

# Maine Town & City

The magazine of the Maine Municipal Association

FEBRUARY 2019

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historical perspective during  
period of 'profound discord'



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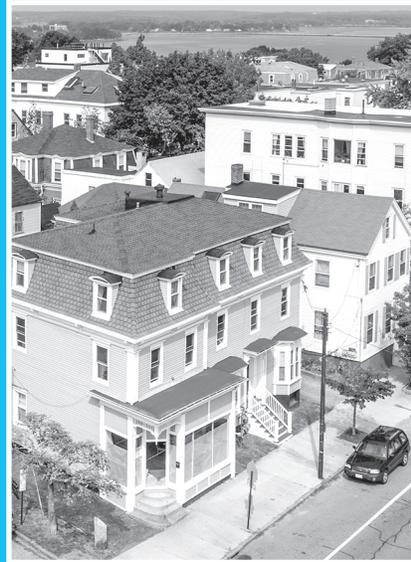
# Maine Town & City

February 2019 | Volume 81 | Issue 2

The Magazine of the Maine Municipal Association

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### Homeward Bound



*In a special, three-article package on the Maine economy, we look at how communities grapple with affordable housing and a worker shortage.*

**MMA internship grants** will be available again in 2019. Executive Director Stephen Gove explains how our process works. [Page 5](#)

**2019 Training Calendar:** MMA's complete 2019 training calendar is shown here, with more than 90 program offerings across the state. [Page 27](#)

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**Former U.S. Senator** and Senate Majority Leader George Mitchell shares his views on the importance of civil discourse in American governance.

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**Known as Supplemental Environmental Projects**, a program offered through the state DEP lets communities turn accidents into improvements. [Page 21](#)

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## A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

### MMA internship grants, and how they work

The December *Maine Town & City* featured an article on the successful experiences of three municipalities – Bowdoinham, Union and Rumford – with summer interns placed through the Margaret Chase Smith Policy Center’s (MCSPC) Government Summer Internship Program. That program is currently accepting applications from cities and towns for internships this summer with a March 1 deadline. For more information, visit [mcpolicycenter.umaine.edu](http://mcpolicycenter.umaine.edu) under Student Programs. In 2018, the Policy Center offered 14 internships to municipalities – a record number.

MMA is pleased to announce its continued efforts to encourage and support municipal interns by presenting awards to municipalities that commit to hire a summer intern through the MCSPC program. In fact, we’ve sweetened the pot. In 2018, MMA awarded three \$1,500 intern grants to the towns of Bowdoinham, Rumford and Gray. For 2019, the MMA Executive Committee is adding a fourth \$1,500 award.

Entry in the MMA award program is simple. Please send a letter of commitment indicating the city or town’s intent to apply to the MCSPC Government Summer Internship Program and hire a summer intern through that program. The letter should be signed by the chief elected official or chief administrative official (city or town manager) and addressed to me – Stephen Gove, Executive Director, Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330 or [sgove@memun.org](mailto:sgove@memun.org). Letters must be postmarked/mailed by March 15, 2019.

All municipal letters of commitment will be placed in a random drawing to be conducted by the MMA Executive Committee at its March 21, 2019 meeting.

MMA will draw four intern awards of \$1,500 each as follows:

- One \$1,500 award from all the entries of municipalities over 7,500 population.
- Two \$1,500 awards from all the entries of municipalities under 7,500 population.
- And, one \$1,500 award from all the remaining entries after the first three awards are drawn.

We will notify winners of their awards by April 5, 2019. MMA will present the four \$1,500 awards to the lucky municipalities at the conclusion of the completed MCSPC summer internship in August 2019. 2018 MMA summer intern award winners are kindly asked to not enter the 2019 drawing.

MMA encourages municipalities to consider hiring a summer intern. It can be a win-win experience. One 2018 summer intern said that the experience opened her eyes to employment possibilities she hadn’t seen before. Another expressed, “I love feeling like my work made an impact on people.” One town manager summed up his experience with an intern: “I can’t say enough about the program.” MMA hopes your city or town applies for a summer intern through the MCSPC program and enters our award drawing. Best of luck!

#### Legislative discussions

One of the MMA Executive Committee’s and Legislative Policy Committee’s (LPC) 2019 priorities is to restore a positive working relationship between state and municipal leaders. The LPC is focused on much needed property tax relief and providing municipal leaders with the tools necessary to grow local economies.

With that message in hand, MMA President Mary Sabins, MMA Vice President Christine Landes and LPC Chair Kate Dufour, MMA’s Director of State and Federal Relations and I met recently with legislative leadership to discuss MMA’s platform, restoring the state-municipal partnership, working together for all Maine citizens and legislative priorities. On the Senate side, we met with Senate President Troy Jackson and Senate Democratic Leader Nathan Libby. We then met with Senate Republican Leader Dana Dow and Assistant Senate Republican Leader Jeffrey Timberlake. On the House side, we met with Speaker of the House Sara Gideon, Majority Leader Matthew Moonen and Assistant Majority Leader Ryan Fecteau. We also met with House Republican Leader Kathleen Dillingham.

All four meetings were very positive and all four caucuses expressed their understanding of the pressing need for property tax relief and the restoration of revenue sharing. We left the meetings with optimism, but knowing that MMA’s priorities will be competing with a long list of other legislative funding requests and priorities. That means municipal officials will need to raise their collective voices to speak loud and clear for restoration of revenue sharing and other MMA platform planks to be heard above competing measures. MMA looks forward to working with you to make this happen. ■

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# At a time of 'profound discord,' listening should be top priority

*Ours has never been a homogeneous society, but today's political culture is particularly troubling. We must do better, a change that starts from within.*

By **George J. Mitchell, former U.S. Senator and Senate Majority Leader, Maine**

**W**ithin hours of my election as Majority Leader of the U.S. Senate, I telephoned Bob Dole. He had been the Majority Leader, but now, because Democrats had gained control of the Senate, he was to become the Minority Leader. I asked if I could come to his office for a meeting. He accepted and within minutes we were seated in his stately office in the Capitol, looking down at the Mall and the Washington Monument.

He congratulated me on my election. I thanked him and then went directly to my reason for asking to see him. I said that while I was a relative newcomer in the Senate, I was aware that the leaders' jobs were extremely difficult, with a high potential for misunderstanding and mistrust. I told him that I wanted to have a good personal and working relationship with him. I had come to tell him what he could expect from me: "I will never surprise you. To the extent that it's humanly possible, I will always give you notice of my intentions, hopefully far enough in advance that you'll have time to consider your response. I will never attack or criticize you personally, in public or in private. I will always be available to you. We're going to disagree often. But I hope and intend that we'll do so in a way that's not personal and permits us to continue our work together. Finally, I pledge to you that I will always honor and keep my commitments to you I hope I can expect you to act the same way toward me." While I was talking, I could tell by the look on his face that he was pleased. His response was positive, enthusiastic, and generous. We shook hands and I left, determined to keep my word and confident that he would keep his.

## ABOUT THE AUTHOR



**George Mitchell**

Former U.S. Senator and Majority Leader George J. Mitchell is an icon of Maine and American government and politics. Born in Waterville, Sen. Mitchell is a graduate of Bowdoin College and the Georgetown University Law Center. After law school, he went into public service and public law, including working as an aide to former U.S. Sen. Edmund Muskie of Maine.

Following an unsuccessful bid for governor, Sen. Mitchell was appointed by President Jimmy Carter as Maine's U.S. Attorney in 1977, and to the U.S. District Court bench in 1979; and to the U.S. Senate by Gov. Joseph Brennan in

May 1980, when Sen. Muskie resigned to become U.S. Secretary of State. From there, Mitchell served in the U.S. Senate until 1995, including the last six years as Majority Leader. He did not run for re-election in 1994.

You could say, his best was yet to come. After leaving national politics, Sen. Mitchell played historic roles in: analyzing Arab-Israeli relations and serving as a U.S. envoy to the Middle East; helping to broker peace after generations of violence and strife in Northern Ireland; investigating steroid use in Major League Baseball; and, serving as chairman of the Walt Disney Corp., among many other roles.

Today, Sen. Mitchell is Chairman Emeritus of the global DLA Piper law firm, with headquarters in New York and London. He also is a co-founder of the Bipartisan Policy Center in Washington. Sen. Mitchell has earned countless accolades and awards over the years, including the Presidential Medal of Freedom.

I had the greatest respect for Senator Dole. He had been seriously wounded in World War II, but recovered and continued serving his nation for decades in the House and Senate. He previously had been the Republican candidate for Vice President and later its nominee for President.

### Developing a bond

For the next six years, we served as leaders in the Senate, I as majority leader, he as minority leader. When the Senate was in session we met and

talked several times a day. We occasionally had lunch or dinner together. We represented different parties with different political philosophies. We often disagreed. We negotiated hundreds of agreements on Senate business and procedures. We discussed, debated, and voted on many hundreds of issues, some of them extremely contentious. But not once did a harsh word ever pass between us, in public or in private. I kept my word to him and he kept his word to me.

Over those six years, our relation-

ship grew close. It has mellowed in the nearly two decades since I left the Senate. We don't see each other as often as we once did, and the differences are now muted and often unspoken, but there remains between us an enduring bond. We share pride in the fact that we represented our country, our parties, and our constituents vigorously (and, we hope, effectively) but without rancor or hostility. Bob and I were aware of our obligation to the members of our parties who elected us. But we also knew that we had higher obligations to the people of our country, to the Senate itself.

This is a time of social, economic and political turmoil in Maine, the U.S. and around the world. It's not unprecedented. We sometimes forget or minimize the difficult political conflicts of the past, and tend to view history through rose-colored glasses. But when you remove those glasses, it's hard to find a time when there weren't strong political disagreements over differing belief systems, values, goals and preferences. These differences are fundamental in human affairs, and can lead to conflicts in families and communities as well as within and between

## LAST MONTH

Former U.S. Senator Olympia Snowe, another icon of Maine government and political leadership, wrote for the Maine Town & City magazine on the topic of civility in public discourse. You can read her article at our website: [www.memun.org](http://www.memun.org). Go to the lower right hand column and click on "View Archives."

nations.

Especially in America, it's important to acknowledge that we are not, and never have been, a homogeneous society. As Maine's own Colin Woodard has written in his award-winning book, "American Nations," our country is a mixture of peoples, from different backgrounds, who came to America at different times for different reasons. Even in Maine, a state with one of nation's highest proportion of citizens who identify as white, there is enough cultural and ethnic heterogeneity to give rise to conflicts.

Just think of the incredible journeys that have brought different peoples to this proverbial "melting

pot," beginning with the People of the Dawn, better known to us as the Native Americans, more than 10,000 years ago, followed much later by French, English, Germans, Scots and Irish, African Americans, French-Canadian, Italians, Jews, Hispanics, Lebanese, Amish, Somali and many more.

### Historical heat

A "melting pot" implies the presence of considerable heat, and many racial and ethnic groups have experienced enormous friction in their efforts to build a better life in America. Of course, we're painfully aware that Africans were brought to America involuntarily, in chains, and the racism and discrimination they continued to suffer long after the Civil War brought an end to slavery. While white supremacists like the Ku Klux Klan often come to mind when we think of the persecution of African Americans, it's important to remember that the Klan was very active in Maine nearly a century ago. Here, their hostility was directed against Catholics and Jews who had immigrated to America.

Of course, the political conflicts that we're currently witnessing aren't

## Meet our Attorneys Dan S. Pittman



Dan Pittman is a member of our municipal finance team. He has acted as bond counsel for towns, cities, counties, sanitary districts and other governmental entities to help them find creative and effective ways to build and maintain public infrastructure, including roads, schools, water and sewer systems, municipal buildings and capital equipment. He has also advised tax-exempt educational and charitable institutions about how to partner with their local communities to issue tax-exempt bonds. He also advises tax-exempt bond issuers regarding their ongoing compliance responsibilities, and helps them navigate the complex tax rules surrounding arbitrage and rebate.

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just about immigration. The well-being of our democracy has always depended upon a balance of compelling but often conflicting ideals, including Individual Liberty, Collective Security, Opportunity for all, Self-Government, the Rule of Law. Americans often have disagreed about which of these ideals are most important, and how these ideals should be balanced in public policies and everyday life.

Despite these disagreements, a majority of Americans also share a common aspiration: That our children, and future generations will be better off than we are. Although it may never be possible for all citizens to achieve this goal, I am convinced that it still is worth striving for, and can serve as a source of common purpose, even as we wrestle with the complexities of how to achieve it.

One major fault line along which economic, social and political disagreements and differences are particularly conspicuous today is the one that separates rural and urban areas. Although this isn't a new phenomenon, it is a growing concern.

### Maine's challenges

Throughout my political life, I've heard and talked about the challenges of the "Two Maines." Although Maine is legendary for its spectacular coastline, rugged mountains, pristine lakes and verdant forests, open space and natural beauty are small consolation to Maine's poor. The challenge facing

## MMA ON CIVILITY

Numerous Maine Municipal Association training offerings in 2019 will address the issues of civility, civic engagement, running effective meetings – and more. Please turn to Page 27 to see our complete training calendar.

us is to make the two Maines one – to improve the lives of the people of the second Maine without destroying the things that make the first Maine such an attractive place to live.

Today, looking back across several decades, I regret that life in some parts of rural Maine is even more difficult, leading to declines in the well-being of many individuals, families and communities. As just one example, this is the first time in more than a century that there haven't been any paper mills operating in the Penobscot River basin. These mills were an important source of jobs and well-being. More generally, the loss of factory and blue-collar jobs in Maine has eroded the foundation for many local and regional economies.

It's important to remember that the forces of technological innovation and globalization have long been with us. Nearly two centuries ago, stage coaches were built in New England, but the industry disappeared following the development of railways and automobiles. Although no one rec-

ommends that we return to the era of stage coaches, there is no doubt that many business sectors, workers and communities were harmed by this technological shift. Of course, the same is true today, whether we're talking about the loss of paper mills, shoe factories, the collapse of the cod fishery, changes in energy supplies, or the ways that brick and mortar stores are challenged by e-commerce.

Despite many attempts by federal, state, and local governments, however, they have not been effective in helping the families and communities ravaged by factory closures, off-shoring of industries and automation.

There is a related, but even more pervasive and troubling fault line dividing people in Maine and across America. For several decades, the average living standards of low and moderate income workers have remained stagnant or even declined, while those of the highest income earners have risen significantly. Although this trend began most recently in the 1980s, the disparity was magnified by the global recession that began in 2008 and whose adverse effects are still being felt by many today.

During the same time frame, we witnessed rising disparities among places and peoples in employment opportunities, as well as access to such essential resources as health care, educational opportunity, and even sufficient food. Although there is not always a clear cause-effect relationship



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between rising income inequality and declines in the well-being of families and communities, it is without doubt a significant contributor.

### Danger of populism

As these disparities have grown, and in part because of them, we also are seeing the rising influence of populist political movements. Not just in our country, but also in the United Kingdom's vote to withdraw from the European Union, and in the leadership actions being used to stifle democracy in Hungary, Poland, and Turkey. Although there isn't any single definition that adequately describes all leaders who claim to be populists, they tend to adopt an "us versus them" view of the world. They often speak of their commitment to represent the "virtuous but downtrodden" members of society, who are the "victims of elites" who have allegedly corrupted the system. It's easy to paint a picture of the world in the clear and stark terms of good versus evil, but the reality is often more complex and nuanced.

Populist rhetoric is particularly difficult in a pluralistic society like the U.S., because it rejects the legitimacy

of all but one group. In claiming to represent "the will of the people," populists undermine the legitimacy of the wide range of views and values that exist in diverse societies. Given that America is rapidly becoming a minority-majority nation —where ethnic and racial minority groups will make up more than half of the population —populism may sound persuasive in the short run, but cannot possibly provide a road map to a brighter future that can be shared by all.

Along with many Americans, I'm deeply troubled by the toxic nature of our current political environment in which many leaders are more focused on narrow, partisan goals than they are in serving the public interest. Nonetheless, I remain hopeful that these challenges can be overcome if citizens, their elected representatives, and the courts focus on: 1) reducing the corrosive, and often hidden, influence of big money in politics; 2) minimizing the use of gerrymandering; 3) recognizing that our democracy cannot flourish unless there are many legitimate but competing ideals and values. Indeed, the strength and genius of America has always required

equal measures of tolerance, creativity and persistence in the search for common ground.

### Take action, now

But we can — *and must* — do more than wait patiently for the spirit of collaboration and consensus-building to return to Washington. There are many compelling reasons for Americans to roll up their sleeves in support of democratic processes at local levels.

First, there's no telling how soon things will work better in Washington, and there's no time to lose in rekindling our democratic norms and capacities. Second, even when the federal government was functioning far more effectively than it is today, it has always been true that many challenges facing American families and communities are better addressed at the state or local level.

Third, it's hard to imagine that there will ever be a spirit of open-mindedness and capacity for compromise in Washington if it hasn't first been cultivated in our local communities.

One of America's prominent philosophers, John Dewey, said that, "De-

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mocracy begins in conversation.” I share his view, and believe it will be difficult to revitalize our democracy unless we significantly improve our ability to communicate, including and especially our capacity for listening.

We commonly assume that the most important ingredient to effective communication is the ability to express oneself clearly and persuasively. I’m sure many readers have gained considerable experience inside and outside the classroom in public speaking, and in writing for different audiences. Those skills have also been important in my own work. But when I think about what it will take to address some of today’s most difficult societal challenges, I worry that we spend too much time focusing on the best ways to express our own views, and not enough time listening to and seeking to understand the views of others.

After all, many of our society’s problems can’t be solved by a simple debate about the facts. Our disagreements aren’t just about the facts. They also are about the marked differences among the values held by different individuals and groups, and the complex tensions and trade-offs that make it so difficult to find common ground.

Many of our conflicts aren’t about just *what is* – they are about *what ought to be*. And, in America, there is tremendous variation in views about “what ought to be.” How can we make this our strength, rather than our weakness?

### Find common ground

One of the most important skills I needed to develop in my career was the ability to listen carefully to the views of others, not just to demonstrate my respect for them and for their values, preferences and belief systems, but also to identify areas of common ground about “*what ought to be*.”

In a world where it is easier than ever to be surrounded by others who think the same way you do, whether in your workplace, neighborhood, or on social media, we need to redouble our efforts to hear and understand the views of those who think differently from us. We need to ask: *Why do they believe as they do? Why do they act as they do? Is there something in their position that I don’t understand or that I’ve been wrong about?*

This isn’t an easy habit to develop,

however, so I used to practice it in the Senate. Each day, I asked my staff to select several of the most negative letters I’d received from constituents in Maine. I read each letter carefully, then I telephoned each of the letter writers. Almost everyone I reached was surprised and many doubted that it was really their senator calling. Once I convinced them that the call was genuine, I told them that I had read their letter, that while we disagreed I welcomed their views and appreciated that they had taken the time to write to me. With a few exceptions, the conversations were polite and civil. Later, while travelling in Maine, I was approached by many people who had received such calls and wanted to meet me in person. Once I became Senate Majority Leader and no longer

had time to make these calls, I was surprised to find how much I missed them!

I hadn’t received any formal training, however, before I found myself in leadership roles where being a patient listener was an essential skill for solving problems. So I had to do a lot of on-the-job learning. Along the way, I gained experience that later proved invaluable for reducing tensions and building consensus with people who hold different views and have different values. One of the nicest compliments I’ve ever received was when a political leader in Northern Ireland said that I had “listened them to agreement.”

### Encouraging efforts

As the need for these listening skills and collaborative approaches



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continues to rise, it's encouraging to see efforts underway in and beyond Maine to improve the quality of conversations among citizens, experts and decision-makers as a key step in building our capacity for shared problem-solving. Although these initiatives go by many different names – deliberative democracy, collaborative problem-solving, multi-stakeholder dispute resolution, participatory decision-making – they have at their core the goal of strengthening our capacity to make decisions together. After all, isn't this one of the central goals of politics?

A few years ago, Professor Amy Fried of the University of Maine published an article in the Bangor Daily News describing the presidential election of 1800. The candidates were men who have become national icons: John Adams, the incumbent, and Thomas Jefferson, the challenger. Of their campaign Professor Fried wrote:

“When they ran against each other in 1800, Jefferson’s supporters said that President Adams had ‘a hideous hermaphroditical character, which has neither the force and firmness of a man, nor the gentleness and sensibility of a woman.’ An advocate for Adams claimed the if Jefferson won, ‘Murder, robbery, rape, adultery, and incest will be openly taught and practiced, the air will be rent with cries of the distressed, the soil will be soaked with blood, and the nation black with crimes.’ There’s never been a golden age of civility in America. Rather, there have been periods of profound discord and others when cooperation held.”

Clearly, we are now in a period of profound discord. Increasingly, a willingness to compromise is seen as weakness and a lack of conviction rather than as a necessity in the governance of a large, diverse country with many competing interests and differing points of view. Threats, insults, and vulgar language dominate the discourse. The rise of social media and partisan cable news services, with their never-ending demand for confrontation and sensationalism, has produced louder voices with more cursing and less substantive content.

Former Governor Paul LePage made a late-night phone call to a Democratic member of the State Legislature. It went to voicemail and the Governor unleashed a torrent of vulgar insults; incredibly, he concluded by

demanding that his message be made public. It was, and he suffered no adverse consequences.

In his campaign for the Republican nomination, President Donald Trump used the F word and other coarse words in public speeches that were nationally televised. He suffered no adverse consequences.

Recently elected Democratic Congresswoman Rashida Tlaib used a vulgar variation of the F word to call for the President’s impeachment: She was criticized by some but praised by others.

The public desire for “authenticity” has created a perverse situation in which loud, crude, vulgar insults are praised as “telling it like it is,” even though in reality verbal abuse is often used to obscure the truth rather than to expose it.

### Content is what matters

As individuals and as a society we must demand higher and better standards: Yelling, swearing, and insulting others are not by themselves indicative of truth or strength. Calm, rational, factual discussions do not by themselves signify falsehood or weakness. There is no clear, bright dividing line. Certainly, a person may yell and swear while making truthful statements; another may lie in a calm and reasonable voice. But it’s the content of speech that matters, not how it’s delivered.

All human beings are imperfect.

All of us receive well and retain information that is consistent with our point of view; we do not receive well or retain information that is inconsistent with our point of view. Most of us have a highly developed capacity for rationalization: the ability to convince ourselves, and those with whom we agree, that what we’re saying or doing is right, while applying an opposite standard to those with whom we disagree.

No person, group, movement or political party has a monopoly on truth and integrity. We all have to listen more and better to those with whom we disagree, to accept the reality that we may be wrong. That means more humility and less hubris in our public debates over the challenges we face, at all levels of society.

None of this can happen unless the American people demand it, of their leaders and themselves. It may seem a distant hope now, but in public appearances around the country I sense a growing unease by many Americans with the declining level of our public discourse and a yearning for less discord and more responsible discussion.

Perhaps each of us can start the process of change by talking, calmly and rationally, with someone on the other side of the political divide. So before submitting this article to the editor I sent a copy to my Republican friend, Bob Dole.

He read it and told me that he agreed. ■



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# Affordability remains Maine's greatest housing challenge

*Despite record sales in 2018, home buying is expected to slow this year. Officials are split over how quickly things will cool, although most remain cautiously optimistic.*

By Liz Mockler

Rising interest rates and construction costs, trade tariffs and a rocky stock market have not stopped developers across the state from proceeding with plans to build or retrofit several hundred units of single-family and multi-unit housing, condominiums and senior apartment complexes.

In fact, 2018 was a record year for Maine real estate transactions. Statewide, 17,864 homes were sold and median prices increased 7.55 percent to \$215,000.

Finance experts say economic growth is slowing, but they expect construction to be brisk through the first half of 2019. All bets are off over whether the nation will tumble into a recession late this year or next, but the indicators may point in that direction.

For example, December real estate sales dropped 14 percent in Maine, compared to December 2017.

But municipal and real estate officials and contractors say Maine's real estate market is so tight, with thousands of people waiting for housing they can afford, that 2019 will still be a busy construction year.

Even issues such as whether Britain will leave the European Union, known commonly as "Brexit," a possible intensified trade war with China and long-term effects of federal government shutdowns are being factored into the 2019 real estate risk index. A new governor and banks' heavy investment in real estate also are state economic indicators to watch.

Home sales in Maine set a record in 2018, but by the fourth quarter inventory was already shrinking. Many

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

## MAINE RENTAL AFFORDABILITY

Average two-bedroom rent in 2017, by county.

County	Rent
Androscoggin	\$915
Aroostook	\$762
Cumberland	\$1,096
Franklin	\$1,054
Hancock	\$984
Kennebec	\$919
Knox	\$974
Lincoln	\$831
Oxford	\$878
Penobscot	\$926
Sagadahoc	\$925
Somerset	\$989
Waldo	\$968
Washington	\$911
York	\$1,053

Source: Maine State Housing Authority

Realtors expect sales to be flat this year.

According to many sources from both local government and the private sector, "affordable housing" is the most pressing housing problem in Maine.

Major projects are either under construction, approved by towns and cities or still in the pipeline for approval.

With one exception, officials interviewed by Town & City in January said they don't intend to scale back construction plans, but they expressed concern about a downturn and stressed the need for qualified

or certified workers in construction trades.

### The view from Bangor

"Housing is always a problem, especially with the (property tax) issue," said Nelson Durgin, a Bangor city councilor for six years who serves on the city's Citizen Advisory Housing Committee.

Bangor is considered the least affordable place to live in Maine, based on the area's median housing prices and median incomes. The city council recently established a housing committee, as have many other municipalities where the lack of affordable

housing is a key concern.

Durgin, a two-time mayor, also serves on the planning board and is a member of the Maine Municipal Association's Legislative Policy Committee. He said towns and cities are striving to address housing problems by collaborating with developers and aggressively competing for housing grants or low-interest federal housing loans that often make or break a developer's plans.

"In all, there are 150 buildings that are placarded," said Jeff Wallace, Bangor code enforcement officer, either because they were abandoned or deemed dangerous.

Durgin hopes newly elected Gov. Janet Mills and the Legislature will finally pull off what Maine's commercial hub communities have long sought: the authority to levy a 1 percent local-option sales tax.

A local tax could help shift the tax burden from property to sales, a more progressive tax policy. The underlying issue for hubs such as Bangor-Brewer, Lewiston-Auburn and Saco-Biddeford are the costs of accommodating thousands of workers from nearby towns – such as road and police costs – while not being able to capture any taxes to help offset the costs for local residents.

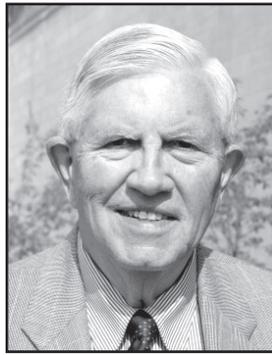
"To have a voice in Augusta is so important," Durgin said.

### National problem

The affordable housing problem bedevils much of the U.S. "Affordable" prices vary, but one Nashville, Tenn., "tiny house" builder said the little homes could help solve the crisis. Tiny homes – although they can present challenges to municipal officials as well – are growing in popularity in Maine.

The Nashville contractor has built 13 tiny modular homes just north of downtown Nashville. They rent for \$1,000 a month, compared to \$1,545 a month for a downtown studio apartment.

An unaffordable home or apartment is defined as those that cost the owners or renters more than 30 percent of their income, based on the area's median income, according



**Nelson Durgin**

to the U.S. Department of Housing and Urban Development (HUD). (<https://www.hud.gov>)

In analyzing the outcomes for people living in affordable and unaffordable housing, HUD asserts that affordable housing improves residents' health, access to education and employment opportunities. Conversely, the stress and uncertainty

of people living in unaffordable housing can lead to more mental illness, reduce the chance for children to thrive in school, and lower "cognitive achievement" for pupils living in low- or moderate-income housing, according to a HUD report.

According to a national report, housing sales stalled mid-way through 2018 as housing prices outpaced income growth. Rising interest rates were cited for low November sales, when existing home sales dropped seven percent, the largest dip since 2011 when the market began to rebound from the Great Recession.

### A long wait

Old homes, condemned apartment houses and more seniors needing affordable housing are all stresses on the Maine market.



**Dana Totman**

"We had a waiting list of 1,631 seniors looking for rentals and we were able to help 186" last year, said Dana Totman, president of the nonprofit Avesta Housing. (<https://www.avesta-housing.org/>) "There is just a giant demand for affordable housing."

Avesta operates 80 developments in 37 Maine communities and 10 more in New Hampshire. There are 27,000 units in the 80 developments and most of them are affordable based on median rental costs and median income.

Totman has been traveling the state talking to municipal leaders, who he praises for their focus on housing needs and persistence in trying to add more and better housing options in their communities.

The need for affordable housing for seniors who don't want to "age in place" once they lose their spouse, is a growing problem "in town after town," Totman said.

And seniors are likely to move to where they can more easily access public transportation, hospitals, restaurants and other amenities.

Durgin, a two-time Bangor mayor who, at 80, wanted to leave the council to pursue other community efforts, said the housing challenge is daunting.

"Even in assisted living facilities," he said, "the daily rate is lower than the cost of service." As

## ECONOMIC INDICATORS

Possible signs of a shifting economy:

- Stock market volatility
- Historically low unemployment, which restricts business growth
- Tariffs forcing changes in some industries
- Banks heavily invested in real estate
- Near or end of economic cycle, which can be followed by recession

Signs Maine's economy could stay strong:

- Number of construction projects approved or under way
- Continued demand for real estate space
- Ongoing demand for affordable housing
- Interest rates, even with 2018 increases, remain relatively low

Source: Chip Kelley, Maine commercial market president, Key Bank



**Richard Taylor**

more seniors are priced out, the need for senior housing will only grow.

### Replacing or razing

According to Richard Taylor, a researcher and communications specialist for the Maine State Housing Authority (MSHA), (<https://www.mainehousing.org/>) the state faces myriad challenges in working to improve housing.

Taylor said every new project improves the state's ranking for the age of its housing stock, a leading reason senior residents are leaving big farm houses and other old homes that need repairs – some aren't even fully insulated.

Maine no longer has the distinction of having the oldest housing stock in the nation. All New England states old homesteads because immigrants settled here first.

But as contractors and developers have razed old Maine housing and replaced with new, the state's housing stock now ranks eighth-oldest in the nation. Maine's population continues to be the oldest in the nation.

There are two more crucial changes that are driving both Maine's strong real estate sales and undermining af-

## MOST POPULAR MAINE HOME

- Ranch
- Three bedrooms
- Quarter-acre lot
- 1,500 to 2,000 square feet
- Age: Either 1900 to 1949 or from 2000 to 2018

Source: Vitalius Real Estate Group, Portland

fordable housing.

Wealthy people, the vast majority from outside of Maine, have bought properties along the coast as second, or vacation, homes. Not only is that property off limits for sale or development, high-end buyers drive up the overall value of cities and towns, and certain neighborhoods. It all culminates when Mainers pack up and move inland, leaving some islands, coastal and lakefront communities almost empty except during the summer

months.

A 2017 study by the Island Housing Trust, a Mount Desert Island (MDI) group working to advance affordable housing and year-round communities, concluded that 70 percent of people who work on MDI commute from the mainland. Many of those workers once lived on MDI.

### Airbnb factor

Another change, causing much angst in many communities in Maine,

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is the influx of vacationers who want to rent a room in Maine homes listed on the Airbnb and VRBO websites.

Airbnb Maine hosts earned \$66 million in rental revenue in 2018, up 53 percent over 2017. An estimated 450,000 visitors to the state last year stayed at short-term rentals available via the Airbnb-type websites.

Prospectors now buy homes or multi-unit apartment houses and rent them short-term to visitors. Those properties go off the market and reduce the number of apartments available for year-round rentals by Mainers.

Some officials say many so-called “millennials,” born from 1981 to 1996 (23 to 38 years old in 2019) don’t want to buy homes. They want apartments. That also can skew the market and contributes a lack of rental inventory.

“Young people used to lead (home) sales,” Taylor said, noting that many young people and couples are more interested in spending money on things such as technology, travel – and paying off student loan

debt.

Maine home prices are at all-time highs, and the price of land has increased noticeably at the same time. Young Mainers don’t want and cannot afford all the debt of owning a home.

### Busy builders

Only Taylor of MSHA thinks some of the housing units already approved for construction in Maine but not started, or those in the approval process, will not materialize.

Adding to the state’s many housing challenges is a shortage of trained carpenters, plumbers, masons and even laborers, among other trades. Some home builders are having segments of the homes or apartments built in plants and transferred to the site.

“I don’t think a lot of those projects will be completed,” he said.

State Economist Amanda Rector said she understands how all the volatility – from the stock market to the federal government – could make investors and homebuyers anxious.

“In terms of the overall economic picture, the economy still seems strong,” she said. “There is no red flag saying we’re on the cusp of a recession.”



Amanda Rector

That’s good news for contractors in the planning stage or building large, ambitious projects. While most of the construction activity is in Greater Portland, municipalities across Maine are confronting the issue.

Among the projects approved or under way:

- Two developments in Westbrook that will supply a total of 116 new

duplexes and multi-family units. Both projects are opposed by neighbors.

- In Cumberland, 52 new cottages will be offered to residents aged 55 and over.

- Ellsworth officials are preparing for when Jackson Laboratory builds a facility that will employ 350 people when it opens in 2026. The city wants 100 new housing units that will be affordable for the employees.

- Habitat for Humanity continues to build affordable housing throughout Maine. Among some of its current projects include 13 single-family homes in Cumberland, and a proposal to build a 25-unit project in Falmouth.

- In Auburn, 1,500 people are listed as waiting for an apartment. A \$6.6 million project will provide 36 apartments, including 18 one-bedroom units and 10 two-bedroom units. ■

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# Maine economy expected to slow; labor shortage is big problem

By Eric Conrad, Editor

The outlook from state and regional economists is one of caution. The consensus suggests that we will see continued growth in 2019, though slower than in recent years. An economic downturn seems more likely than not in 2020, if not sooner. That will come after 10 years of slow, but consistent, economic expansion.

One such expert is Ryan Wallace, director of the Maine Center for Business and Economic Research at the University of Southern Maine's Muskie School for Public Service.

"In terms of the overall economy, there is a sense of anxiety out there. You see it on a daily basis," Wallace said. "You see it in reaction to the government shutdown, trade wars and other levers that aren't usually touched."

The biggest problem for Maine is a lack of skilled workers. Wallace explained that part of the employee shortage is worse than many people realize.

Maine's unemployment rate is 3 percent, which economists consider to be "lower than full employment." That's for starters. In southern Maine, which drives much of the state's economy, the jobless rate is lower than that.

Here's the big kicker: Among Maine residents with college degrees, the unemployment rate is a staggeringly low 0.8 percent.

That sounds great, and wages generally are ticking upward as a result, but for businesses and other employers who need people with higher-level skills and advanced degrees, it's a major problem.

Put simply, businesses cannot expand without available, qualified workers. Businesses will not move into a region or state without them.

"There's a reason why Amazon decided to expand its headquarters into

the two most expensive markets on the East Coast – Washington (D.C.) and New York," Wallace said. "They have skilled workers."

"Maine has a tendency to follow the nation" economically, he said, "Not just follow it, but lag it a little bit."

Which is why Wallace feels that local and state leaders should expect growth to slow down in the months ahead.

"We'll likely head for an economic downturn," he said, predicting it will be noticeable, but not dire, starting in late 2019 and continuing in 2020.

Wallace advocates that local government leaders switch their mindsets from "smokestack chasing," or trying to lure major employers to town, to building communities where educated people want to live, especially young adults and people with young families.

Local officials "have tough jobs," Wallace said. "The idea of smokestack chasing and dishing out tax incentives, those opportunities are going to be few and far between. Build communities to attract people who want to live there. Build vibrant communities."

That's possible even in rural towns where the local economies do not

touch the economies in Greater Portland or York County, he said. Local leaders can look at the assets that they have, such as natural attractions and good school systems, and invest there.

Affordable housing in some communities is a chronic problem, Wallace agreed. To attract young professionals, a town or city must have homes for sale and apartments for rent at reasonable prices.

People with families will not come to a community if the cost of housing is too high, Wallace maintained. "The first things families look at are housing costs and schools."

Wallace is among those who believe municipal leaders should have regional perspectives with just about everything, from the services they provide to housing to business incentives.

Whether people want to acknowledge it or not, communities throughout the state and the entire world are interconnected, he said.

On the day that Wallace was interviewed, national business news sites were reporting that Caterpillar, a major manufacturer of commercial and heavy equipment, recorded disappointing earnings in the previous six months because of an economic slowdown on the other side of the world, in China. ■



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# Brunswick needs housing costs 'in the middle' to meet demand

By Liz Mockler

Sometimes, too much of a good thing is bad. That's hard to believe about Maine housing, where in most of the state inventory is low and costs are up.

Consider Brunswick Landing, home of the former Brunswick Naval Air Station, where so many rental units were converted to condominiums or single-family homes that many renters were priced out of the market.

In 2017, Maine's rental market was ranked eighth in the nation for unaffordability. There's been progress: It was No. 1 a few years ago.

Brunswick is 25 miles from Portland, making it a prime location for workers who earn good pay but feel they cannot afford a home or apartment in Maine's largest city. The affordability of apartments and single-family homes in Greater Portland is a real concern.

Much of the housing on the former base helps fill the need of many of the nearly 1,700 people hired by the 105 businesses that have made the Landing home since redevelopment began in 2011.

"Affordable" housing and "workforce" housing are essentially interchangeable terms, according to experts. Both are meant to be affordable for "the people in the middle," according to Brunswick Town Councilor Christopher Watkinson.

Watkinson has complained to his peers and other town officials that the cost of much of the new housing stock at the Landing is out of reach for many.

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



Christopher Watkinson

He also lamented that one developer, who said the apartments and duplexes would be rehabilitated and marketed as rentals, soon began converting existing units into condos.

Tenants, who wanted to continue renting their units or even buy them, left their Landing property – and perhaps the town – when they learned their apartments or duplexes would be converted.

"It's the middle ground we're missing," Watkinson said. "We're looking at how we can tackle that as a municipal government."

Brunswick Director of Planning and Development Matt Panfil agreed. "There just aren't enough incentives to build in the middle."

Panfil said workforce housing means "affordable," but not subsidized. "We need to study the problem a little more, identify deficiencies" and incorporate findings in the town's comprehensive plan.

## Nothing new

When Jane Millett, a Brunswick town councilor and Realtor, started selling real estate 44 years ago, the most pressing housing issue was afford-

ability, she said.

She agreed with Watkinson that both the wealthy and those who qualify for subsidized housing are faring better than middle-income people living on a teacher's or police officer's income.

One Maine housing study reported that luxury and million-dollar inventory increased 25 percent in 2018 and sales jumped 18 percent.

The average time a home stayed on the market statewide last year fell to 28 days from 78 days just four years earlier.

"The demand is really across the spectrum," said Panfil, the Brunswick planning director. "We need to incentivize people to build more quality housing stock."

In the Mckeen Landing project, considered part of the former base, Millett said homes rent for \$1,500 "and they're all filled." Three quarters of the homes sold in the neighborhood were to clients with affordable home incomes, while more than half of the homes for sale were sold to first-time buyers.

Millett is proposing the Brunswick council authorize the creation of an affordable housing committee. She said one was formed years ago "and nothing was done."

She also is concerned about short-term rentals because they take housing units off the market as speculators move in to buy up properties. Whether they improve them is a question, she said. ■

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# Turning bad into good: How SEPs can benefit Maine communities

*The agreements, formally called Supplemental Environmental Projects, can redirect fines and other proceeds to accomplish and complete long-awaited public efforts.*

By Glenn Adams

In February 2016, a state inspection at Irving Forest Products Inc. turned up failure by the company to keep adequate records of boiler operations at its Ashland lumber mill. The Maine Department of Environmental Protection recommended fines for violations of Irving's air emissions license.

But instead of having the money go straight to the state treasurer, the DEP and Irving took another route. In an agreement under Maine's Supplemental Environmental Project law, Irving contributed \$4,800 toward a project to restore the Atlantic salmon and brook trout habitat on Salmon Stream in Washburn.

The project called for a stewardship management plan to ensure long-term viability of the restoration, establishment of floodplain vegetation and other measures. The Nature Conservancy played a major part in the effort, which was coordinated by the Town of Washburn.

"It went really well. It's a great project," said Tom Abello, director of external affairs for the nonprofit Nature Conservancy. "It opened up about 30 miles of brook trout habitat."

This is one example of how fines for environmental violations can be directed to projects that are designed to have positive and lasting environmental impacts.

Maine state law authorizes the Department of Environmental Protection and the Attorney General's office to settle civil enforcement actions with agreements that result in environmentally beneficial projects like the one in Washburn.

Supplemental Environmental Proj-



**Salmon Brook in Washburn, after the Supplemental Environmental Project to restore Atlantic salmon and brook trout habitat.** (Photo submitted by Town Manager Donna Turner)

ects, or SEPs, are intended to benefit the community in which the violations occurred, though improvements don't necessarily have to take place in the same community where the violation took place. SEPs are entirely voluntary.

"I look within a 30-mile radius (from the infraction) and say, 'What do we have going on that would make a good SEP?'" said William Longfellow, SEP coordinator for DEP's central region. "Our goal is to keep within the region." The program is also administered through southern, eastern and northern regions.

## Making a positive

In the case involving Salmon Stream, local and state officials focused on a dam had created a large mill pond for many years, said Washburn Town Manager Donna Turner.

"The dam needed a lot of work. The

mill pond was taken over by thousands of geese." A local dam project committee decided to let the stream return to its natural state, said Turner.

Besides extending the brook trout habitat, the project created recreational space for the town of roughly 1,700 residents. A gazebo and playground were worked into the plan. The total cost for all of the work was about \$100,000, which came mostly in the form of grants, and no public money, said Turner.

The benefits of the project extend well beyond Washburn because Salmon Brook Watershed also lies within the communities of Perham and Woodland. In addition, "The Aroostook River and its tributaries in Aroostook, northern Penobscot and northern Piscataquis counties will also benefit from the stronger Atlantic salmon population that will result from this habitat

*Glenn Adams is a freelance writer from Augusta and regulator contributor to Maine Town & City, [adamsgjr1@gmail.com](mailto:adamsgjr1@gmail.com).*

restoration effort,” according to the consent agreement.

SEPs “are useful in that they can mitigate or reduce environmental impacts. They are a good opportunity to invest in conservation activities for the benefit of natural resources,” said the Nature Conservancy’s Abello. The group has been involved in other SEPs. The conservancy is also among the multiple partners in efforts to open thousands of miles of sea-run fish habitat long the Penobscot River and its tributaries through the removal of two dams and construction of a fish bypass around a third.

Supplemental Environmental Projects, or SEPs, must fall into any of seven categories: pollution prevention; pollution reduction; environmental enhancement; environmental awareness; scientific research and data collection; emergency planning and preparedness; and, public health.

### No repeat violators

The law does list several exclusions. For example, repeat violators – those that have been the subject of another enforcement action based on the same or substantially similar environmental requirement – cannot receive an SEP. Intentional violations are a disqualifying factor.

Penalties are calculated by the DEP, which takes into account many factors relating to the violation and other, similar past violations by others. Penalties must capture any economic benefit of non-compliance. But a violator’s out-of-pocket expense can mitigate a portion of the penalty.

Between 2013 and 2017, the Maine DEP resolved 12 enforcement cases that included SEPs, said Longfellow. Those projects represented \$315,320 in civil penalties applied to SEPs. But the list of municipalities in which SEPs have been used in recent years is much longer because some projects include multiple towns.

For example, Saco and Old Orchard Beach were part of an SEP that involved in-stream water quality sampling and data collection. Houlton and Littleton benefitted from a wetland enhancement project. And multiple towns were included in a mercury thermostat recycling project, according to the DEP.

Ronald Mongeon, enforcement specialist for the DEP, stressed the vol-

## PARTICIPATING COMMUNITIES

Here is a list of municipalities and other Maine jurisdictions where Supplemental Environmental Projects have taken place in recent years:

- Camden – Hosmer Pond Access
- Ellsworth – Hazmat Accountability Training
- Gorham – Hawkes Preserve Erosion Control and Shoreline Restoration
- Hampden – 8.5 acres, Turtle Head Cove Conservation Easement
- Houlton and Littleton – Sweet Grass Pilot Wetland Enhancement
- Littleton – Meduxnekeag River Habitat Restoration
- Lowell – Conservation easement; 120 acres around Eskutassis Stream
- Peru – Stream Enhancement
- Saco and Old Orchard Beach – In-Stream Water Quality Sampling and Data Collection
- Topsham – Culvert Restoration
- Washburn – (Three projects) Salmon and Brook Trout Habitat Restoration (Dam removal and shoreline restoration)
- Waterville – Kennebec Messalonskee Trail Expansion
- Aroostook County – Atlantic Salmon Restoration
- Multiple Towns – Mercury Thermostat Recycling
- University of Maine – Department of Industrial Cooperation – Biomass Boiler Performance Evaluation
- Multiple Towns/Northern Maine Development Commission – Household Hazardous Waste Collection

*Source: Maine Department of Environmental Protection*

untary nature of SEPs.

“It is up to the violator to either choose from a known list of potential projects or propose a project that the Department and Attorney General’s office reviews to ensure that the project is appropriate for that particular case and that it is compliant with statute,” said Mongeon.

“In general, violators have preferred to choose or propose SEPs that can be completed quickly and therefore tend to prefer projects that only require them to provide funding for the projects. In those cases, the projects are managed by a third party, which are often non-profit organizations or municipalities,” Mongeon added.

The U.S. Environmental Protection Agency also has an SEP policy, which was first adopted in 1998 and updated in 2015. It is similarly voluntary and includes provisions for settlement penalties.

SEP policies have also been adopted in a number of other states. New Jersey’s Department of Environmental

Protection says 72 SEPs have been put implemented since 2010. California, Oregon, Indiana, Colorado, Texas, Ohio, Massachusetts, and Rhode Island have also adopted SEP policies.

### Topsham fish passage

In Maine, the Town of Topsham is having its first go-around with SEPs, and so far the process is going well, said town Planning Director Rod Melanson. When it’s complete, a new culvert will be installed, allowing fish passage along a tributary to the Androscoggin River and restoring the stream to its natural flow.

“Ultimately, this is a key step in restoring the aquatic habitat in the stream to attain Class B water quality standards,” says the SEP agreement. Melanson said it will open up about 2,000 feet of river above the culvert.

R.A. Cummings (doing business as Auburn Concrete) was cited in 2015 for unlicensed discharge violations at its Topsham, Auburn, Augusta, West Bath and Westbrook sites. Among the

violations were overfilling a concrete washout containment pond, resulting in flows into a wetland and storm water outfall, and improper maintenance of a containment pond.

Fines totaling \$83,060 were proposed, of which \$9,776 went to the state. An SEP agreement directed that \$58,627 be used for improvement of the Topsham Fair Mall Stream, which included the culvert replacement. The remaining \$14,656 portion of the fine was suspended pending environmental upgrades at Cummings's Topsham facility.

Topsham has awarded a bid for the project, which is expected to get underway in the next construction season, said Melanson. The project likely would not have happened without the SEP.

"All of the parties have been extremely positive," said Melanson. "It has been extremely helpful for us."

### Preserving a park

In Hampden, a riverside public park, known as Turtle Head Municipal

Park, and boat launch are preserved under a \$520,000 SEP that resulted from years of oil discharges from terminals operating along the Penobscot River.

Chevron USA and Texaco Inc. owned and operated a pair of marine oil terminals along the river from the early 1900s to the mid-1980s. The DEP said more than 140,000 gallons of oil spilled in the property and continued to discharge into the river during that time. Chevron later accepted liability for the discharges at both terminals. Thousands of gallons of the leaked oil and tons of oil-contaminated soil have been removed.

Turtle Head Municipal Park provides outdoor recreation and environmental awareness opportunities.

Some cases in which an SEP came into play involved a violation by municipalities. The Town of Gorham was cited in 2015 in areas such as record-keeping, inspections, storm water management and employee training.

A fine of \$25,500 was set by the DEP. But under the SEP, \$20,400 was direct-

ed to the Presumpscot Regional Land Trust to fund the Hawkes Preserve Erosion Control and Shoreline Restoration Project in Gorham.

In Camden, a SEP agreement was formulated to address pollution of Hosmer Pond caused by excavation in the area, which was associated with the expansion of the Camden Snow Bowl ski area. Under the administrative consent agreement, \$33,744 went toward project funding. Improvements included elevation of a gravel boat ramp leading to the pond, addition of a concrete boat landing and planting of shrubs to prevent erosion.

Concerns were raised about the future availability of SEPs after then-U.S. Attorney General Jeff Sessions issued a directive in January 2017 that appeared to narrow the scope of the policies. The memorandum in effect barred payment to any third-party entity that was not a party to the enforcement action. David Madore, communications director for the Maine DEP, said Sessions' directive pertained only to federal SEP policies and did not affect Maine. ■

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# Mike Michaud, back at home, steps up to a municipal office

*Challenges facing East Millinocket are steep, but the former U.S. Congressman says a hydro dam, outdoor assets and a spirit of collaboration offer reasons for hope.*

By Susan Cover

When it comes to public service, it seems Mike Michaud skipped a step.

Rather than start on the local school committee or town select board, Michaud was first elected to the Maine House of Representatives, which led to the state Senate, then the halls of Congress. It wasn't until last November – three years after he left the U.S. House of

Representatives – that he was elected to the East Millinocket select board.

Michaud, 64, said in a recent interview that he hopes what he's learned at other levels of government will help him be a meaningful part of the five-member board that's looking for ways to revitalize East Millinocket, population 1,600, and the now-shuttered mill where he once served as a union leader.

*Q. Why did you decide to run for the select board?*

**A.** After I retired from politics and working as Secretary for Veterans' Employment at the federal level, when I came back, I thought I'd give back to the community. East Millinocket supported me a number of years in all my elections, so I thought it would be a good time to give back to the community. Actually, it's an office I've never held before. I'm very glad I did decide to run and ultimately win the election.



Mike Michaud

got the numbers back so I'm not sure what's behind the numbers. I definitely want to follow up with him and other municipal officials to see if that's something we want to pursue.

*Q. What are the major issues facing East Millinocket?*

**A.** The mill closed across the street and I've been working with the owner of the mill site to see what's out there to help him redevelop the mill site. One of the advantages we have here in East Millinocket is Brookfield owns a hydro dam that locates on that mill site. When you look at electric costs, there is an advantage to locating on that mill site.

One of the things we've been missing for years is having a full-time economic development director to help bring businesses here or help existing business expand. The Penobscot County commissioners agreed unanimously to fund an economic development director for the Katahdin region for five years, with an additional two years, for a total of seven years, which

*Q. What have you learned so far?*

**A.** When you go from the state level to the federal level then back to the local level, I think it really gives me good oversight of some of the areas that can be helpful to a small town like East Millinocket. For instance, health care is a big issue. I knew of an individual who could help save municipalities funding. I just

is significant.

*Q. What you look at the region five or 10 years from now do you envision more big factories, small businesses, recreation?*

**A.** I don't think we'll get more big factories. One of the benefits if you look at the Katahdin region, or if you look at Madawaska or Jay, anytime you have a town that is reliant on a single large industry it's great if that industry is doing well, but if that industry closes, like Great Northern did here in both East (Millinocket) and Millinocket, it really devastates a community. Great Northern used to pay approximately 80 percent of the tax base here in East Millinocket.

My vision is to look at industries that will employ 30-40 employees or less and there could be some that could employ more, so we try to diversify the economic activities in the region. A lot of (federal) data banks are located on rivers because they need the water to cool the computer systems. That's a great advantage here. They are also high energy intensive and we have a dam. It would be very beneficial not only to the town but also to Brookfield, who owns the hydro dam. It could be a big base for Brookfield for supplying power.

*Q. What's the status of broadband in the area?*

**A.** We have a Broadband Committee. The three towns (Medway, East Millinocket, Millinocket) have voted to establish a committee. We do have broadband here. There have been some concerns about reliability and some companies providing the bandwidth that individuals need. We're going to continue working with the committee and hopefully be able to get some grants to help build that fi-

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*Susan Cover is a freelance writer from Augusta and a regular contributor to Maine Town & City, [mainefreelancer@yahoo.com](mailto:mainefreelancer@yahoo.com).*

ber network and move forward.

**Q.** *Is there a way for East Millinocket to benefit from the Katahdin Woods & Waters National Monument?*

**A.** Absolutely. When you look at a tourism destination, we have a lot to offer in this region. We have Baxter State Park, we have the national monument, plus we have Gil Butler's land up on Grindstone Road. He spent millions of dollars on trails in that area. Talking to some of the businesses already, it has made an impact to their businesses in creating economic activity. The other area is when you look at the national monument. As I mentioned earlier, the economic development director, some of that funding comes from the payment in lieu of taxes from the national monument. The federal government is paying the county (Penobscot) \$350,000 a year payment in lieu of taxes.

**Q.** *If there's one big thing the select board can accomplish during your tenure, what would you want it to be?*

**A.** Hopefully, there will be more than just one. The select board we

have here in town, we work very closely together. Since I've been on as selectman, we haven't had one divided vote. It's all been unanimous. How can we improve the town of East Millinocket in terms of our economic viability, not only in the short run but also longer term? One of the advantages East Millinocket offers for anyone who wants to help in our community is East Millinocket is really compact. With very few dollars you can have a big impact on the region. I'm very excited to be on the board.

**Q.** *With your experience at various levels of government, what advice would you give someone newly elected to a select board?*

**A.** I would say to really get involved. Get as much information on what a town is currently doing and look at what other towns might be doing and how they might be able to do things differently. You can put as much time or as little time as you want, in any position, whether it's a selectperson, school board, legislature, member of Congress. Just be open minded and

ask as many questions as you can. Not only of officials but also those who are currently working in a municipality. You can learn a lot from the employees. All too often elected officials tend to listen to those that might be in a decision-making position versus those who are actually delivering the programs and how we might be able to do things differently to save money.

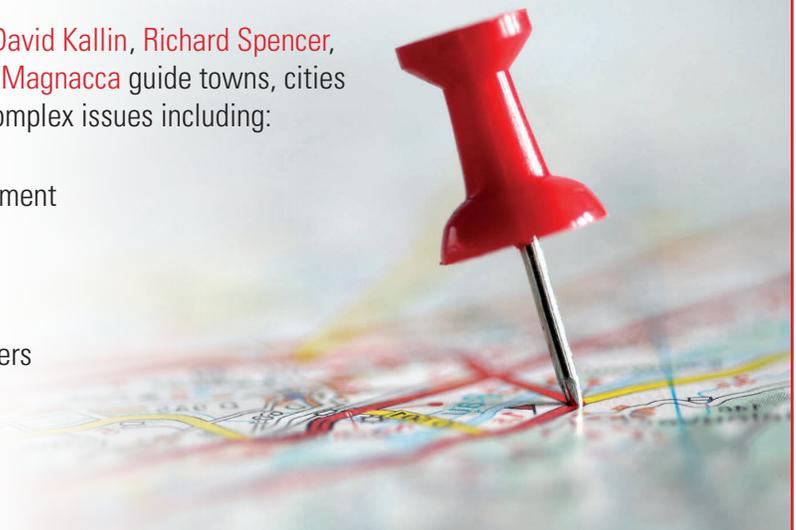
**Q.** *Any other things you'd like to say about ways cities and towns can continue to work together?*

**A.** I want to thank elected officials, whether they are a selectperson or on school board, for all their hard work. They are there on the ground level so they hear a lot of little complaints and some of the bigger ones. I would encourage them to stay involved not only at the local level but also at the state and federal level. Their voices are going to be really crucial, particularly here in Maine. Collaboration is going to be key. Particularly with tight funds at the local, state and federal level, anytime you can work closer together the better off we'll all be. ■

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# Federal disclosure changes will affect towns that issue bonds

From the Municipal Securities Rulemaking Board

When states and local communities issue municipal bonds to finance public projects, they generally must disclose to investors important information throughout the life of a bond. This “continuing disclosure” information includes significant financial information, such as the bond issuer’s latest annual financial and operating information, as well as certain financial events, including bond calls, rating changes or bankruptcy, among others.

Beginning in later this month, issuers of certain municipal bonds will be required to disclose to investors information about significant bank loans and other financial obligations, as well as events reflecting financial difficulties related to those financial obligations.

Municipalities make continuing disclosures to bondholders by filing them with the Electronic Municipal Market Access (EMMA®) website operated by the Municipal Securities Rulemaking Board (MSRB). Below is an overview of what Maine communities need to know about the changes to their disclosure requirements and filing information with EMMA. For more information, read the MSRB’s resource, “[10 Things to Know: Disclosing Financial Obligation Information](#).” It can be found at our website: <http://www.msrb.org/>.

As a result of the U.S. Securities and Exchange Commission’s (SEC) municipal bond disclosure rule, SEC Rule 15c2-12, certain municipal issuers contractually commit to provide investors with continuing disclosures. Communities that issue bonds may also use bank loans and direct placements of securities to finance public projects. Market participants have long sought to enhance transparency in the municipal bond market and give investors insight into financial obligations that could impact an issuer’s ability to repay its bonds, the issuer’s overall creditworthiness, or an existing bondholder’s

rights. The SEC has amended Rule 15c2-12 to include disclosure of certain events related to such financial obligations, like the incurrence of significant bank loans.

**Q.** *When must communities submit new event disclosures?*

**A.** The new disclosure requirements apply if a community issues a bond after Feb. 27, 2019 for which it has agreed to provide continuing disclosures. Disclosure requirements can be triggered by the incurrence of a new material financial obligation, agreements to certain terms of a pre-existing financial obligation or events reflecting financial difficulties related to financial obligation. Issuers should seek guidance from their legal counsel and other advisors regarding disclosure obligations under Rule 15c2-12, including the amendments effective as of February 2019.

In the interest of transparency, even if a community is not subject to the new requirements, it could still use EMMA to disclose certain financial informa-

tion related to its financial obligations on a voluntary basis.

**Q.** *How will issuers submit additional financial disclosures?*

**A.** The MSRB is updating the EMMA system to accept and display the new financial obligation disclosures. Beginning on Feb. 27, 2019, issuers will be able to submit the additional disclosures using the same method they use to submit all continuing disclosure information to EMMA. [You can read more about EMMA at our website as well.](#)

**Q.** *How can I access additional information?*

**A.** The MSRB hosted an educational webinar about the amendments to Rule 15c2-12 and the EMMA submission process on Jan. 17, 2019, with panelists from the SEC, the National Association of Bond Lawyers, the Government Finance Officers Association and Bond Dealers of America. The webinar is available for on-demand viewing on the MSRB’s webinar page. ■



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# 2019 MMA & Affiliate Training Calendar

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MMA	Maine Municipal Association	MFCA	Maine Fire Chiefs' Association
MACA	Maine Animal Control Association	MLGHRA	Maine Local Government Human Resources Association
MAAO	Maine Association of Assessing Officers	MMTCTA	Maine Municipal Tax Collectors' and Treasurers' Association
MBOIA	Maine Building Officials & Inspectors Association	MSFFF	Maine State Federation of Firefighters, Inc.
MCAPWA	Maine Chapter of American Public Works Association	MTCCA	Maine Town & City Clerks' Association
MCDA	Maine Community Development Association	MTCMA	Maine Town, City and County Management Association
MeWEA	Maine Water Environment Association	MWDA	Maine Welfare Directors Association

\*Please note that the listings in "cyan" with a 🔍 symbol are new courses!

**Date: Day: Course Name: Location: Sponsored By:**

### FEBRUARY

2/20	Wed.	NMBOIA Internal Plumbing	Brewer - Brewer Auditorium	NMBOIA
2/26	Tues.	MTCCA Title 30A - Town Meeting and Local Election Law	Portland - Fireside Inn & Suites	MTCCA
2/28	Thurs. 🔍	<b>Drones: Legal Update (NEW!)</b>	<b>Lewiston - Ramada Inn</b>	<b>MMA</b>
2/28	Thurs.	MeWEA Legislative Breakfast	Augusta - Senator Inn	MeWEA

### MARCH

3/6	Wed. 🔍	<b>Spurring Civic Engagement (NEW!)</b>	<b>Augusta - Maine Municipal Association</b>	<b>MMA</b>
3/7	Thurs.	MTCCA Notary Public 101	Waterville - Waterville Elks Banquet & Conference Center	MTCCA
3/11	Mon.	Managing Freedom of Access Requests Managing Freedom of Access Requests - <b>Video Conference</b>	Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission	MMA
3/13	Wed.	MWDA Advanced GA	Augusta - Maine Municipal Association	MWDA
3/20	Wed.	Planning Board/Boards of Appeal	Portland - Fireside Inn & Suites	MMA
3/22	Fri.	MTCMA 40th Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn	MTCMA
3/22	Fri.	MeWEA Ski Day with NHWPCA	Gorham, NH - Wildcat Mountain Ski Resort	MeWEA
3/27	Wed.	How to Lead Effective Meetings	Augusta - Maine Municipal Association	MMA
3/28	Thurs.	MBOIA March Membership Meeting & Training	Newry - Sunday River	MBOIA
3/27	Wed.	MFCA Membership Meeting	Newry - Sunday River	MFCA
3/28 - 29	Thurs.-Fri.	MFCA Professional Development Conference	Newry - Sunday River	MFCA

### APRIL

4/4	Thurs.	MCAPWA Annual Spring Meeting	Waterville - Waterville Elks Banquet & Conference Center	MCAPWA
4/5-6	Fri.-Sat.	MACA Annual Business Meeting & Training	Newry - Sunday River	MACA
4/10	Wed.	MTCCA New Clerks	Portland - Fireside Inn & Suites	MTCCA
4/11	Thurs.	MMTCTA Tax Liens Workshop	Orono - Black Bear Inn	MMTCTA
4/11	Thurs.	MLGHRA Wage & Hour Workshop	Augusta - Maine Municipal Association	MLGHRA
4/11-12	Thurs.-Fri.	MCAPWA Supervisory Leadership in Public Works Program - Part I	Augusta - Buker Community Center	MCAPWA
4/17	Wed.	Elected Officials Workshop	Saco - Ramada Inn & Conference Center	MMA
4/17	Wed.	NMBOIA Gravel Pits - Compliance with State Laws/Rulings	Brewer - Brewer Auditorium	NMBOIA
4/18	Thurs.	MMTCTA Tax Liens Workshop	Portland - Fireside Inn	MMTCTA
4/22-23	Mon.-Tues.	MWDA Spring Training Seminar	Bangor - Hollywood Hotel & Casino	MWDA
4/24	Wed. 🔍	<b>Regulating Vacation Rentals (NEW!)</b>	<b>Belfast - Hutchinson Center</b>	<b>MMA</b>
4/24-25	Wed.-Thurs.	JETCC North Country	Presque Isle - TBD	MeWEA
4/26	Fri.	MAAO Northern Maine Spring Workshop	Caribou - Northern Maine Development Commission	MAAO

<b>Date:</b>	<b>Day:</b>	<b>Course Name:</b>	<b>Location:</b>	<b>Sponsored By:</b>
4/30	Tues.	MTCCA Vital Records MTCCA Vital Records - <b>Video Conference</b>	Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission	MTCCA

## MAY

MAY	TBD	MCAPWA Supervisory Leadership in Public Works Program - Part II	Augusta - Buker Community Center	MCAPWA
5/2	Thurs.	Personnel Practices	Augusta - Maine Municipal Association	MMA
<b>5/10</b>	<b>Fri.</b>	<b>Municipal Technology Conference</b>	<b>Bangor - Cross Insurance Center</b>	<b>MMA</b>
5/15	Wed.	MAAO Board of Assessment Review MAAO Board of Assessment Review - <b>Video Conference</b>	Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission	MAAO
5/15	Wed.	NMBOIA Advanced Structures & Composites	Brewer - Brewer Auditorium	NMBOIA
5/16	Thurs.	MMTCTA Annual Conference	Waterville - Waterville Elks Banquet & Conference Center	MMTCTA
5/20-21	Mon.-Tues.	MBOIA 10th Annual Maine Code Conference	Northport - Point Lookout Resort and Conference Center	MBOIA
5/22	Wed.	MTCCA Licensing	Augusta - Maine Municipal Association	MTCCA

## JUNE

6/5	Wed.	NMBOIA SSWD/Internal Plumbing	Brewer - Brewer Public Works	NMBOIA
6/6	Thurs.	MCAPWA Highway Congress	Skowhegan - Skowhegan Fairgrounds	MCAPWA
6/13	Thurs.	MMTCTA Cash Management	Augusta - Maine Municipal Association	MMTCTA
6/18	Tues.	New Managers Workshop	Augusta - Maine Municipal Association	MMA
6/20	Thurs.	Elected Officials Workshop	Fort Kent - Fort Kent Outdoor Center	MMA
6/25	Tues.	MTCCA Municipal Law for Clerks MTCCA Municipal Law for Clerks - <b>Video Conference</b>	Augusta - Maine Municipal Association Machias - Machias Career Center	MTCCA
<b>6/27</b>	<b>Thurs.</b>	<b>Municipal Human Resources &amp; Management Conference</b>	<b>Waterville - Thomas College</b>	<b>MMA</b>

## JULY

7/11	Thurs.	MFCA Membership Meeting & Networking	Hope - Hope Fire Station	MFCA
7/11	Thurs.	MMTCTA I've Got The Job - What Now? Workshop	Augusta - Maine Municipal Association	MMTCTA
7/18	Thurs.	MBOIA July Membership Meeting & Training	Augusta - Maine Municipal Association	MBOIA
7/22	Mon.	Verbal Judo - Tactical Communication for the Public Employee	Saco - Ramada Inn & Conference Center	MMA
7/25	Thurs.	MMTCTA Basic Excise Workshop	Augusta - Maine Municipal Association	MMTCTA
7/30	Tues.	Planning Board/Boards of Appeal	Bethel - The Bethel Inn	MMA
7/30	Tues.	MTCCA New Clerks	Waterville - Waterville Elks Banquet & Conference Center	MTCCA

## AUGUST

8/7-9	Wed.-Fri.	MTCMA 74th New England Management Institute	Carrabassett Valley - Sugarloaf Mountain	MTCMA
8/15	Thurs.	MTCCA Vital Records	Orono - Black Bear Inn	MTCCA
8/21	Wed.	Legal Update on Recreational Marijuana	Saco - Ramada Inn & Conference Center	MMA
8/22-23	Thur.-Fri.	MMTCTA Basic Accounting I	Waterville - Waterville Elks Banquet & Conference Center	MMTCTA
8/28	Wed.	Elected Officials Workshop	Jay - LaFleur's Restaurant	MMA

## SEPTEMBER

9/3	Tues.	MTCCA Voter Registration	Presque Isle - Northern Maine Community College	MTCCA
9/4	Wed.	MTCCA Title 21A - State Election Law	Presque Isle - Northern Maine Community College	MTCCA
9/5	Thurs.	MMTCTA Payroll Law	Waterville - Waterville Elks Banquet & Conference Center	MMTCTA
9/6	Fri.	MCAPWA Golf Tournament	Cumberland - Val Halla	MCAPWA
9/10	Tues.	MTCCA 24th Networking Day & Annual Business Meeting	Waterville - Waterville Elks Banquet & Conference Center	MTCCA
9/11	Wed.	MeWEA Golf Tournament	Rockland - Rockland Country Club	MeWEA
9/12	Thurs.	Planning Board/Boards of Appeal	Orono - Black Bear Inn	MMA

Date:	Day:	Course Name:	Location:	Sponsored By:
9/12-13	Thurs.-Fri.	MeWEA Fall Convention	Northport - Point Lookout Resort & Conference Center	MeWEA
9/13-15	Fri.-Sun.	MSFFF Annual Convention/Meeting	Fryeburg Fairgrounds	MSFFF
9/16-17	Mon.-Tues.	MWDA GA Basics/Advanced GA	Freeport - TBD	MWDA
9/17	Tues.	Labor & Employment Law	Portland - Clarion Hotel	MMA
9/18-20	Wed.-Fri.	MAAO Fall Conference	Sebasco - Sebasco Harbor Resort	MAAO
9/26	Thurs.	MBOIA September Membership Meeting & Training	Gray - Spring Meadows Country Club	MBOIA

## OCTOBER

<b>10/2-10/3</b>	<b>Wed.-Thurs.</b>	<b>83rd Annual MMA Convention</b>	<b>Bangor - Cross Insurance Center</b>	<b>MMA</b>
10/3	Thur.	MFCA Annual Membership Meeting	Bangor - Cross Insurance Center	MFCA
10/5	Sat.	MSFFF Firefighters Memorial Service	Augusta	MSFFF
10/8	Tues.	MTCCA Voter Registration	Augusta - Augusta Civic Center	MTCCA
10/9	Wed.	MTCCA Title 21A - State Election Law	Augusta - Augusta Civic Center	MTCCA
10/15	Tues.	Roles of Elected Officials & Municipal Managers	Bridgton - Bridgton Town Hall	MMA
10/16	Wed.	NMBOIA Subdivision Laws	Brewer - Brewer Auditorium	NMBOIA
10/24	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Orono - Black Bear Inn	MMTCTA
10/29	Tues.	Elected Officials Workshop	Belfast - Hutchinson Center	MMA
10/29	Tues.	MBOIA DECD & Fire Marshal's Office Training	Portland - Fireside Inn & Suites	MBOIA
10/30	Wed.	MBOIA DECD & Fire Marshal's Office Training	Brewer - Jeff's Catering	MBOIA
10/31	Thurs.	MBOIA DECD & Fire Marshal's Office Training	Waterville - Waterville Elks Banquet & Conference Center	MBOIA

## NOVEMBER

NOV	TBD	MLGHRA Fall Training	TBD	MLGHRA
11/1	Fri.	MBOIA DECD & Fire Marshal's Office Training	Augusta - Maine Municipal Association	MBOIA
<b>11/7</b>	<b>Thurs.</b>	<b>Legal Advice: Sexual Harassment (NEW!)</b>	<b>Orono - Black Bear Inn</b>	<b>MMA</b>
11/13	Wed.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Augusta - Maine Municipal Association	MMTCTA
11/14	Thurs.	Basic Municipal Budgeting	Union - Union Town Hall	MMA
11/20	Wed.	NMBOIA ADA Compliance	Brewer - Brewer Auditorium	NMBOIA
11/21	Thurs.	Elected Officials Workshop	Dover-Foxcroft - Mayo Regional Hospital	MMA

## DECEMBER

<b>12/3</b>	<b>Tues.</b>	<b>Workplace Active Threat Defense (NEW!)</b>	<b>Augusta - Maine Municipal Association</b>	<b>MMA</b>
12/5	Thurs.	Planning Board/Boards of Appeal Planning Board/Boards of Appeal - <b>Video Conference</b>	Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission	MMA
12/6	Fri.	MWDA Winter Issues Training	Augusta - Maine Municipal Association	MWDA
<b>12/9</b>	<b>Mon.</b>	<b>Diversity Immersion (NEW!)</b>	<b>Lewiston - Ramada Inn</b>	<b>MMA</b>
12/12	Thurs.	Managing Freedom of Access Requests	Freeport - Hilton Garden Inn	MMA
12/12	Thurs.	MBOIA Annual Membership Meeting & Training	Lewiston - Green Ladle	MBOIA
12/17	Tues.	MMTCTA Small Claims - Snow date 12/19	Augusta - Maine Municipal Association	MMTCTA

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# PEOPLE

Business analyst **Phil Bofia** was elected by the Waterville City Council in January to fill the seat vacated by **Nathaniel White**, who moved to Fairfield. White was first elected in 2015 and re-elected in 2017 for a three-year term. Bofia, 31, will serve until the next regularly scheduled election in November. He is a 2009 graduate of the University of Maine, where he earned a bachelor's degree in management. His many community efforts include serving as a member of the city's airport advisory committee, a community college trustee and president of Waterville Habitat for Humanity. Bofia and four other candidates interviewed for the temporary appointment.



**Kim Dalton**

Woolwich selectpersons promoted **Kim Dalton** from treasurer to town administrator in January. The decision was unanimous. Dalton will continue her treasurer duties, as well as general assistance. Dalton was hired as the town treasurer nearly a year ago. She replaces **Katie Johnston**, who accepted the finance director's job last month for the Portland International Jetport. Dalton was chosen from a pool of 22 candidates, many from outside of Maine.

Lincolnville Fire Chief **Steve Gibbons** has retired and been replaced by **Don Fullington III**, who was promoted from deputy chief. Fullington has worked for the town for 16 years, the past four as deputy chief. Gibbons is a former fire chief for Glenburn and Camden who's been a firefighter since the 1980s. When Gibbons accepted the job in 2017, he told officials he would only work for a

short period. In Lincolnville, fire officials select the chief and selectpersons make the appointment. The new deputy fire chief is **A.J. Weed**, while **Jake Cookson** and **Don Fullington Jr.** are the new assistant chiefs.



**James Goodson III**

Castine Town Manager **James "Jimmy" Goodson III** will retire in July after five years with the seaside town and home of the Maine Maritime Academy. Goodson said he was hiking at Acadia National Park last summer with a cousin who had just retired when he began thinking of ending his work career, too. Goodson gave up his job as executive director of the Hancock County Habitat for Humanity after being approached to apply for the manager's job by town officials and residents. Goodson moved to Castine from Alabama 13 years ago after working for 15 years in the real estate investment market. Goodson, who got his boat wet only once last year, said he is eager to sail the Maine coast and tour other areas during his retirement.



**Mary White**

Bath officials said last month they will miss City Clerk **Mary White**, who dedicated 23 years to the City of Ships before retiring on Dec. 31. White's first city job was as deputy clerk beginning in 1995 and was promoted to clerk in early 1999. City councilors praised White's dedication and professionalism and the chairperson said

White "has left her mark in a very big way" on the city. The town council voted unanimously to appoint Deputy Clerk **Mary Howe** as interim clerk. Councilors are not in a hurry to find a permanent replacement and want to give Howe enough time to "settle in" before making any move to name a permanent replacement.

Dixfield police Sgt. **Ronald Wood** rescued a 72-year-old woman from her burning home on Dec. 26. The woman suffered from smoke inhalation and was treated and released from the hospital. Several town departments responded to the blaze before learning that Wood had seen the fire and saved the woman. The state fire marshal was contacted because officials did not think the woman could get out of the house on her own.



**Vanessa York**

Skowhegan residents and officials were shaken in January upon hearing of the death of newly elected Selectperson **Vanessa York**, a Skowhegan business leader, community activist and mother of one daughter, Emma. York died Jan. 19 after a short illness. She was 48. She was elected at the March 2018 town meeting. York was a longtime member of the Skowhegan Area Chamber of Commerce, whose members plan to establish a scholarship in her name. She also served on the Skowhegan hospital's board of directors, among many other community efforts. Selectpersons planned to discuss how to fill her seat during their Feb. 12 meeting, since the vacancy must be filled by election, not appointment. ■

**If your municipality submits a news item for the Maine Town & City, consider sending a corresponding photo to:**

**Eric Conrad: econrad@memun.org**

or

**Jaime Clark: jclark@memun.org**

## STATEWIDE

Broadband provider RedZone announce in January it will expand and improve its service in 26 municipalities from Berwick to Fort Kent in 2019, a plan that will increase its customer base to 300,000 households and businesses. Ten of Maine's 16 counties are involved in the company's expansion plan. Another 50 communities bordering the expansion areas also will benefit from the upgrades, which will improve both the accessibility and speed. RedZone, based in Rockland, expanded service to Farmington, Dover-Foxcroft, Calais and Machias last year. The service expansion will allow live-streaming, gaming and many business programs. The company's plan for the New Year also includes completing 2018 network upgrades in Sanford, Bath, Monhegan Island, Union, Westport Island, Portland, Falmouth and Bath. Once done, RedZone services will be available to 50 percent of Maine homes and businesses.

## BRUNSWICK

The Federal Bureau of Investigations (FBI) has opened an investigation in an attempt to find the computer hackers who tried to withdraw \$125,000 from two accounts held by the Midcoast Regional Redevelopment Authority. The authority, which redeveloped the former Brunswick Naval Air Base (110 entities employing 1,700), has a system that requires the finance director to email the bank about withdrawals or transfers and then get approval from Executive Director Steve Levesque. The bank then follows up with a phone call before money can be transferred or withdrawn. The hacking attempt was caught by Bath Savings Institution, which called the authority because an email "didn't look right." The hackers were able to get into employees' emails, which is how they knew to send the bank an email. Levesque said staff members have changed their email passwords.

## CARIBOU

Maine's Congressional delegation announced in late January that Pines Health Services will receive more than \$2.2 million to expand services, reduce costs and improve health care access to its five rural Aroostook County locations. The nonprofit is headquartered in Caribou. Its clinics are also located in Presque Isle, Van Buren, Washburn and Fort Fairfield.

## NEW ON THE WEB [www.memun.org](http://www.memun.org)

Highlights of what's been added at [www.memun.org](http://www.memun.org) since the last edition of the Maine Town & City.

**Senior Tax Liens and Town Meeting.** Maine Municipal Association's Legal Services Department has produced an important "patch" to help municipalities with town meetings properly authorize the sale of tax-acquired properties.

**Spirit of America Awards.** Municipalities are encouraged to pick a local person, project or group to receive a 2019 Spirit of America Foundation Tribute for outstanding community service. Last year, more than 160 towns and cities did so.

**LD 1 Worksheet.** The state Office of Policy and Management has issued its Municipal Tax Levy Worksheet, which set the personal income growth factor at 2.77 percent.

## OXFORD

The town will receive \$1.9 million as its take from the 2018 Oxford Casino revenue from games and slot machines. According to the Maine Gambling Control Board, the town payment is \$180,000 more than the 2017 windfall. The casino features 968 slot machines and 28 game tables. The town gets two percent of revenue: \$1.55 million from slots and \$352,000 from game tables last year. There is no restriction on how the town can use the money.

## PRESQUE ISLE

State transportation officials want to string snow fences along Route 1 in various places in Aroostook County to prevent whiteouts – the kind that caused a multi-vehicle crash in late January. A snow barrier of some sort is needed in various stretches from Houlton to the Allagash. Since many places along Route 1 are flanked by potato fields, meadows and open land, driving is dangerous and visibility can be zero during a blizzard. Drifting snow requires state and municipal plow drivers to clear the same areas several times. The proposed snow fences would be located at the tree lines. State officials have talked to some farmers about the idea and received mixed reviews. Tree barriers are another option. MDOT planted a tree wall along a stretch of the Caribou Road and it has helped with visibility issues. The drifting snow

also creates large snowbanks that need to be cleared, causing state and local departments to rack up overtime hours.

## TRENTON

The private nonprofit Island Explorer bus service, with its depot in Trenton and headquarters in Ellsworth, will receive \$5.4 million in federal funds to buy a new fleet of buses that transport Mount Desert Island visitors to Bar Harbor, Acadia National Park and other destinations on the island. Operated by Downeast Transportation, the bus service already has received the first three of 21 new buses. The Island Explorer buses run on propane. Each bus costs \$240,000 and holds 30 passengers. Last year, Island Explorer carried a record 600,000 passengers to MDI.

## SACO

City police will host their ninth Citizen Police Academy, a nine-week free class that gives residents in-depth insights about how the department is run. One of the most popular classes is a mock trial, complete with a real judge, police as witnesses and students as the jurors. Participants must be 18. Anyone can apply for a slot, but preference is given to Saco residents. Students also get a tour of the department's shooting range and complete a fingerprinting exercise. Students also will learn about identity theft and cybercrime, among many other subjects. ■

## CORRECTION

Bridgton voters approved a 180-day moratorium on the siting, operation or licensing of any medical marijuana storefronts in town by a vote of 1,350 to 1,183. Incorrect results were reported in the December Maine Town & City election roundup.

# MUNICIPAL BULLETIN BOARD

## **SPECIAL SESSION!**

**FEB. 28**

### **Legal Update on Aerial Drones: Lewiston**

Attorney Amanda A. Meader, who works out of her Winthrop-based law office, will lead an afternoon workshop that focuses on how municipalities can use and regulate aerial drones. How can towns and cities control their use? How should your municipality respond to neighbor complaints about their use? What are the requirements for first responders who want to use drones in their official capacities?

This workshop, which will be held on Feb. 28 at the Ramada Inn and Conference Center in Lewiston, will provide an up-to-date overview of the legal landscape related to drones. The workshop begins with registration at 2 p.m. and will conclude at 4:30 p.m. Cost is \$35 for MMA members and \$70 for non-members.

## **SPECIAL SESSION!**

**MARCH 6**

### **Spurring Civic Engagement: Augusta**

Christopher T. Gates, a nationally known expert on civil discourse and civic engagement, will lead this new, evening workshop designed for elected officials, managers and department heads who long for more citizen involvement and volunteerism in local government.

The workshop will be held at the Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta. Registration starts at 4 p.m. The workshop itself will run from 4:30 to 8:30 p.m. Cost is \$70 for MMA members and \$140 for non-members.

**MARCH 11**

### **Managing Freedom of Access Requests: Augusta, Caribou (via video)**

Sometimes FOA requests come in slowly. Sometimes they come from serial requesters, and they keep coming for a while. Either way, Maine law requires that all FOA requests be handled properly, fairly and in a timely manner. That's what this workshop – to be held at MMA's conference center in Augusta, and shown live via video at the Northern Maine Development Commission office in Caribou – will address.

The program will be led by MMA Legal Services Attorneys Richard Flewelling and Rebecca McMahon; Union Town Manager Jay Feyler; and, Eric Conrad, MMA's Director of Communication & Educational Services. The afternoon workshop begins with registration at 1:30 p.m. The program itself runs from 2 p.m. to 4:30 p.m. Cost is \$35 for MMA members and \$70 for non-members.

**MARCH 20**

### **Planning Boards/Boards of Appeal: Portland**

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on March 20 at the Fireside Inn & Suites in Portland.

The workshop is designed as an introduction for new or less experienced members, but veterans may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members.

**MARCH 22**

### **Statewide Manager Interchange: Bangor**

This year's Maine Town, City & County Management Association Interchange will take a deep dive into the area of civility, with featured speakers talking about responding to challenging comments, promoting community-wide civility and respect, and listening to others and finding common ground.

The event on March 22 begins with registration at 7:45 a.m. The program starts at 8:15 a.m. and will run through 3:45 p.m. Registration costs vary depending on the timing of registration, length of tenure in MTCMA and other factors.

## **SPECIAL SESSION!**

**MARCH 27**

### **How to Lead Effective Meetings: Augusta**

Portland meeting facilitator extraordinaire Nancy Ansheles returns to lead this highly regarded workshop on preparing for, organizing and running effective meetings. The session is designed for many people in municipal government, from elected officials who

handle large and sometimes boisterous groups to deputy department heads who lead small staff meetings, and want them to be as effective as possible.

The day-long meeting will be held at the MMA Conference Center in Augusta. It starts with registration at 8:30 a.m. and will conclude at 4 p.m. Cost is \$75 for MMA members and \$150 for non-members. MTCMA (managers) members who attend can receive six credits in the Leadership Category.

**APRIL 10**

### **New Clerks: Portland**

This course, designed to familiarize new municipal clerks with their duties and responsibilities, will be held on April 10 at the Fireside Inn and Suites in Portland.

The workshop will be led by Kim McLaughlin, Town Clerk in Old Orchard Beach; and, Merton Brown, Town Clerk in Kennebunk. It will touch on the many, varied topics that municipal clerks oversee. There will be time for a question-and-answer period following the presentations. Registration begins at 8:30 a.m. Cost for the program is \$60 for MTCCA members and \$80 for non-members.

**APRIL 17**

### **Elected Officials Workshop: Saco**

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on April 17 at the Ramada Inn and Conference Center in Saco. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members. ■

# LEGAL NOTES

## The Law on Hemp & CBD

What's the difference between hemp and marijuana? Can hemp be legally grown in Maine? What about hemp-derived products like cannabidiol (CBD)? Is CBD regulated under Maine's marijuana laws? We answer all these questions below.

But first, some background. In 2018 Maine legalized adult use marijuana via the Adult Use Marijuana Law and overhauled the Maine Medical Use of Marijuana Act (28-B M.R.S. §§ 101-1504 and 22 M.R.S. §§ 2421-2430-H, respectively). These laws establish a default prohibition on adult use and medical retail stores, adult use cultivation facilities, manufacturing and testing facilities, and medical dispensaries. With a few exceptions for some existing medical marijuana operations, no such establishment may operate unless a municipality's legislative body (town meeting or town or city council) has first "opted in" or voted to allow that type of establishment. This is in addition to State licensing and/or registration requirements. Municipalities also have "home rule" authority to regulate the production and sale of marijuana and marijuana products. (For more, see MMA's "Information Packets" on adult use and medical marijuana at [www.memun.org](http://www.memun.org)).

Although hemp and marijuana plants are related, they are regulated differently. Hemp is a strain of cannabis with less than 0.3% of the psychoactive compound THC. Hemp can be legally grown in Maine as long as the grower obtains a hemp license from the Maine Department of Agriculture, Conservation and Forestry (DACF) (7 M.R.S. § 2231). Hemp growers are not subject to Maine's marijuana laws in order to *grow* hemp. Nor is growing hemp subject to municipal opt-in requirements or municipal regulation under Maine's marijuana laws.

But the law is different for hemp-derived products like CBD. CBD is a compound said to possess medical benefits without the psychoactive effects of THC. CBD is extracted from the cannabis plant as a concentrate and is then used to make products like oils, tinctures, and edibles. Although hemp is a popular source of CBD, a State license to *grow* hemp does not authorize the manufacture or sale of CBD. CBD, whatever the source, constitutes a "marijuana concentrate" under

## MUNICIPAL CALENDAR

**ON OR BEFORE FEBRUARY 15** — Written statements, as prescribed by State Tax Assessor, of wages withheld in the previous calendar year are to be furnished each employee (36 MRSA § 5251).

■ Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333-0011 [22 MRSA §4311].

**FEBRUARY 18** — Presidents' Day, the third Monday in February, is a legal holiday (4 MRSA § 1051); and shall be observed as a school holiday in the absence of any vote of the superintending school committee designating how the day shall be observed (20-A MRSA § 4802).

**BEFORE TOWN MEETING** — Selectmen must have a warrant posted at least 7 days before town meeting and have a constable or named resident make return (30-A MRSA §2523). If adoption of an ordinance is proposed, make sure of compliance with 30-A MRSA §3002. Send copy of town report to the following: MAINE MUNICIPAL ASSOCIATION, State Tax Assessor, Fogler Library, UMO and State Librarian.

■ Town Meeting voter registration and voting list requirements. The registrar shall accept the registration and enrollment of voters prior to the municipal election according to the time schedule prescribed by 21-A MRSA § 122 unless changed by municipal officers.

■ Copies of annual report are to be deposited in the municipal office or a convenient place of business for distribution to voters at least 3 days prior to the annual meeting (30-A MRSA § 2801)

■ Check 30-A MRSA § 5823 for audits, and § 2801 for town reports.

**BY MARCH 1** — Solid Waste Municipal Reporting forms are due back to the State Planning Office, 38 State House Station, Augusta Me 04333 [38 MRSA §2125(1)].

Maine's marijuana laws. Therefore, according to DACF the manufacture or sale of hemp-derived CBD is illegal unless done in compliance with these laws. Likewise the manufacture or sale of hemp-derived CBD is subject to municipal opt-in requirements and municipal regulation under Maine's marijuana laws.

Hemp and hemp-derived products are also subject to complicated federal laws including the 2018 Farm Bill. The new Farm Bill significantly changes the legal status of hemp and lays the groundwork for a national hemp market, but it does not wholly deregulate the production of hemp or hemp-derived products. For details, see this recent Food and Drug Administration press release: <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm628988.htm>. (Meanwhile the Maine Department of Health and Human Services has ordered non-medical retailers to stop selling CBD edibles because CBD is not an FDA-

approved food additive.)

These recent changes in federal law do not alter the fact that in Maine, hemp-derived CBD is considered a marijuana concentrate and is regulated under Maine's marijuana laws. If CBD products are being manufactured or sold in violation of Maine law, this is a matter for law enforcement authorities.

Note, this is only a brief summary of a complex subject, the exact legal parameters of which are subject to change. Stay tuned for more updates from us on the status of adult use and medical marijuana laws in Maine. (By R.E.M.)

## Explanations on Warrants

*Question:* Is there any law prohibiting us from including explanations on a town meeting warrant?

*Answer:* No, there isn't. In fact, whenever an article to be voted on by secret ballot calls for an appropriation of money, State law *requires* that the article as print-

# LEGAL NOTES

ed on both the warrant and the ballot be accompanied by the recommendations of the municipal officers (selectmen) and the budget committee if there is one (see 30-A M.R.S. § 2528(5)(B)). Moreover, if it's a school budget article, the school board's recommendation must also be included.

But whereas explanations, including recommendations, are permissible on warrants, they are generally not allowed on ballots except for the required recommendations for appropriations (see above). It's true that 30-A M.R.S. § 2528(6) (E) permits "words of explanation" on ballots, but we're confident this authorizes only voting instructions, such as "Vote yes or no." It does not authorize explanations or recommendations on a ballot except as otherwise specifically required by law (again, see above).

Back to explanations on warrants, here's some advice: (1) include them only if necessary or helpful, (2) keep them brief and factual, and (3) distinguish them from the articles themselves by using a separate line and italics or parentheses or both.

For much more on the preparation of town meeting warrants, see MMA's *Town Meeting & Elections Manual*, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Vehicles Obstructing Roads

*Question:* Is there an effective statutory remedy for removing parked vehicles obstructing public roads?

*Answer:* Yes, there is. Title 29-A M.R.S. § 2069(2) authorizes any law enforcement officer to order the removal (towing) of any vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a public way. All towing and storage costs are, by law, at the expense of the vehicle's registered owner. The law immunized the State, counties, and municipalities as well as law enforcement officers against any liability for damages caused by removal of the vehicle and for any towing or storage charges.

A different law (17-A M.R.S. § 505) makes it a Class E crime, punishable by up to six months imprisonment and a fine of up to \$1,000, to obstruct a public way after having been ordered by a law enforcement officer to remove the obstruction – a parked vehicle, for example.

Yet another law (23 M.R.S. § 2701) au-

thorizes the selectmen to take immediate action, through the road commissioner or on their own if the road commissioner fails to act, to eliminate safety hazards on town ways. This broad authority arguably includes obstructions in the travel way, including parked vehicles. Although this particular remedy does not require an order from a law enforcement officer, it should probably be used to remove a vehicle only when an officer is not readily available and the vehicle is clearly obstructing the travel way and the owner cannot readily be found and first notified to remove it.

Of course, municipalities can also enact and enforce their own local parking ordinances, including towing provisions. The municipal officers (selectmen or councilors) have the *exclusive* authority to enact parking ordinances (among others) even in a municipality with a town meeting form of government (see 30-A M.R.S. § 3009). (By R.P.F.)

## Can Any Board Hold An Executive Session?

*Question:* Can any municipal board hold an executive session?

*Answer:* In theory, yes, any type of municipal board or committee could go into executive session. But in reality, virtually none of the eight specific subjects for which an executive session is legally authorized would be applicable to most municipal boards and committees.

To refresh, Maine's Freedom of Access Act (FOAA) or "Right to Know" law authorizes executive sessions for (1) personnel matters, (2) suspension or expulsion of school students, (3) purchase or sale of real estate or economic development, (4) collective bargaining negotiations, (5) attorney-client consultations, (6) confidential records, (7) examination records,

and (8) code enforcement officer consultations. For important details, see 1 M.R.S. § 405(6).

Also, for executive sessions the FOAA requires a motion specifying the precise nature of the business to be discussed and citing the statute that permits it, as well as a public, recorded 3/5 vote. Final approval of ordinances, orders, contracts, appointments or any other official action is prohibited in executive session, as is discussion of any business not identified in the motion. For details, see 1 M.R.S. § 405(1)-(5).

Over the years we've written often here about various aspects of executive sessions. For a complete catalog, enter "executive sessions" in the Search Legal Notes box at [www.memun.org](http://www.memun.org).

For more on Maine's Right to Know law, see MMA's "Information Packet" by that title, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Maximum Interest Rate for 2019 Delinquent Taxes: 9%

The State Treasurer has established 9% as the maximum interest rate that municipalities may set for delinquent property taxes committed during calendar year 2019. (By R.P.F.) ■

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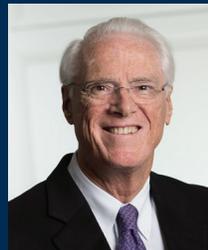
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