEALTH TRUST SERVICES			Personnel Inquiries	David Barrett	2217
Administration	Kristy Gould	2389		Cynthia Branscom	2215
General Information/Marketing/Trust Plans	Lisa Rigoulot	2222	Labor Relations Inquiries	David Barrett	2217
Member Services/Benefits	Jen Lachance	2227	Executive Searches, Promotional/Entry Level Testing and On-Site Training	David Barrett	2217
Health Promotion	Anne Charles	2292		Cynthia Branscom	2215
Billing & Eligibility	Nicole Ouellette	2261	PUBLICATIONS		
RISK MANAGEMENT SERVICES			Legal Services Manuals, GA Forms (orders)	Peggy Marson	2288
RMS Administration - all programs	Michelle Pelletier	2236	MMA Municipal Directory (orders)	Peggy Marson	2288
Underwriting & Member Services	Michael Mayette	2233	Marketing & Advertisements	Sue Bourdon	2298
Claims Services	Ann Willette	2252	Subscriptions to Maine Town & City, Legislative Bulletin	Val Pomerleau	2278
Loss Control	Vacant		Maine Town & City Magazine - Articles	Kate Dufour	2213
Unemployment Compensation	Denise Kolreg	2237	MMA This Month E-Newsletter	Ben Thomas	2210
NOT CERTAIN WHO TO CONTACT?			MMA Legislative Bulletin	Laura Ellis	2207
Simply call Maine Municipal Association at 207-623-8428 and the receptionist will be happy to direct your call to the appropriate department or staff member.			MMA Salary Survey	Carol Weigelt	2219
			RESEARCH ASSISTANCE		
			Website Management	Ben Thomas	2210
			Research / MMA Website	Carol Weigelt	2219



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