

# Maine Town & City

The magazine of the Maine Municipal Association

JULY 2022

## Community Engagement

Flexibility and outreach key factors  
for increasing numbers.

### ALSO IN THIS ISSUE

Mitch Berkowitz's Commitment  
to Municipal Government

HR Conference Wrap-up

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# Maine Town & City

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## FEATURES

**THE BACKBONE OF MUNICIPAL GOVERNMENT.** We often joke that municipal government functions, in large part, due to the contributions of volunteers. However, due to pandemic-related reasons, ranks have declined. Flexibility and outreach are key to rebuilding local volunteer programs. **PAGE 5**

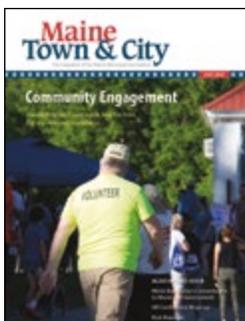
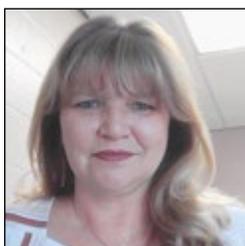
**REINVENTING MAINE'S MILL TOWNS: A SERIES.** The second edition of this three-part mill town reinvestment series explores the Town of Lincoln's vision for redevelopment and related challenges. While the creation of the Maine Forest Products Innovation Park focuses on the community's greatest resources, successful implementation relies on patience and cobbling. **PAGE 7**

**HR AND MANAGEMENT CONFERENCE.** On June 16, MMA held its first in-person conference since October 2019. A concise summary of the topics discussed during the daylong event is found in this article. **PAGE 16**

**GROWING ADVERSE IMPACTS OF FOREVER CHEMICALS.** PFAS are impacting Maine's water quality and heritage industries, including farming, fishing, and hunting. While state and local mitigation efforts are being explored and implemented, the journey to mitigation will be costly and lengthy. **PAGE 23**

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**ABOUT THE COVER:**  
A volunteer at the "Friends on the Fourth 5K" in Winthrop, ME.  
(Photo by Rebecca Lambert of MMA)

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# The Future of Volunteerism

*The pandemic has impacted the number of volunteer ranks. Flexibility, marketing, and outreach are key factors for increasing those numbers.*

By Stephanie Bouchard

In the years before COVID-19 upended the world, the general consensus across the country was that volunteerism was declining. Since the pandemic began, nonprofits and municipal governments and other groups who rely on volunteers are facing a changed volunteering landscape.

Maine traditionally has a high number of volunteers. The U.S. Census Bureau's 2019 Current Population Survey (CPS) Volunteering and Civic Life Supplement data ranks Maine in the top 10 states in number of residents who volunteer. Maine comes in at number nine, with 38.7% of residents volunteering (Utah ranks first, with 51% of residents volunteering).

While more current data on volunteering is not available yet from the Census Bureau, Kelsey Preecs, the volunteer sector initiatives program officer for Volunteer Maine, a state commission supporting volunteer and service communities in Maine, said that commission sent out a survey in the spring of 2021 to discern how the pandemic was impacting the state's volunteer landscape.

Not surprisingly, survey results showed that in the early days of the pandemic, volunteer activity pretty much stopped, she said. Pre-pandemic, the state could rely on a solid base of volunteers drawn primarily from the state's older population and student population, Preecs said, but not anymore. "The good news is that volunteerism is not gone and it never went away," she said, "but it has not returned to the robustness that we have seen in the past."

The number of student volunteers remains down because those volunteers were mostly funneled through the schools, and with the additional burdens placed on schools because of the pandemic, volunteering has largely



Leigh Kottwitz



Ryan McGee



Marcia Hale

been put on the back burner, she said.

And with the older population, she said, "What we're seeing now – and this is more anecdotal – is that while a lot of volunteer opportunities and a lot of volunteer groups are reopening and adjusting and trying to get people involved again, [the older population is] just not returning to the numbers that they were before." A number of reasons could account for that, including continuing concerns around exposure to the virus, she said.

"Volunteerism just isn't there anymore," said Ryan McGee, Lisbon's chief of police and interim town manager. He said his department used to run citizen police academies and has been trying to recruit volunteers to restart those and to beef up some of its other programs, including its Good Morning program, which provides a daily check-in for primarily older residents who live alone. Even parks and recreation's volunteer numbers are down, he said. "People don't volunteer like they used to," he said.

The last two years have changed the volunteer landscape, and volunteer managers need to do things differently if they want their programs to succeed, said Marcia Hale, a member of the board of directors of the National Association of Volunteer Programs in Local Government (NAVPLG) and the volunteer services coordinator for Hillsboro, Oregon's public library.

Traditionally, volunteer managers

could rely on a core group of volunteers who did the same thing, week after week for months and years on end. Those volunteers were overwhelmingly from older generations, but with the impacts of the pandemic, "Those people are gone," she said.

Concerns about health and, for some, having to step in as babysitters to grandchildren staying home because schools and/or day care facilities were closed, has meant those older volunteers haven't, and aren't likely to, return to volunteering, she said.

Younger generations "have a far more fluid approach to work," she said, than older generations. They have a lot to juggle in their daily lives and want and need more flexibility when it comes to volunteering.

What she is seeing on the west coast, and what she hears other volunteer managers saying from across the world, is that people are still volunteering, but not in the same ways they were before the pandemic. "They're volunteering for shorter periods of time, and they want a short obligation with a high impact," she said. They're not interested in putting books on a shelf every Tuesday from 6 o'clock to 8 o'clock. They want to know, she said, how their valuable time is improving the lives of people.

Given that perspective, volunteer managers need to figure out how to prove to people that what they're doing makes a difference and that they

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won't be expected to do a particular volunteer service every single week. "[We're] going to see very few places that are successful with asking people for long-term commitment," she said. "I'm already pulling way back. I don't ask people for six months. I say, 'Hey, we hope that you'll stay for at least three months, but if you don't, we get it. . . . Please share with us the time that you have. We are grateful.'"

Having that flexibility – and some autonomy – are two things that Leigh Kottwitz, Neighborhood Services Manager for the City of Columbia in Missouri, is seeing more and more younger volunteers demanding. "It's not that they don't want to volunteer," said Kottwitz, who is also a member of NAV-PLG's board of directors. "They just want to be able to fit into their schedule." ■

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## How do municipal volunteer managers navigate the changed volunteer landscape? Kottwitz, Hale and Preecs offer these suggestions:

**Know what you're trying to do.** "Ask the communities that you're serving 'What is it that you need and how best can we provide that?' And then let your volunteer administrators figure out how to craft an impactful, meaningful experience," said Hale. "It's going to benefit the people that you're serving, but also provide those volunteers with something that they can feel proud of and that they are appropriately prepared to support."

**Have an application.** Create a volunteer application to collect basic information and to find out what their motivation for volunteering is, what skills they have, and what services they are interested in doing. The volunteer application – and a volunteer interview – will give you a good sense of who that person is and if they'd be a good fit, said Preecs. "The last thing you need is for somebody to show up and not be a good fit," she said. If someone isn't a good fit for one particular volunteer role, see if there's another one that could work out. You don't want people to feel spurned. "Anytime somebody has a bad experience, they're going to tell 10 people," she said. "If they have a good experience, they might, like, mention it to their mom."

**Be careful that your volunteers aren't encroaching on staff roles.** Be aware of and follow IRS guidelines regarding volunteers.

**Eliminate your scarcity mindset.** "There's always people out there that want to help," said Kottwitz. "Instead of thinking about this as a limiting factor, a limiting resource, open yourself up to say 'Hey, let's put together a valuable opportunity because there's always going to be somebody in our community that will step up to help.'"

**Use your social media channels.**

**Make personal appeals.** When you're thinking about your volunteer needs, consider who you know in the community who would be a good fit and reach out to them personally. "I think folks are really flattered by that," Kottwitz said. And if they say they can't take it on, ask them if they know someone who could. Provide support. Conduct an orientation so volunteers will know who the people they'll be interacting with or reporting to and what is expected of them. Check in with them periodically to find out how things are going and to solicit feedback and ideas.

**Partner with local community organizations.** One of the things that Columbia's parks department has done is coordinate with a local trails organization that helps the city maintain its parks and trails. While a city staff person liaises with the organization's point person and is present for projects the trails volunteers are doing, the organization manages recruiting and managing the volunteers, Kottwitz said.

**Market the advantages.** Emphasize the benefits the potential volunteers will get if they volunteer. For example, point out to those who are looking to beef up college applications or resumes, said Preecs, how they can build skill sets by volunteering.

# Lincoln's Vision for Investment

*Development of the Maine Forest Products Innovation Park focuses on the community's greatest resources including logging and the ready access to forest feedstock. However, redevelopment will require patience and a bit of cobbling.*

By Janine Pineo

It is not surprising that the manager of a town with the branding of “Come for the lakes, stay for the lifestyle” uses a fishing analogy to describe the difficulty of having a business open for business in what was the home of a paper mill for 133 years.

“We’ve got to get the fish in the boat,” said Rick Bronson, Lincoln town manager.

“Have we, to date, got a fish in the boat? No,” he said. “Still none in the boat.”

There are fish, however, according to both Bronson and the town’s new economic development adviser, Steven Levesque, fresh off 16 years as executive director at the Midcoast Regional Redevelopment Authority and its redevelopment of Brunswick’s Naval Air Station, which brought in more than 150 businesses — 80 never before in Maine — and nearly \$1 billion in public and private sector investment.

Levesque, who has more than 42 years of experience in a number of land-use planning areas, including large asset redevelopment and management, said his goal is “helping communities recover.” Once the commissioner of the Department of Economic and Community Development under Gov. Angus King, Levesque’s other credentials include chief planner for what was previously the Land Use Regulation Commission and as Lewiston’s development director. He now is working with the former Loring Air Force Base in marketing that property and with the Maine Spaceport, a recent proposal endorsed by Gov. Janet Mills and the Legislature that would create a public-private partnership of private space flight commercial interests seeking to gain federal funding and private investment.

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*Logging trucks such as these would cross the frozen lake to carry wood to the Lincoln mill in winter, circa 1930. (Photo courtesy of Lincoln Historical Society).*

In late May, Levesque signed on with Lincoln. “The town has a really nice vision,” he said.

That vision is the Maine Forest Products Innovation Park, on the site that was home to a pulp and paper mill since 1882. The town is looking to what its greatest resources are, Bronson said, pointing out that some of the biggest logging contractors are based in the Lincoln area. Plus, the town has ready access to the forest feedstock that the newer companies are looking to use.

## Back in the day

According to U.S. Census records from 1810, 224 people lived in what would be Lincoln, which wasn’t incorporated until 1829.

Four years prior to incorporation, dams were constructed on Mattanawcook Stream to power a pair of sawmills, its workers arriving by the only artery to the region, the Penobscot River. What followed over the next decades was a flurry of growth, both in industry and population.

Multiple sawmills took advantage of the surrounding forest and its water access to produce lumber by the millions of board feet. The town had a grist mill, a tannery, a brick yard, and carding and fulling mills for the production of cloth. A spool mill also was built, shipping its product to the Clark Thread Co. of Newark, N.J.

It wasn’t until 1882 that Lincoln Pulp and Paper Co. was organized, with the first buildings erected in 1883.

Meanwhile, the town’s population was growing, jumping from 404 residents in 1830 to 1,121 in 1840. With but two small decreases in 1870 and 1900, Lincoln only saw population growth to the 1990 Census, with its peak of 5,587.

The Lincoln mill had ups and downs nearly from the beginning. Five years after it started, the mill shut down, remaining idle until 1893 when it was purchased and renamed Katahdin Pulp & Paper Co. Two decades later, it was sold to Eastern Manufacturing Co. of Brewer, with its name changed to Katahdin Division of Eastern Manufactur-



In 1964, the new tissue mill was under construction in Lincoln. (Photo courtesy of Lincoln Historical Society).



Mill Pond sits to the left of the Lincoln mill site. The Penobscot River (not visible) flows to the right of the mill complex in this photograph. (Photo by Janine Pineo).

ing Co. In 1958, Eastern merged with Standard Packaging Corp., prompting another name change.

In 1964, a crucial addition was made to the facility: a tissue mill, which would play a critical part in saving the mill a mere four years later when Standard suddenly closed both its Lincoln and Brewer mills, citing the age-old refrain that the mills were too costly to benefit Standard.

Three-and-a-half months later, Lincoln residents had raised \$350,000 to secure financing to reopen the mill. In August 1968, Standard transferred ownership to another company, and the mill once again became Lincoln Pulp & Paper with a specialty of manufacturing

deep-dyed tissue.

Bankruptcy trouble prompted another sale in 2004, another name change to Lincoln Paper and Tissue, and followed by the installation of a modern tissue machine in 2006. Disaster struck in early November 2013 with an explosion in a chemical recovery boiler that directly led to the permanent closing of the mill in 2015.

And in November 2017, an arsonist started three fires in three buildings on the mill site, destroying one.

Less than four months after that loss, the town of Lincoln was given the go-ahead from the bankruptcy judge to purchase the mill from the liquidators. Bronson said the site had been broken

into eight parcels. “We just didn’t have the capacity” to buy all of them at once, he said, but in time, Lincoln bought them all, about 400 acres of land.

### Catching the fish

The announcement that came in September 2019 was big. An innovative woods-product company was set to invest more than \$30 million in building a 300,000-square-foot manufacturing plant at the former Lincoln mill, which would create 100 jobs.

LignaTerra Global LLC, based in North Carolina, produces cross laminated timber (CLT), a product similar to plywood but thicker. CLT is extremely strong and durable, with load-bearing capabilities comparable to steel and concrete in building construction.

“We put on a big show,” Bronson said of the announcement. Media picked up on the story and touted the forthcoming opening.

And then nothing.

“They haven’t built anything yet,” Bronson said.

Nor does it appear the company will.

“I don’t want to go to any more announcements. I want to go to a ribbon cutting,” Bronson said. “I’d like to skip the announcements.”

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The town manager said there are a lot of tire kickers, those who show an interest and ask questions but never fully commit. Lincoln and other former mill towns are not unfamiliar with this. “They are just everywhere,” Bronson said. “All of that amounts to nothing.”

Lincoln navigated its next months through the COVID-19 pandemic, and in July 2021, the town posted a press release on its website, stating it had reached a tentative agreement with Biofine Developments Northeast (BDNE) Inc. of Maine to locate its full-scale biofuels refinery on the former mill site.

BDNE has its small-scale pilot plant located at the Technology Research Center, a 40,000-square-foot facility on the campus of ND Paper in Old Town, part of the University of Maine’s Forest Bioproducts Research Institute, where it is making jet fuel from waste wood products.

The company’s technology harnesses the potential in waste wood and other cellulosic biomass, defined as organic matter available on a renewable or recurring basis. The process creates ethyl levulinate, from which a number of products can be extracted. The company lists wood residues, waste paper and cardboard, municipal solid waste and cellulosic crops as the feedstock its process uses to produce not only jet fuel, but a green substitute for home heating fuel. The process also creates specialty chemicals used in foods and fragrances, as well as a byproduct called biochar, a charcoal-like substance that’s created when burning biomass. Its uses include agricultural applications and animal feed.

According to the town’s press release, BDNE intends to build at least two phases of its biorefinery at Lincoln.

Nearly a year later, negotiations between Biofine and the town continue. “We are still at the table with them,” Bronson said, adding that part of the delay is on the town. “We have a memorandum of understanding.”

How much acreage and how many buildings were still under discussion, he said, but Biofine’s intended investment is around \$150 million.

“Biofine is clearly the biggest fish around us,” Bronson said.

Now at the table with Lincoln is Levesque. “We still have a ways to go with Biofine,” he said.

Three things are at the top of his agenda:

- Complete negotiations with Biofine
- Pursue environmental work of the property
- Market the rest of the property.

Levesque said the town is working on some leads for other businesses. He plans to develop a marketing strategy to direct at the types of businesses best suited to the Maine Forest Products Innovation Park. That includes looking out of state and out of country, he said.

Also important is financing and putting together a business finance package from a variety of sources.

“You have to be a bit of a cobbler ... to make these sources work,” Levesque said. It also helps to have performance standards the company has to meet.

Levesque said biofuels present “real opportunity” that existing industries should look at. “Mature companies need to continually innovate,” he said.

While you want those established companies, he said, you also want small businesses with new ideas. Not all will succeed, and some may be lost, he said, but you are going to succeed with some of them.

“Create the platform where these companies can come in,” Levesque said.

As a strategy, it is all about casting a wide net. ■

## ABOUT THIS SERIES

Maine’s mill towns were once blessed with the fortunes generated by the companies built within their borders. After decades of struggle marking the final years of these giants of industry, many municipalities were left with the aftermath: massive sites, often within the heart of the community, rusting and crumbling, with residents leaving to chase new employment, storefronts closing and municipal coffers suddenly lacking income to pay the bills. The daily headlines have faded to the occasional announcement of a new venture or a new purchase, but rare are the stories to say a new business is up and running. In this three-part series, *Maine Town & City* features municipalities that are dealing with life in the years after such a loss, looking at their unique situations, the hurdles they face and their plans looking ahead. Last month, East Millinocket was featured. This month we spotlight Lincoln.

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## NOMINATIONS BEING ACCEPTED

Deadline for Receipt of Nominees - Friday, August 19, 2022 by 12:00 noon.

ETHEL N. KELLEY devoted 45 years of service to the Maine Municipal Association -from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the "cement" that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association. In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel N. Kelley's memory by recognizing others of the same character and dedication. This year MMA will recognize its 37th Award Recipient!

**WHO QUALIFIES:** Elected municipal officers, elected and appointed municipal officials, and employees of any member municipality. This includes those currently serving or retired within the past two years. May also be given posthumously.

**CRITERIA: Do you know an individual in your municipality who has...**

- Straightforward selfless concern for people.
- Demonstrated capability and willingness to "Hold the Community Together."
- Longevity of conscientious service.
- Dedication to the cause of good local government.

**NOMINATION PROCESS:** Please forward your Nomination and up to five letters of support from local or state officials, business leaders and/or members of the community. The Nomination Form is available on the reverse side or can be completed interactively on the MMA website at [www.memun.org](http://www.memun.org). The supporting letters are a critical part of the process. Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts.

**SELECTION PANEL:** The Award Selection Panel will consist of three MMA Past Presidents who will meet in early to mid September to make their selection.

**PRESENTATION:** The Award will be presented at the MMA Annual Convention with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Ceremony is scheduled for Wednesday, October 5, 2022 at the Cross Insurance Center, in Bangor, Maine.

Take this opportunity now to send your nomination. MMA looks forward to the opportunity to recognize that special individual's achievements and dedication to the cause of good local government.

For more information, please contact:

**Theresa Chavarie**  
MMA Manager of Member Relations & Executive Office  
1-800-452-8786 ext. 2211 or  
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**NOMINATION FORM**

Due Date - Friday, August 19, 2022 by 12:00 noon.  
(Please complete all applicable sections)

Nominee's Name (Individual Only): \_\_\_\_\_

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**LIST MUNICIPAL ELECTED/APPOINTED POSITIONS** (Please include services provided to any municipality):

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

**LIST MUNICIPAL VOLUNTEER POSITIONS** (Please include services provided to any municipality):

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_ Year: \_\_\_\_\_ to \_\_\_\_\_

**Please Include Total Number of Years Dedicated to Municipal Service:** \_\_\_\_\_

**\*Do not include years that overlap due to service in multiple positions\***

**MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS:** Please provide a brief statement why you believe your nominee is deserving of this award:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IS THE NOMINEE RETIRED FROM HIS/HER MUNICIPAL POSITIONS/CAREER?**

YES (When did Nominee retire?) \_\_\_\_ / \_\_\_\_ / \_\_\_\_  NO (Anticipated retirement date?) \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**IS THE NOMINEE RETIRED FROM HIS/HER NON MUNICIPAL WORK CAREER?**  YES  NO

**IS THE NOMINEE DECEASED AND BEING CONSIDERED POSTHUMOUSLY?**  YES

**NOMINATED BY:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

Please complete and return with up to (5) supporting letters. **The supporting letters are critical to your success.** Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by deadline noted above

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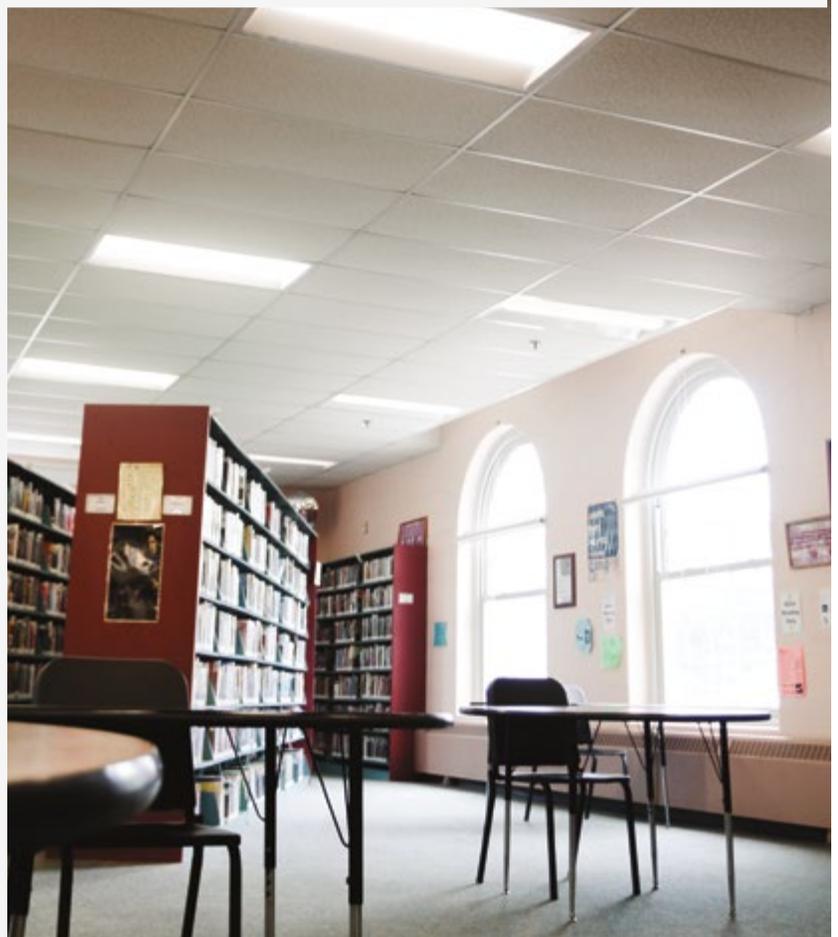
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# Just Don't Call Him the "Go-To Guy."

*Mitch Berkowitz has crafted a retirement role filling in as town manager, seeing it as a way to help towns come up with a business blueprint for their future.*

By Maureen Milliken

Mitch Berkowitz retired in 2014 after more than 40 years in municipal government in northern New England. Since then, he's been pretty busy.

Berkowitz has found a niche filling in for towns with a manager vacancy. This summer he's in Durham, his eighth interim manager job in seven years. He has it down to a science, including how long he plans to stay and what he hopes to achieve – and more importantly, what the town will achieve – by the time he's gone.

Just don't call him the go-to guy.

As he sat in the town manager's office in Durham Town Office on a sunny Wednesday, he ticked off the reasons why he is definitely not the go-to guy for towns looking for a manager. He isn't familiar with the software that town staff needs to be proficient in, particularly TRIO, which is used by most towns to manage most of its functions. He doesn't know local statutes. He can't register vehicles. He cheerfully listed half a dozen things a town manager should be able to do that he can't.

"You have to have a manager in a small town who knows the day-to-day workings of the town," he said.

Yet, towns continue to bring him in as they look for a full-time manager. The list of things he can't do aside, what is it that Berkowitz brings to the table?

"I'm a harbinger of reality," he said.

## Death by 1,000 Cuts

The position of town manager is "death by 1,000 cuts," Berkowitz said.

Residents don't want to pay taxes, but buildings and firetrucks have to be replaced. The longer the town waits, the more expensive everything it needs to buy becomes. Towns must also pay staff a living wage if they want to keep them in jobs that require a lot of work, but frequently not a lot of apprecia-



*Mitch Berkowitz has filled in eight times as a town manager across Maine for towns seeking to fill a vacancy. He hopes to leave towns with a better understanding of what they need when his temporary role is over. (Maureen Milliken photo)*

tion from the public. Everyone in town wants services, but they also want to know why it's all costing so much.

Towns like Durham that are close to Portland have an additional problem. People want to live in bucolic towns, but they also want to make the kind of money they can working for companies located in the Portland area. Why work in municipal government for much less, fighting the constant battle of balancing services with the money coming in, working 12 or 14 hours a day, attending meetings at night, and fielding phone calls at all hours? It's a lot easier to work a nine-to-five job that pays a good salary and is in easy commuting distance.

There's an irony that comes with that, though. He gestured out his office window to the trees and sunny blue sky beyond the town office parking lot. "How can we keep Durham Durham? It's hard to keep it. Hard work."

Towns need a manager who will stick around for the long haul, and that starts with how the town decision-makers approach compensating staff and dealing with the town budget. That means hiring the right people, paying them what they're worth and sticking to their guns to ensure taxes coming in support the kind of town residents want to live in.

It's a vision Berkowitz has refined in his retirement after more than 40 years of municipal service. His post-retirement interim positions have been in Buckfield, Naples, Colchester, Vt., and Berlin and Gorham, N.H. This time last year he was in Mechanic Falls. He's done four tours in Jackman in the past five years.

"I've found out several things about myself and the towns," he said

About himself, he's found that he's a big-picture person who prefers positive action. About the towns he's found that

*Maureen Milliken is a freelance writer, living in  
Belgrade. maureenmilliken10@gmail.com*

elected officials often “forget they’re policy-makers, not policy-implementers.”

The people running towns have to give more thought to “the business of government,” Berkowitz said.

“All the small towns that don’t listen to town officials on why they [proposed the budget that they did] just fall farther and farther behind,” he said. “At some point your tax rate is going to go up, no matter what.”

Local government, after all is a business that provides services, “and it’s going to require an investment whether you like it or not.”

As he’s refined his role as interim town manager for hire, he’s learned to ask for a brief contract – four or five months – with the provision that he will play an active part in the town’s manager search.

He takes the first month or so to get the feel for the town, then asks, “What

do you want to be when you grow up, folks?”

He’s not referring to the comprehensive plan, but rather what kind of business model the town wants to have. That means elected officials must figure out what kind of policymakers they want to be, and then come with something a town manager can implement.

### Beneficiary of Dumb Luck

Berkowitz didn’t start out wanting to be a career municipal manager. “It’s amazing how dumb luck plays a part,” he said.

When he attended Springfield College, he realized that as much as he liked sports and recreation, it was the management end that interested him. His got his first municipal job in 1973, as parks and recreation director in Berlin, N.H. A few years after he started, Berkowitz was asked to fill in as interim city manager. After that, he didn’t want to go back to parks and rec.

“The funny thing is, if you’re driving the highway at 80 miles an hour, going back to 60 feels like you’re crawling,” he said.

When the city manager job opened up as a permanent position, he applied for it and got it, beating out 50 other candidates. He served for 15 years. When he needed a change of scenery, he went west, to Colchester, Vt. After that, he landed in Gray, where he was manager from 2001 to 2006. His final stop was Bridgton, where he was manager until his retirement in 2014.

In 2017, feeling restless, he applied when a position in Jackman opened up. Granted, it was 155 miles north of his home in Gray, but he and the town came to an agreement that he would work there Monday through Wednesday and help them find a full-time manager. That first interim job lasted about a year. As the town struggled to find someone to fill the role who was a good fit, Berkowitz did three more interim gigs there.

“I loved it, loved it,” he said. “They are excellent people to work with.”

### Short Life Spans

Every town is different. Regions across the state are different and specifics of the challenges towns face are often different. One thing is the same, though, no matter the municipality.

As much as he loved Jackman and the people he worked with, Berkowitz’s

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home was 155 miles away. "I told them, 'You really need to hire someone who wants to live here.'"

One of the greatest assets towns have, he said, is the institutional knowledge and dedication of long-time staffers – the town clerks, tax collectors, and other staff who live in town, know the systems, the people, the history.

On the other hand, "Managers don't last long in towns," Berkowitz said. That's partly because many use a town position, particularly in a small town, as a stepping-stone to something bigger that pays more somewhere else. Managers also inevitably make someone mad sooner or later, Berkowitz said.

Added to that issue is the increasing difficulty of finding people who want to work in municipal government for a living.

"People don't see town government as a business that can employ people," Berkowitz said.

He's enthusiastic about a recent push by the University of Maine and Maine Municipal Association to look at ways to develop interest in municipal government jobs. He also has some ideas of his own. One possibility he's been thinking about is a stakeholder collaboration with Unity College at Pineland, in New Gloucester, that would help build a feeder system.

Durham hired its first town manager in 2020. Kathy Tombarelli resigned in February after about a year on the job. Berkowitz said the town of 3,800, which is still learning what it needs in a town manager, has approached its search the right way.

"The select board here did an excellent job of listening to the public and setting up the process," he said. The search committee, aside from the select board, includes residents and town staff.

He's confident that he'll be finished in Durham in September, and either be on his way to another town, or take some time for the wood-working projects he'd enjoyed before his retirement was interrupted.

The first scenario is more likely than the second.

"I get nudy when I don't have something to do," he said.

Beyond that, he enjoys what he's doing. He gets excited when he's talking to an elected official and sees a breakthrough, an understanding of their role that's showing results.

After all, that's what he came to town to do in the first place, he said. "And you meet some great people along the way." ■

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# Municipal HR and Management Conference

*MMA conducts its first fully in-person conference since 2019.*

By Rebecca Lambert, Municipal Issues Specialist

On June 16, the Maine Municipal Association (MMA) held its first in-person conference since the annual convention in October of 2019. Municipal officials from around the state gathered at Thomas College in Waterville to participate in MMA's Municipal HR and Management Conference, conducted in cooperation with the Maine Local Government Human Resources Association.

Roughly 125 municipal officials gathered at the daylong event to hear from experts on all aspects of the profession, including the need for HR services and the tangible impacts of workplace burnout.

Following the welcome offered by Catherine Conlow, MMA Executive Director, David Pease, Senior Vice President and Director of Talent, Diversity & Inclusion for Bangor Savings Bank provided a dynamic and interactive keynote presentation focused on the importance of human resources functions, specifically targeted at the pandemic-related challenges associated with employee recruitment and retention.

The buzz among conference goers was that management and HR staff are just plain burned out.

Pease shared his perspectives on the human resources field and how it has changed dramatically over the years. Attendees were afforded the opportunity to actively participate in the presentation, as well as in collaborative discussions on an approach municipalities could use to attract and retain a qualified workforce, while keeping an eye to the future of workforce development.

In addition, several workshop sessions were offered and focused on topics such as workers' compensation coverage, in particular strategies to save on premiums, effectively dealing with conflict resolution and micro-aggressions in the workplace, performance law and management, and the importance of professional development training, to name a few.

MMA staff received positive feedback about the conference with one attendee from Penobscot County sharing that the information gathered at the conference will be extremely valuable to the members of their newly created HR Department.

"Who doesn't work to avoid HR issues of all categories, if at all possible? Well attending this conference at the wonderful Thomas College campus is not something to avoid in the HR world," said Christine Landes, New Gloucester Town Manager. "The variety of subject matter [offered at] this past conference was inspiring, helpful, and informative. As always, the networking with other HR professionals was also an invaluable piece of the day. Make sure if you have any piece of HR in your career, you take the time to attend this yearly conference. It will not disappoint!"

According to other attendees, the diversity of the curriculum offered by the varied speakers was appreciated, with nearly all participants pledging to return for the 2023 HR and Management Municipal Conference.

MMA is already looking forward to next year and hopes to see you there.





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# the Municipal RISK MANAGER

JULY 2022

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

## A Message from the Director of Risk Management Services

**Michelle Pelletier, Director**

In this ever-changing environment, it is of increasing importance for us to keep the members of the MMA Property & Casualty Pool well informed. We are all aware that the costs of goods and supplies are increasing and that the need to carry adequate property insurance based on replacement values is a substantial challenge, but one of great importance. As a result, we are advising our members that property values, specifically buildings values, are increasing substantially. Building values that are calculated correctly, capture the size of your exposures on a replacement cost basis and the Pool needs to obtain accurate insurance to value so we can calculate the proper contribution for your specific risks. Adequate values are important for the protection of your entity as well as ensuring the overall accuracy of the Pools risk evaluation and pricing.

Many of the participating Pool members have blanket building and blanket contents coverage. This means that at the time of a covered building or contents loss, the total amount of the values listed for all the buildings (or contents) is avail-



able to draw upon for the reconstruction or repair of the damaged or destroyed building. Blanket coverage gives the member additional peace of mind against the possibility of inaccurate property values. Due to inflation, supply chain shortages and delays, and other economic factors, construction costs are higher. We are seeing property values up 20-35% this year, on average. In the event of a total property loss, the cost to replace damaged property with material of comparable kind and quality are higher.

As a value-added service, Risk Management Services' Loss Control Department,



through their use of CoreLogic valuation software, provides estimates of insurable value for member-owned buildings that they have surveyed. These estimates are provided to the Underwriting Department and updated as part of their review. The Underwriter provides the member with this information. It is important to remember that CoreLogic may not have a comparable for unusual construction. Such buildings would need to be appraised by a licensed appraiser to determine the actual replacement cost.

The Pool may automatically update higher valued property to ensure proper valuations and/or visit your community to obtain updated property information so we can provide you with the most accurate valuation. Either way, the member will be notified of valuation changes. Please contact us if you have any questions. 🏠

### The Municipal Risk Manager

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

**Publisher:** Risk Management Services;  
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**Layout Designer:** Sue Bourdon

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## MMA Risk Management Services is excited to welcome the newest members:

**Property and Casualty Pool** - Town of Marshfield

**Workers' Compensation Fund** - Town of Casco & Town of Marshfield

**Unemployment Compensation Fund** - Town of Casco & Town of Houlton

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

## Claims Support Specialist/Medical Bill Review Specialist Team – *Who we are and what we do!*

As we like to say, the work begins and ends with the Claims Support Specialists (CSS) unit. The daily tasks for the involve the entry and processing of critical claims information, including claim set up, incoming correspondence, documents, medical bills and other information for the Risk Management Services Workers' Compensation, Property and Casualty Pool programs and TPA accounts. This is the first and most crucial step in maintaining accurate claims data in our paperless environment. This information is the foundation of the Property & Casualty Pool and Workers' Compensation Fund programs, as claims, loss control and underwriting rely on this data, requiring this data to be entered promptly and accurately.



Claims Support Team left to right back: Trinity Simmons, Jane Tondreau, Sharon Reardon, Marsha Brown, and front Melissa Carver.

### Who we are -

#### Claims Support Specialists:

**Jane Tondreau** – Jane has worked for MMA for 12 years. She has worked as a claims support specialist for four years now coming to RMS from Central Services.

**Marsha Brown** – Marsha has worked as a claims support specialist for three years, coming to us with excellent customer service experience and skills.

**Trinity Simmons** – Trinity has worked as a claims support specialist for four months and is doing an impressive job!

#### Medical Bill Review Specialist:

**Sharon Reardon** – Sharon has worked for MMA for 15 years. She has worked as a Medical Review Specialist/ Administrative Assistant for five years now coming to RMS from the HealthTrust.

#### Claims Support Supervisor:

**Melissa Carver** – Melissa (aka Missy) worked for MMA for 13 years, she took a brief departure and worked for MGMC for eight years, returning to MMA in 2010. She has worked 12 years since returning and now in the current role of claims support supervisor for the past seven years.

### What we do –

We are responsible for the daily conversation of paper mail, faxes, and emailed documents to electronic documents in the claims system and promptly directing these documents to the responsible claim handler (we call this indexing). All new first reports of injury for the WC Fund and all new claims for the Property and Casualty Pool are entered by the CSS unit. The CSS staff and the medical bill review specialist enter payments to be approved by the claims staff, we then print checks, submit electronic bank files, and handle the out-going correspondence and mail, including the printed checks.

CSS staff are first line on the phones for the claims department, handling inquiries from members and medical providers or directing them to appropriate staff.

#### Annually CSS Staff on average oversee the documentation and entry of :

- 4,752 claims entered with a monthly average of 396
- 13,233 medical bills processed with a monthly average of 1,103
- 57,735 documents indexed with a monthly average of 4,811

Sharon, as the Medical Bill Review Specialist, is responsible for reviewing incoming bills from the medical providers and adjusts according to the Maine WC fee schedule using MMA's bill review software product. She wears another hat as well, providing administrative support to the RMS management team. She is responsible for coordinating and conducting a wide range of admin functions in support of the Risk Management insurance programs, including the completion and monitoring of renewal applications for the Association's insurance coverage.

The Claims Support Supervisor is responsible for the daily performance of the Claims Support Specialist (CSS) unit and to ensure work is processed in the most efficient manner, adjusting, as necessary. One of the primary functions is the daily requesting and processing of Workers' Compensation Wage Statement/Fringe Benefit Forms for timely filing with the WC Board.

This unit is very collaborative, detail oriented, working in a fast-paced, high-volume environment and is the organizational backbone to the RMS Claims Department! 🏠

## Loss Control returns to Highway Congress after 3-year Hiatus

SKOWHEGAN – After a three-year hiatus due to Covid-19, the Highway Congress returned to Skowhegan this year on a sunny June 2<sup>nd</sup> with MMA's Loss Control Consultants on hand to provide information on the safe operation of heavy equipment.

Some folks like facts and figures – numbers are important to them. For those folks, here are some statistics: 200 packets of information detailing loader and dump truck pre-checks, working safely in the heat and the importance of maintaining three points of contact when entering or exiting any vehicle were given out. 140 entries were submitted

for the ice creeper give-away package. 2 winners were chosen at random with Lincolnville Public Facilities Director David Roundy Jr. and Phillips Selectman Ray Gaudette winning a box of ice creepers for their town.

However, facts and figures don't always tell the full story of whether an event such as the Highway Congress is a success or not. It's the comments from the participants, meeting up with familiar members who have not been seen for the past three years and making new contacts which cannot be seen by simply crunching the numbers. "It's great to be back here," said one participant after Senior Loss Control Consultant Justin Lowe finished his short spiel about the importance of safety pre-checks. The Public Works employee took a pen, a couple Twizzlers and a Three Points of Contact sticker. "This is always a good thing to



remember," he said before heading on to the next vendor booth.

Interest was high at the Loss Control booth. By the time the Lion's Club Chicken BBQ was ready to be served all 200 packets of information had been given out. Fortunately, there were plenty of Three Points of Contact stickers to hand out. "These can be placed in the window of your loader's cab or whatever you're operating," said Loss Control Consultant Kyle Sheridan as he handed out a sticker to a participant who stopped by to chat.

Also in attendance for Loss Control was Supervisor Dan Whittier, newly-hired Loss Control Consultant Jason Johnson and a veteran of the Highway Congress Senior Loss Control Consultant John Waterbury, who with Lowe, quickly showed the two new guys what to do. By late-afternoon with the packets all gone, a good dent made in the number of Three Points of Contact stickers and with a dwindling supply of MMA pens and other giveaways Whittier declared the return to the Highway Congress a success.

*If you would like some free Three Points of Contact stickers to place on your equipment, tool boxes in the shop, lunch pails, etc. please reach out to Loss Control at: [rmslosscontroldepartment@memun.org](mailto:rmslosscontroldepartment@memun.org).* 📧

## Risk Management Services Proud Sponsor of the Municipal HR & Management Conference

Risk Management Services would like to thank all the MMA members that attended our presentation at HR Conference and came by to visit with us at our Booth. Loss Control Manager Robert Thomas reviewed numerous methodologies that municipalities and governmental entities can implement that are aimed at reducing workers' compensation costs. Robert reviewed the Workers Compensation Safety Incentive Program (WCSIP) which has been created exclusively for members of the MMA Workers' Compensation Fund, as a risk management tool that not only strives to reduce losses but provide members

with contribution credits for their efforts. Robert also provided guidance on such topics as:

- Return to work programs
- Understanding experience mods
- Loss Control, and
- Modified duties

If you would like more information on these topics please contact us at: [rms-losscontroldepartment@memun.org](mailto:rms-losscontroldepartment@memun.org)



## Exclusive Grant Opportunities for Property & Casualty Pool Members

### THE RISK REDUCTION GRANT PROGRAM

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- Liability Training
- Generators
- Slip Resistance Surfacing

Submissions must demonstrate a proactive approach to mitigate property & liability losses and grant application must be submitted by September 15 (only one submission per year). We look forward to receiving your next grant submission.

Grant applications are located at <https://www.memun.org/Insurance-Services/Risk-Management-Services/Grants-and-Scholarships>.



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## NEW Online virtual driver training tool

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

The three courses which focus on police, fire, and municipal defensive drivers, are designed to change driving behavior through sound decision making. The



training meets or exceeds NHTSA, IACP, IADLEST, ALERT and other certification standards. This training restores forgotten technical driving skills as well as it supplements and / or replaces more expensive live individual and group training

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

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For more information email: [rmsundrwriting@memun.org](mailto:rmsundrwriting@memun.org) 

# Growing Adverse Impacts of PFAS

*These so-called forever chemicals are impacting Maine's water quality and heritage industries, including farming, fishing, and hunting. While efforts are underway to mitigate impacts, the journey will be lengthy.*

By Betty Adams

The issue of the so-called “forever chemicals,” per- and polyfluoroalkyl substances (PFAS), is rearing its ugly head on many fronts in Maine. Not only is it impacting drinking water, but it is now hitting the farming industry, the hunting legacy (for food), recreational fishing, and the options and costs associated with disposing of solid waste.

The problems are not limited to Maine. In late April, the U.S. Environmental Protection Agency (EPA) announced plans for “improving methods to detect PFAS in water, reducing PFAS discharges into our nation’s waters, and protecting fish and aquatic ecosystems from PFAS.” The efforts are funded by \$10 billion contained in the new Bipartisan Infrastructure Law.

The EPA’s website goes on to define PFAS as “a large group of man-made chemicals that are used in consumer products and industrial processes. In use since the 1940s, PFAS are resistant to heat, oils, stains, grease, and water—properties which contribute to their persistence in the environment.” Federal agencies say that the chemicals can build up in the body and increase the risk of some cancers and cause liver and kidney problems, as well as other health problems.

The Maine Department of Environmental Protection’s (DEP) site notes, “In general, PFAS can enter the environment through direct releases from specific PFAS-containing products (e.g., certain firefighting foams), from various waste streams (sludge and septage when land applied, leachate from unlined landfills), and other pathways still being researched. In Maine, sludge and septage that may contain PFAS was applied to various ‘sites’ for nutrient value. This activity was licensed because



Sarah Alexander



Michelle Flewelling

at the time little was known about PFAS as an emerging contaminant.”

A state law that went into effect in October 2021 requires the DEP “to conduct soil and water investigation for contamination derived from application of sludge and septage.”

Maine’s current hotspot for drinking water contaminated by PFAS in sludge is Fairfield, a town of about 6,500 in Somerset County.

“This is where the investigation started,” Town Manager Michelle Flewelling said in May. “If you look at the [DEP] map and you look at the spreading, it may be close to three-quarters of the community that’s affected.”

Since learning of the PFAS problem 18 months ago, she said, “I know more about PFAS than I ever wanted to know. I hope other communities are not affected on the same scale that we are, but no one’s going to know until the State of Maine finishes conducting their investigation.”

Fairfield’s neighbors with wells contaminated by PFAS include Benton, Oakland, and Unity.

In the minutes of a March 23 public hearing, Fairfield Council Chairman John Picchiotti remarked that the town first heard of the DEP’s investigation into the PFAS contamination of private



Sen. Russell Black (Franklin County)

wells in October 2020. Town officials then focused on finding ways to ensure that residents have access to clean drinking water.

At that same public hearing, one resident told officials that tests on the family well found contamination of 32,000 ppt (parts per trillion), and she added, “Everything’s contaminated.”

The Maine Center for Disease Control and Prevention website set an interim standard for public water systems and schools and childcare facilities at 20 ppt.

PFAS are turning up in locations where the state issued permits for the

Betty Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, [adamshetty00@gmail.com](mailto:adamshetty00@gmail.com).

spreading of sludge from wastewater treatment plants. While that material was tested prior to being spread, Flewelling noted, “You don’t know what’s in it if you don’t test for it.”

Documents from May and June 1983 show Fairfield’s Planning Board was concerned about the state’s issuance of a permit to S.D. Warren-Somerset to allow fly ash and treated solids to be spread in North Fairfield and Clinton. The Fairfield board said its concern “extends also to other agricultural applications of waste substances.”

The Board of Environmental Protection noted that “the specific applica-

tions for sludge utilization have met DEP criteria for the protection of public health and environmental quality in that the application of pulp and papermill sludge . . . will “(a) not contaminate any bodies of water, water supplies or groundwater or create a nuisance; (b) not constitute a hazard to the environment or health or safety of individuals or contaminate the ambient air.”

Flewelling pointed out one major roadblock for municipal officials who hear from residents concerned about their wells: “The biggest thing to remember is they’re private wells. There’s little a municipality can do to help. You

can’t spend tax dollars for private gain.”

This can engender a feeling of powerlessness for municipal officials. “We’re fixers,” she said. “It’s like you’re here to take care of your municipality, and I can see that three-quarters of my municipality has something wrong with it and there’s almost nothing that can be done at the local level. That’s the hardest part. People say it needs to be mitigated, but it’s in the groundwater. I can’t scrape Fairfield off the planet. So, what do you do? You figure out a way [so] they at least have access to clean drinking water.”

She said initially water was donated by the Town of Skowhegan. Fairfield found another donor, and then DEP started sending water to the Fairfield Fire Station, indicating who qualified for it and how much they should receive. Once winter hit, DEP made arrangements to have water sent directly to the affected homes.

The town then contracted with Digrigo Engineering, a Fairfield firm, to investigate options for clean drinking water sources, and the solution advocated for would tie more Fairfield homes into

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the Kennebec Water District.

Attendees at that public hearing were told by Ricky Pershken of Dirigo Engineering that 370 water supplies had been tested and 157 of them were found to be above the 20 ppt limit.

He noted that sampling was ongoing and that some levels were up to 37,000 ppt near areas that had been used for spreading of biosolids.

So far, remedies have included DEP-provided water treatment systems to households with high levels of PFAS.

The big question, Pershken said, is long-term maintenance for those systems. Flewelling said the filters – which can cost thousands of dollars – have to be changed every six to eight weeks in some homes.

Before recommending the water district tie-in, Dirigo Engineering investigated nearby surface water sources as well as aquifers in the northeast corner of the town and detailed that in its “Preliminary Engineering Report-Public Water Supply Options for PFAS Impacted Properties.”

The district already serves part of Fairfield and sources the water from China Lake, which has a PFAS level of 6-8 ppt, Pershken said. He termed it

“the best option for public water in the project area.”

Extending the lines and adding pump stations, etc., would cost an estimated \$48 million, and the town was scheduled to hold a nonbinding referendum on that project June 14.

The question on the ballot asks: “Do you favor the expansion of the Kennebec Water District’s Public Water System to serve the PFAS impacted areas of Fairfield and that all existing properties adjacent to the new public water mains will be required to connect to those

mains? Project to be funded by Donations, Forgivable Loans, Grants, Undesignated Fund Balance and at the least amount possible Bonds and Taxation.”

The answer to that question will help direct the town’s next move.

Flewelling said the town opted to pay for the Dirigo study from the community development fund, but Somerset County ended up ultimately paying the \$26,000.

Flewelling also noted that the town hopes to find enough grants and other awards to fund the entire project. “The cost to the homeowner, based on our



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budget, is only going to be the quarterly fees after install,” she said. “We budgeted, with an estimated cost, to the home plus meter.”

State Rep. Shelley Rudnicki, Fairfield, spoke at the public hearing and noted that she connected to the public water system 10 years ago after 15 years on her well. She said she opposes the mandate to connect to the Kennebec Water District’s Public Water System. “Give them a choice,” she said.

Other residents raised the same con-

cerns, and still other attendees said connecting to the public water system would be a good move.

In an interview in late May, state Sen. Russell Black, Franklin County, who serves on the Legislature’s Agriculture, Conservation and Forestry Committee, said he and other committee members heard testimony from residents of Unity and Thorndike and nearby areas about PFAS contamination.

He also noted that he was a cosponsor of a bill aimed at setting aside \$100

million of the state surplus to address the problem. The bill passed but the amount was reduced to \$30 million. “It’s going to take a lot more than \$30 million if this goes forward,” Black said.

Black said that two fields he had rented in 1989-90 appear on a map of possibly contaminated farms because municipal sludge was spread there. The land has yet to be tested.

“Just because municipal sludge was spread on a field doesn’t mean it’s contaminated,” he cautioned. “I think we need to take a step backward and get the data and information.”

However, he also said that farms with extremely high levels of PFAS contamination that are in food production should be compensated immediately for their losses.

“I think we need to make the farmers whole that are losing income and can’t sell their crops,” Black said. “Maybe they can move to a clean farm; everybody’s got a different situation.”

Black said he has no plans to test the well at his home farm in Wilton because the municipal sludge was spread half a mile away.

Black, who was a Wilton selectman for nine years and served on the Wilton Planning Board for 19 years, raises all-natural grass-fed beef, hogs, and produces maple syrup, cuts firewood and has honeybees. “I keep busy when I’m not in the Senate,” he said.

He is also on the Inland Fisheries and Wildlife Committee, and in November the Department of Inland Fisheries and



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Wildlife issued a 'do not eat advisory' for deer in the area of the Fairfield sites after high PFAS levels were found in deer harvested there.

"It's going to take a lot of testing in both areas, farms for contamination and testing wildlife associated with these farms," Black noted.

The Maine Organic Farmers and Gardeners Association (MOFGA) and the Maine Farmland Trust have set up a PFAS Emergency Relief fund for farmers whose land is contaminated by PFAS.

"We first became aware of the issue with PFAS in Maine in 2019 with the one dairy farm in Arundel that found contamination," said Sarah Alexander, executive director of MOFGA.

"But last fall when the state DEP released a map of the 700 sites spread with biosolids previously, we became aware of how widespread this issue was in Maine."

Alexander also said that after five vegetable farms in Unity had reported contamination by PFAS, there was an

emergency meeting in February 2022 that included the impacted farmers, MOFGA, the Maine Farmland Trust, and the Department of Agriculture, Conservation and Forestry.

She said it was clear that the farmers needed emergency income because they had pulled their produce from the market after they found contamination in their water.

"There was a crisis around farm viability and whether these farms would make it through the next phase as they were waiting on test results and what the future of the farm would be," Alexander said.

The fund was set up within a week. "We had previously administered a COVID Emergency Relief Fund in 2020

and we sort of had the framework of that fund we were able to use," she said.

A fundraiser organized by the Lost Kitchen helped raise more than \$950,000, an amount that came from 25,000 individuals, Alexander noted. The remainder of the \$1.5 million came from various other sources, including foundations and grants.

Some \$300,000 has already been disbursed. "We have nine farms that have accessed the fund in terms of income replacement to date," Alexander said on May 10. Dozens more sought money for testing water, soil, or crops. "We are working with each farm on a risk assessment to see whether biosolids were spread on their farm or nearby."

The criterion for eligibility is simple:

special  
announcement

It's official, *Potholes & Politics*, MMA's new podcast on matters of municipal interest from A-Z is now live!

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a referral from the Department of Agriculture, Conservation and Forestry.

Recently the Maine Centers for Disease Control issued advisories against consuming freshwater fish from two bodies of water in Fairfield and recommended only limited consumption of fish from certain streams and ponds in Waterville/Oakland, Limestone, Sanford, Westbrook, and Unity, because of elevated PFAS levels found in fish from there.

Flewelling said that so far, some 23 communities have been notified that DEP will be testing there for PFAS.

The PFAS issue has changed the way some things are done in Fairfield. "Public works had to pay attention to where they were buying their hay that they source for roadside mulch when they did road projects. You don't want to spread more contamination," Flewelling said, adding, "There have been projects in town in which the soil isn't

allowed to leave the site because the soil is contaminated so it has to stay there.

She said the town has put up signs next to its new fire training facility warning other fire departments not to take water home from the Fairfield ponds. "Because if you come in as an outside fire department and you use that water in that pond to fill your pumper truck, you are going to take PFAS water back to your town and potentially contaminate other soil."

Flewelling recommended that officials in PFAS-affected communities be prepared for "the homeowner panic" and to help advocate for those people and assist them in navigating through the DEP.

The various state departments and agencies have websites offering information on the PFAS issue as does MOFGA, the Maine Farmland Trust, the Town of Fairfield, and other entities, including the EPA.

"I still have people to this day who will call, who are panicked, and still have no idea this was going on and it's been a year and a half," she said. "Just be prepared to say the same thing over and over again. Make sure you know exactly what your statement is and be consistent about it." She said she is available to aid other municipal leaders going through the same situation.

Flewelling, who has been town manager of Fairfield for the past six years, received an award earlier this year as the Mid-Maine Chamber of Commerce's "Municipal Employee of the Year." Prior to Fairfield, she was town manager in Norridgewock for seven years. She started in municipal work as a part-time office clerk in the Town of Clinton. ■

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#### EDITOR'S NOTE

On June 14, the nonbinding Town of Fairfield referendum question referenced in this article failed passage by a vote of 402 to 282, with only 16% of the voters participating in the election. Whether voters will be afforded a second opportunity to cast ballots on this issue is a topic of discussion slated for the council's July 13 meeting.

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Rebecca Ryan is a futurist, author, Zen priest and entrepreneur. She is the founder of NEXT Generation Consulting and has held residencies at the Alliance for Innovation, the Governing Institute, and the Association of Government Risk Pools. She is the board chairperson and faculty member at the Institute for Zen Leadership.

She is the author of *The Next Big Things: The Future of Local Government* (2015), *ReGENERATION: A Manifesto for America's Future Leaders* (2013), and *Live First, Work Second: Getting Inside the Head of the Next Generation* (2007).

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# MMA INSIDER.

## Ways that we all can control healthcare costs.

By Kristy Gould / Director / Maine Municipal Employees Health Trust



**About the Author:** Kristy Gould joined MMA in 2016 as Assistant Director of Health Trust Services and was promoted to Director in June 2021. Prior to coming to MMA, Kristy worked in Human Resources for more than 20 years, including as director of HR for two Maine municipalities, and she was a proud founding member of the Maine Local Government Human Resources Association (MLGHRA), an MMA affiliate group. She feels this experience gives her a unique ability to see healthcare-related issues from the employer and member perspectives. She earned a bachelor's degree from the University of Maine and her master's degree in business administration from Thomas College. Kristy has a passion for volunteering in her community and she enjoys playing the tenor saxophone in her local community band.

We are all painfully aware that healthcare costs have risen dramatically in the United States over the past several decades. A study by the Kaiser Family Foundation found that U.S. healthcare spending rose nearly a trillion dollars from 2009 to 2019, when adjusted for inflation, and that U.S. healthcare spending during 2019 was nearly \$3.8 trillion, or \$11,582 per person. Healthcare spending made up 5% of total U.S. gross domestic product (GDP) in 1960; in 2020, spending hit almost 20% of GDP.

There are many factors that contribute to the rising cost of healthcare, such as an aging population, prevalence of chronic diseases, and the increasing cost of technology, prescriptions, and medical services. Many of these factors are largely outside of our control.

The Maine Municipal Employees Health Trust was founded in 1983 with a mission to meet the needs of local government employees for quality employee benefit programs and superior services while working to contain costs. The Health Trust is a non-profit, self-insured pool, and that means we all maintain the responsibility of paying claims costs for each other.

There are some fairly simple things that we all can do to lower our healthcare costs, which could help keep the Health Trust's premiums lower, and will save money for each of us as well.

**Shop for high value care.** One of the primary challenges we face in our healthcare market today is a lack of transparency around costs and quality, which prevents us from making well-informed decisions. However, there are some resources that can help you shop and compare before you get care. One such website is Compare Maine: [www.comparemaine.org](http://www.comparemaine.org).

**Save the ER for emergencies.** Getting the right kind of care at the right place can save you time and money. When you can't see your primary care physician right away, utilizing an urgent care "walk-in" clinic or an online doctor's visit for a non-emergency condition can save you a trip to the emergency room, for a fraction of the cost. The list of in-network walk-in clinics in Maine has been growing significantly in past years - members can visit the Health Trust website ([www.mmeht.org](http://www.mmeht.org)) to find one near you.

**Use your preventive benefits.** During the pandemic many people put off routine healthcare and preventive services like screenings, vaccines, and treatment for chronic conditions. Now is the

time to get back on track with your preventive care. Many conditions are harder to treat when caught later and delays can lead to more complicated treatments, including surgeries, longer hospital stays, and a higher risk of complications.

**Check your bills and statements carefully.**

Mistakes in billing do occur, and an error could mean you are paying charges that should be covered. Be vigilant by carefully checking bills from your providers and matching them up against the statements you receive, which are referred to as an Explanation of Benefits or a Health Care Summary. Health Trust members are encouraged to call Member Services with any questions or discrepancies - before you pay the bill!

**Use generics and mail order for prescriptions.**

Generic medications are approved by the FDA and typically cost less than brand-name versions. They contain the same active ingredients as brand name medications and often work just as well. Ordering your maintenance prescriptions through mail order can also save you money and is very convenient.

**Have a PCP.**

Even if your plan doesn't require you have a Primary Care Physician (PCP) for medical referrals, research shows that people who have a primary care doctor actually live longer. The reason is simple: over time, you and your PCP form a relationship, which leads to better medical care by catching small health problems before they become serious - and more costly.

**Take care of yourself.**

To treat disease is much more expensive than to prevent disease. The best way to save on medical bills is to stay healthy. That means taking prescribed medications, keeping up a healthy lifestyle and visiting your primary care doctor for treatment of chronic conditions. Taking steps toward a healthier lifestyle can help you feel better and lower health care costs for you, and for us all.

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**ABOUT THIS SERIES:**

The MMA Insider is a special series focused on improving communications with our members and shedding light on the internal workings of the Association. Future editions of the *Maine Town & City* magazine will include articles written by MMA employees featuring the services provided to our members.



**Who should you contact at the Health Trust?**

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**Billing and Enrollment:**

**1-800-452-8786 ext. 2585 or [htbilling@memun.org](mailto:htbilling@memun.org)**

Handles enrollment, changes or termination of coverage, questions about premium billing, and assistance with retiree or COBRA plan enrollment. They answer questions from both members and employers about these types of issues.

Additionally, the Health Trust's management staff, field service representatives or the health promotion (Wellness Works) team can be reached by calling 1-800-452-8786. Please visit the Health Trust website for more information at [www.mmeht.org](http://www.mmeht.org)



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# Training Opportunities

## MAINE MUNICIPAL ASSOCIATION & AFFILIATES/2022 TRAINING CALENDAR

### JULY

7/12	Tues.	MMTCTA I've Got the Job - What Now? Workshop	Augusta - MMA	MMTCTA
7/13	Wed.	MTCCA Municipal Law for Clerks	Augusta - MMA with Zoom Webinar	MTCCA
7/14	Thurs.	MBOIA Training & Membership Meeting	Augusta - MMA	MBOIA
7/21	Thurs.	MFCA Membership Meeting/Networking Luncheon	Hope Fire Station	MFCA
7/27	Wed.	<b>ViolenceProof: Workplace Violence Prevention &amp; Survival (NEW!)</b>	Augusta - MMA	MMA

### AUGUST

8/3-4	Wed.-Thurs.	Athenian Dialogue: The Zookeeper's Wife	Zoom Meeting	MTCCA
8/10-12	Wed.-Fri.	MTCMA 76th New England Management Institute	Carrabassett Valley - Sugarloaf Mountain	MTCMA
8/18-19	Thurs.-Fri.	MMTCTA Governmental Accounting	Orono - Black Bear Inn	MMTCTA
8/25	Thurs.	Planning Board/Boards of Appeal	South Portland - DoubleTree by Hilton	MMA
8/31	Wed.	Understanding the Freedom of Access Act	Augusta - MMA & Zoom Webinar	MMA

### SEPTEMBER

9/7	Wed.	MTCCA Voter Registration	Bangor - Cross Insurance Center	MTCCA
9/8	Thurs.	MTCCA Title 21A - State Election Law	Bangor - Cross Insurance Center	MTCCA
9/8	Thurs.	MMTCTA Payroll Law	Waterville - Waterville Elks Club	MMTCTA
9/9	Fri.	<b>Verbal Judo for the Contact Professional (BACK BY POPULAR DEMAND!)</b>	Augusta - MMA	MMA
9/9	Fri.	MCAPWA Golf Tournament	Cumberland - Val-Halla	MCAPWA
9/13-15	Tues.-Thurs.	MCAPWA Supervisory Leadership - Part II	Fairfield - MDOT Training Center	MCAPWA
9/15	Thurs.	MTCCA 27th Networking Day & Annual Business Meeting	Waterville - Waterville Elks Club & Banquet Center	MTCCA
9/20	Tues.	MTCCA Vital Records	Augusta - MMA	MTCCA
9/21	Wed.	Elected Officials Workshop	Orono - Black Bear Inn	MMA
9/22	Thurs.	MBOIA Training & Membership Meeting	Portland - Clarion Inn	MBOIA
9/28-30	Wed.-Fri.	MAAO Fall Conference	Sebasco - Sebasco Harbor Resort	MAAO
9/30	Fri.	<b>Verbal Judo for First Responders (NEW!)</b>	Augusta - MMA	MMA

### OCTOBER

<b>10/5-6</b>	<b>Wed.-Thurs.</b>	<b>86th Annual MMA Convention</b>	<b>Bangor - Cross Insurance Center</b>	<b>MMA</b>
10/11	Tues.	MTCCA Voter Registration	Augusta Civic Center	MTCCA
10/12	Wed.	MTCCA Title 21A - State Election Law	Augusta Civic Center	MTCCA
10/13	Thurs.	Planning Board/Board of Appeals	Bar Harbor - Atlantic Oceanside Hotel	MMA
10/18	Tues.	<b>Customer Service Excellence (NEW!)</b>	Augusta - MMA	MMA
10/18 & 19	Tues. - Wed.	MCAPWA Supervisory Leadership - Part I	Fairfield - MDOT Training Center	MCAPWA

# Training Opportunities

MAINE MUNICIPAL ASSOCIATION & AFFILIATES/2022 TRAINING CALENDAR

10/20	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Orono - Black Bear Inn	MMTCTA
10/20	Thurs.	MEGFOA Fall Training Workshop	Augusta - MMA	MEGFOA
10/25	Tues.	Labor & Employment Law	Augusta - MMA	MMA
10/25	Tues.	MBOIA & Fire Marshal's Office Training	Portland - Clarion Inn	MBOIA
10/26	Wed.	MBOIA & Fire Marshal's Office Training	Brewer - Jeff's Catering	MBOIA
10/27	Thurs.	MBOIA & Fire Marshal's Office Training	Waterville - Waterville Elks Club	MBOIA
10/28	Fri.	MBOIA & Fire Marshal's Office Training	Waterville - Waterville Elks Club	MBOIA
<b>NOVEMBER</b>				
11/3	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Augusta - MMA	MMTCTA
11/10	Thurs.	The ABCs of Assessing – for Non Assessors	Zoom Webinar	MMA
11/16	Wed.	Elected Officials Workshop	Zoom Webinar	MMA
11/22	Tues.	MAAO Advanced Excel training	Augusta - MMA	MAAO
11/30	Wed.	Navigating the Legal Marijuana Landscape	Zoom Webinar	MMA
<b>DECEMBER</b>				
12/7-8	Wed.-Thurs.	Athenian Dialogue: First In, First Out	Zoom Meeting	MTCCA
12/8	Thurs.	MBOIA Training & Membership Meeting	Lewiston - The Green Ladle	MBOIA
12/13	Tues.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
12/19	Mon.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
TBD	TBD	MMTCTA Small Claims Workshop	TBD	MMTCTA
TBD	TBD	MTCMA/MMANH Joint Workshop - Leadership Exchange	New Hampshire	MTCMA

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# People

Hancock County administrator **Scott Adkins** has resigned, effective June 3. Adkins worked as a former finance director for Penobscot County before taking the Hancock County position in April 2016. Former Bar Harbor Town Manager **Cornell Knight** has been named interim county administrator. Other recent departures include Deputy Administrator **Rebekah Knowlton** in May and **Pamela Linscott**, finance coordinator, in April. Knight, who managed Maine towns for 40 years, retired in January. In addition to Bar Harbor, he has managed Baileyville, Hallowell, Jay, and Winthrop. He was the 2012 Linc Stackpole Manager of the Year.



Cornell Knight

Caribou firefighter paramedic **Scott Dow** has been named to a legislative blue-ribbon commission to study emergency medical services in Maine. He was appointed by Senate President Troy Jackson of Allagash. Dow has worked for the Caribou Fire Department for 12 years and is currently president of the Caribou Professional Firefighters Local 5191. The committee will present its findings in December.



James Griffin



Darcy Oliver

Hodgdon Town Manager **Jim Griffin** resigned in early June after serving the town for 30 years. **Darcy Oliver**, deputy town clerk for several years, has been promoted to manager. Previous to his public service career, Griffin worked for 15 years for a Houlton company. **Megan Fitzpatrick** has been named deputy town clerk.

The Maine Library Association has named Skowhegan Librarian **Angie Herrick** Outstanding Librarian of the Year, noting in particular her work during the COVID-19 pandemic in maintaining public service. Herrick has worked for 11 years as the children's librarian and was recently promoted to director. Letters of support from patrons helped Herrick win the position.



John Jenkins

Family, friends and colleagues of the late **John Jenkins** attended a public celebration of his life at the Lewiston Armory on June 11, a ceremony delayed by the COVID-19 pandemic at the time of his death Sept. 30, 2020. People from across the nation came to remember and honor Jenkins. During his life, Jenkins was a public official, serving as mayor of both Lewiston and Auburn, as well as a state senator; a motivational speaker; a business owner; and a role model who leaves the Twin Cities "a legacy of love." There were numerous speakers, music, and a display of Jenkins' memorabilia, including martial arts uniforms and trophies. A walking bridge was also dedicated in Jenkins' memory as part of the celebration.

**Melissa Hutchins** is South Portland's new public works director, moving up from superintendent. She replaces **Doug Howard**, who retired in June after serving the city department for 29 years, the last 10 as director. Hutchins has worked as supervisor, the No. 2 spot in the department, since 2018. Previously, she worked for the Old Orchard Beach department as administrative operations manager. She was among 15 candidates for the job. She holds a bachelor's degree in public administration from the University of Maine at Augusta and a master's degree in policy, planning and management from the Muskie School of Public Service at the University of Southern Maine. She also is certified in transportation project administration and stormwater, plumbing, and building code inspections.



Andrew Little

Eastport Police Chief **Andrew Little** died May 31 from cancer. A former longtime officer with the Philadelphia Police Department, Little was hired as Eastport chief on April 21, 2021. He had been on sick leave since the diagnosis in April. He was praised by city officials for his efforts to begin reforming the high-turnover police operation. He loved his new hometown and job. **Chris Gardner**, executive director of the city's port authority, will serve as chief until a permanent replacement is found. There are no immediate plans to search for a successor with the new fiscal year budget work underway, including questions about how to fund the department.



Gregory Mitchell



Matthew Grooms

**Gregory Mitchell** is the new Biddeford planning and development director, while **Matthew Grooms** is the new city planner. Both men have worked in their fields for the City of Portland, among other efforts. Mitchell began providing economic development consulting services to the city last April. When the city got ready to hire a permanent director, Mitchell was the strongest candidate, officials said. Mitchell most recently served for 12 years as Portland's economic development director, including the lead negotiator for all projects and city land development. Mitchell also served in community and economic development positions in the cities of Lewiston and Boca Raton, Fl. Grooms, who started his new job as the city planner on June 13, also will serve as the deputy director of planning and economic development. Like Mitchell, Grooms most recently worked for Portland. He served as a senior planner for that city's department of planning and urban development. ■

# NEWS from Around the State

## STATEWIDE

Forty percent of Maine businesses did not pay their rent in May, an increase of 15% over April. Business owners blamed higher costs, supply chain delays and a lack of workers among the reasons. The national average was 37% in May. Small businesses in Maine account for nearly 99% of all businesses in the state and more than half of the workforce.

## STATEWIDE

The state plans to invest \$50 million to make improvements at its 48 state parks and historic sites, which have welcomed record visitors in the past few years. The plan includes infrastructure upgrades to accommodate the heavier traffic. The improvements will be part of the Maine Jobs & Recovery Plan, funded with federal American Rescue Plan funds. According to the state, more than 3.3 million people visited the parks in 2021.

## ANSON

Residents have authorized the town of 2,400 to upgrade two volunteer firefighters to full-time members of the fire department in response to fewer and fewer volunteers who can respond to fires during workdays. Town officials used the Norridgewock Firefighters Program, which was launched two years ago, as a model. Anson residents also approved buying a new fire truck for \$717,000. Anson's full-time firefighters also will help staff the Anson-Madison-Starks Ambulance Service.

## BELFAST

The city has installed two new electric vehicle charging stations and found one car already plugged in when officials arrived for the unveiling last month. They took it as a sign that they made the right call. Each station can charge two cars at the same time. The electric stations are another step by the city to become as "green" as possible, as well as to become more energy independent. Another sign of progress is the result of three city-owned or managed solar arrays, inspired in 2013 when 10% of the city budget covered municipal electric service. The new arrays, installed in 2014, have offset nearly all the city's electricity costs.

## GREATER PORTLAND

The towns of Cumberland, Yarmouth and Freeport are among five towns that have joined with the Greater Portland Council of Governments (GPCOG) to work on climate change issues, with the aim of reaching net-zero emissions from municipal buildings and installing more electric charging stations. North Yarmouth and Brunswick officials also want to join the effort. GPCOG staffers will help the communities develop a proposal to apply for a grant from the Maine Community Resilience Partnership Service. If endorsed, a grant of \$50,000 will be divided equally among the five communities. The deadline to apply is Sept. 2.

## PORTLAND

The city is closing a popular West End swimming pool for lack of lifeguards. Many other Maine municipalities also are closing pools because of an insufficient number of trained and certified lifeguards. Maine is not alone. The shortage is not new, it is just more pronounced. A nationwide shortage of lifeguards has been increasing every year for the past two decades. The dearth of lifeguards was made worse during the COVID-19 pandemic, when certification courses were postponed and foreign college students could not travel to the U.S. to take summer jobs. The problem will be noticeable to the public. For example, half of the state parks that usually have lifeguard coverage have no one signed up to do the work. Biddeford plans to reduce coverage at several city beaches, while Old Orchard Beach officials will need to decide how much of their seven-mile beach to close each day. There are 309,000 public pools in America.

## SOUTH PORTLAND

The city council has imposed an emergency moratorium on evictions at a time when some rent increases are through the roof and more housing is among the most pressing needs for the city and in most every corner of Maine. The moratorium prohibits tenants from being evicted due to non-payment of rent increases. It will run from May 31 through Nov. 27. An exception to the ban is landlords with 10 or fewer rental units. Also, rent increases will be capped at 10% as of April 1 through the end of the moratorium. The owner of a 500-unit complex asked the council

to approve a self-imposed 10% increase, but the council acted on its own. Some tenants of the complex, known as Redbank Village Apartments, are facing rent increases from between \$200 to \$598 per month. Some renters approached the city earlier this year for help. The council plans to develop a permanent rent stabilization committee and scheduled its first workshop for June 14.

## TRENTON

There were not enough Hancock County-Bar Harbor Airport passengers last year to qualify for \$1 million in federal funding. Instead, the airport, which primarily serves Mount Desert Island visitors and vacation homeowners, will receive \$150,000 from the federal Airport Improvement Program. According to officials, there were 8,700 passengers last year, dipping below the 10,000-passenger hurdle needed to qualify for \$1 million.

## VAN BUREN

To retain their only grocery store, town officials are seeking a \$240,000 grant to help a potential buyer close the deal. They will ask for funding under the state's Community Development Block Grant program. Saucier's Shurfine is now the only store in the rural Aroostook County town of 1,900, which also serves residents from smaller surrounding communities such as Grand Isle and Hamlin. Five months ago, the only store in Grand Isle closed due to ongoing supply chain issues, labor storages and rising electricity costs. Van Buren town councilors in mid-June discussed with residents the idea of helping Saucier's survive. They agreed seeking a grant was a good idea and could help save eight jobs, in addition to the fresh food inventory the store provides. The store remained open throughout the pandemic. According to reports, Town Councilor Peter Madore summed up the town's intent: "We will not let it fail." ■

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# Legal Notes

## RECORDING DEEDS

**Question:** Must a deed be recorded in the county registry of deeds in order to be legally effective?

**Answer:** No, a deed is legally effective to convey the property described in it provided the deed has been given or delivered to the grantee. Recording the deed in the registry is not required for the deed to be operative; the deed merely needs to be delivered to and accepted by the grantee, either physically or constructively (for example, through an escrow agent).

Whether a deed is recorded is generally the responsibility (and the choice) of the grantee. But Maine is a “race-notice” state, meaning that if property is deeded to two different grantees, the first one to record the deed will generally be considered the true owner absent fraud or notice of a prior conveyance.

For municipal tax assessment purposes, a copy of a deed, whether recorded or not, should be sufficient notice of a property transfer to update assessment records (see 36 M.R.S. § 557).

For other municipal purposes, however, where the “record owner” is what counts (for example, for tax lien notice purposes), only a recorded deed will suffice.

We should note that while deeds need not be recorded in order to be effective, zoning variance certificates and approved subdivision plans must both be recorded in order to be valid (see 30-A M.R.S. §§ 4353(5) and 4406(1), respectively).

We also note that before a deed can be recorded, a real estate transfer tax must generally be paid. Deeds to or from municipalities are exempt from this tax but only for the municipality’s half. The other party is still generally liable for its half of the tax. This applies to, among other things, municipal deeds conveying tax-acquired property to purchasers, whether

former owners or other persons. For more on the transfer tax, see “Municipalities & the Transfer Tax,” *Maine Townsman*, Legal Notes, November 2013. (By R.P.F.)

## REMOTE BOARD MEETINGS 2.0

The law enacted by the Legislature in 2021 and permanently authorizing public boards to meet remotely under certain limited circumstances has been amended (twice) in the recently adjourned 2022 legislative session.

Title 1 M.R.S. § 403-B (the remote meetings law) was first amended by PL 2021, c. 611, to enable a board that has not adopted the required remote meetings policy to adopt it remotely if the chair of the board determines that an emergency or urgent issue exists that prevents the board from meeting in person to adopt the policy. Once the meeting is convened, board members must vote on whether to support the chair’s determination. If 2/3 of the members vote to support it, the board may, after a public hearing, vote to adopt the policy. Notice of this meeting must include information on how the public can obtain an advance copy of the proposed policy and how the public can participate in the meeting.

The law was then amended by PL 2021, c. 666, which repealed the provision requiring board members to be physically present except when physical presence is not practicable, such as the existence of an emergency or urgent issue or an illness, physical condition or temporary absence that causes significant difficulties in traveling to and attending a meeting in person. As a result, it now appears a board can decide for itself what circumstances warrant a remote meeting or remote attendance by a board member.

This amendment also provides that a policy adopted by a board applies to boards or committees “within the juris-

isdiction” of that board, but it is not clear whether this refers only to subcommittees of a board or to all other boards within the same municipality. In any case, this provision still authorizes each board to adopt its own policy if it wishes.

Both of the legislative amendments discussed above become effective on Aug. 8, 2022. (By R.P.F.)

## EXPANDED FLEXIBILITY FOR CONCEALED WEAPONS PERMITTING

Recently enacted legislation (PL 2021, c. 619) expands municipal options for review of concealed weapons permit applications.

Current law requires the municipal officers (select board, council, or plantation assessors) to review concealed weapons permit applications filed by their municipal residents unless the board has delegated that responsibility to the municipality’s full-time police chief (if any); municipalities without a full-time police chief may contract with the Chief of the Maine State Police for permit administration. However, the Maine State Police Chief has no obligation to make such an agreement. 25 M.R.S. §§ 2002, 2002-A.

Effective Aug. 8, 2022, Maine law will also allow the police chief in an adjacent municipality or the sheriff of the county in which the municipality is located to agree to serve as a municipality’s designated concealed weapons permit issuing authority. The designation must be memorialized in a written agreement that must also address termination procedures. While acting as the designated issuing authority, the chief or sheriff is entitled to all applicable fees, and must perform all functions of an issuing authority, including suspension and revocation of permits. The chief or sheriff continues to serve as the issuing authority until the municipal officers provide written notice of cancellation or revocation of the designation.

Because detailed background investigations are part of the concealed weapons permit review process, designating a law enforcement agency as the municipality’s permit issuing authority may facilitate access to this information.

As a reminder, concealed weapons permits are not generally required in Maine for persons 21 years of age or older to carry a concealed *handgun* if the person is not otherwise prohibited from carry-

## MUNICIPAL CALENDAR

**ON OR BEFORE AUGUST 15** — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

**ON OR BEFORE SEPTEMBER 1** — Clerks of organized plantations shall make return to the Secretary of State, on blanks furnished for that purpose, of the names of the assessors and clerks of their plantation and that the same have been sworn. Penalties apply for failure to make the return (30-A M.R.S. § 7005).

# Legal Notes

ing a firearm. Nor are permits generally required to carry a concealed *handgun* for those between 18 and 21 years of age who are on active duty in, or are an honorably discharged veteran of, the U.S. Armed Forces or the National Guard and who are not otherwise prohibited from carrying a firearm.

For much more information and links to resources concerning concealed weapons laws and firearm regulation generally, see an MMA Legal Services information packet on the topic in the “members’ area” of MMA’s website ([www.memun.org](http://www.memun.org)). (By S.F.P.)

## FOOD SOVEREIGNTY ACT AMENDED

Maine’s Food Sovereignty Act (7 M.R.S. §§ 281-286), which authorizes municipalities, by ordinance, to exempt direct producer-to-consumer sales of food and food products (except for meat and poultry products) from State food safety laws, has been amended in several respects, but not fundamentally.

PL 2021, c. 625 (eff. Aug. 8, 2022), now expressly authorizes plantations (which do not have municipal “home rule” authority) to adopt food sovereignty ordinances that are consistent with the Food Sovereignty Act.

The new amendments also authorize county commissioners to adopt food sovereignty ordinances consistent with the Act and applicable in any unorganized territory within the county whose residents have opted, in a manner prescribed by the commissioners, to have the ordinance apply in that unorganized territory.

The amendments also clarify the definition of “food or food products” to include those that are “grown, produced, processed or prepared” for human consump-

tion rather than simply “intended” for that purpose.

But as noted above, these amendments do not fundamentally alter the Food Sovereignty Act. Specifically, a food sovereignty ordinance may exempt only direct producer-to-consumer transactions “at the site of production,” such as a farm or kitchen. This does not include farmers’ markets, community events, or similar venues unless the market, event, or venue is itself the site of production. Also, meat and poultry products cannot be exempted from State food safety laws under a food sovereignty ordinance.

An updated version of MMA’s sample Food Sovereignty Ordinance is now available to members on MMA’s website ([www.memun.org](http://www.memun.org)) under “Legal Services Updates.”

The Food Sovereignty Act should not be conflated with Maine’s recent “Right to Food” constitutional amendment or with Maine’s longtime “Right to Farm” law, both of which we’ve written about before (see “Maine’s New ‘Right to Food,’” *Maine Town & City*, Legal Notes, December 2021, and “‘Right to Farm’ Revisited,” *Maine Townsman*, Legal Notes, August 2008). (By R.P.F.)

## “MARIJUANA” IS NOW “CANNABIS”

Recently enacted legislation directs that the term “marijuana” be replaced with the term “cannabis” in all Maine statutes effective Aug. 8, 2022. (PL 2021, c. 669). As a result, definitions and licensing provisions contained in Maine’s adult use and medical marijuana statutes will now refer to “cannabis.”

In concert with these updates, the state Office of Marijuana Policy was renamed the Office of Cannabis Policy (“OCP”). The

OCP is the state agency responsible for issuing state licenses and registrations for both adult use and medical cannabis establishments.

MMA Legal Services also provides a wealth of information for municipal officials explaining Maine’s cannabis laws, municipal “opt-in” requirements and local regulatory authority. Visit the “members’ area” of MMA’s website ([www.memun.org](http://www.memun.org)) to access cannabis guidance materials. (By S.F.P.)

## MMA LEGAL SERVICES ATTORNEY RETIRES

After a distinguished career with MMA Legal Services totaling 36 years, Senior Staff Attorney Richard Flewelling retired last month.

Richard first joined MMA Legal Services in 1979. He left us in 1980 to work as an Associate Corporation Counsel for the City of Portland, rejoining MMA in 1988 as a Staff Attorney and later as a Senior Staff Attorney.

He was the long-time editor of the *Maine Town & City* “Legal Notes” column. Richard is also well-known to municipal officials and his colleagues as a talented presenter, skilled writer, and as an attorney possessing a thorough knowledge of municipal law.

We wish him the very best in his retirement. (By S.F.P.) ■

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# MAINE MUNICIPAL BOND BANK

## 2022 FALL BOND ISSUE SCHEDULE

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

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

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

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

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

**Monday, August 1<sup>st</sup> – Application Deadline**

**Wednesday, August 24<sup>th</sup> – Application Approval (Board Meeting)**

**Wednesday, September 14<sup>th</sup> – Preliminary opinions and loan agreements due from bond counsel of each borrower**

**Friday, September 15<sup>th</sup> – Last date for signing school contracts and rates in place for water district. PUC approvals due**

**Week of October 3<sup>rd</sup> – Maine Municipal Bond Bank Pricing**

**Monday, October 24<sup>th</sup> – Final documents due from bond counsel**

**Wednesday, November 2<sup>nd</sup> – Pre-closing**

**Thursday, November 3<sup>rd</sup> – Closing – Bond proceeds available (1:00pm)**

If you would like to participate in or have any questions regarding the 2022 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 ext. 213 or treed@mmbb.com.



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