

Maine Town & City

The magazine of the Maine Municipal Association

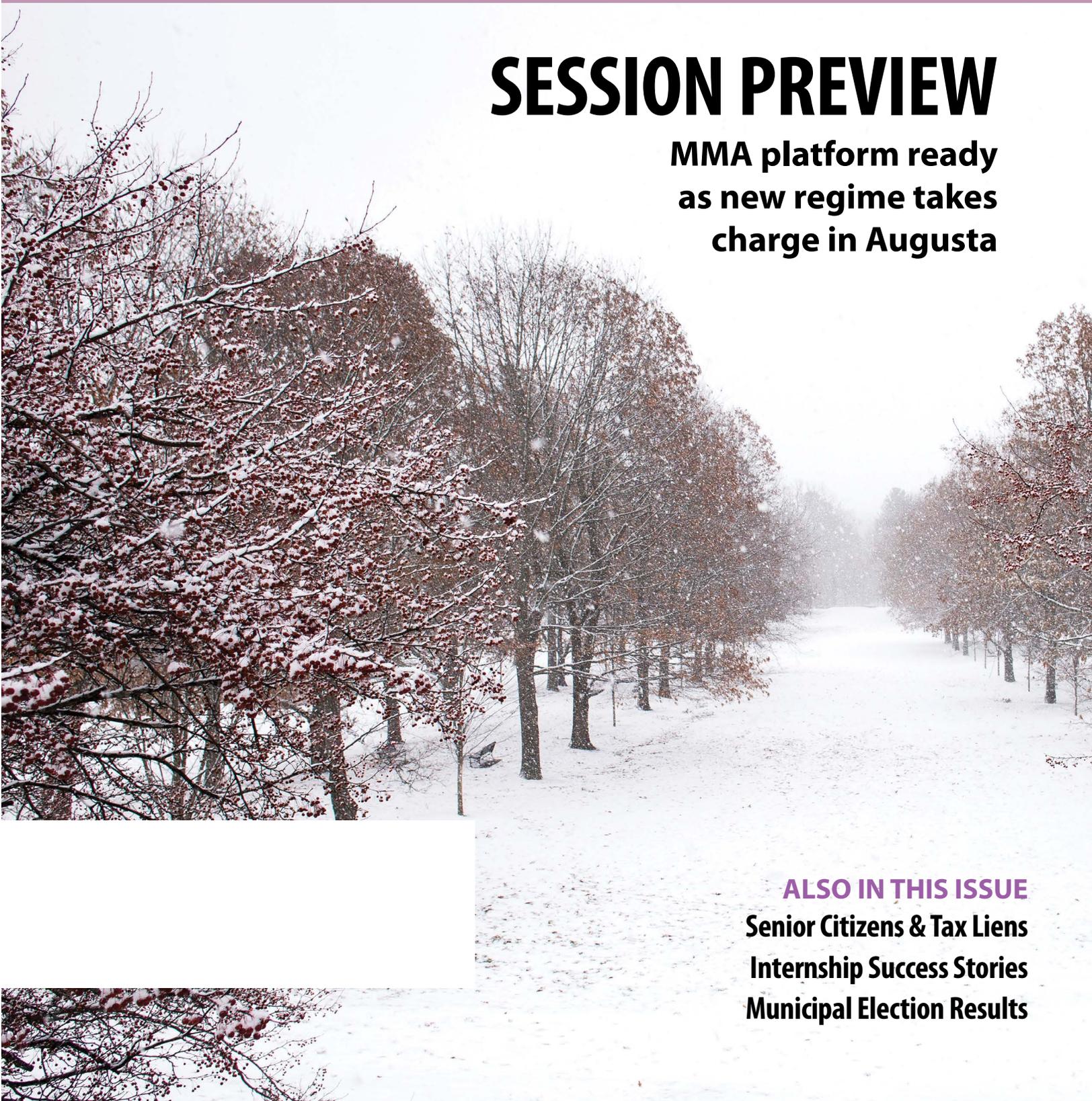
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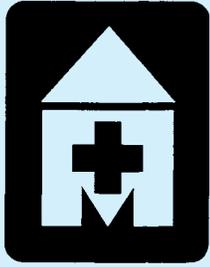
SESSION PREVIEW

**MMA platform ready
as new regime takes
charge in Augusta**

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Maine Town & City

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The Magazine of the Maine Municipal Association

FEATURED SECTION | 23

Young Americans



One of the best ways to address an aging workforce is to break in a new one. Municipal interns provide fresh perspectives – and do a lot of work.

What a career: *Linda Cohen, who is stepping down both as the president of Maine Municipal Association and Mayor of South Portland, takes a look back.*
[Page 5](#)

Local results: *MMA presents its comprehensive, statewide roundup of municipal election results.*
[Page 19](#)

ABOUT THE COVER: *MMA's Ben Thomas captured this photo of Capitol Park in Augusta, on an early winter's day.*

Getting Ready

The upcoming legislative session stands to be one of change, and a lot of it. MMA has its priorities in order. Turn here to read about them. [Page 7](#)

Seniors & Property Taxes

The process of handling senior citizens who fall behind on their property taxes has changed. MMA explains how towns and cities should proceed. [Page 11](#)

Referenda Roundup

Voters responded to many local ballot questions last month, ranging from big capital projects to legal marijuana establishments. [Page 15](#)

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A MESSAGE FROM MMA

BY LINDA COHEN / MMA PRESIDENT

My career in public service: It's been an honor

As I write this, we have just experienced a huge mid-term election that will most likely take our state in a new direction. The leaves have turned and most are blowing around in the fall air. It's a time of change, and like our state, I will be going in a new direction.

Change is inevitable. On Dec. 3, I will step down as Mayor of South Portland and as a member of the City Council. At the same time, I will hand the reins of Maine Municipal Association President to Mary Sabins. And so will end my 30-plus year career in municipal government. What an experience it has been. Nothing has brought me more satisfaction in my career than being a public servant, but the greatest honors have been serving as Mayor in the community I love and serving as President to the association that trained me and provided me with the opportunity to meet so many like-minded public servants from all over Maine.

To say that it has always been easy or that the road was never littered with obstacles would be untrue. There have been times when I have questioned why I was punishing myself by living in a fishbowl where anyone and everyone could, and sometimes did, question my integrity and honesty. I survived the bad times and I have enjoyed the good times, always knowing that I was not alone. All across our great state, local officials were carrying their own loads, but someone was always available to listen, and it got me through. Being a public servant is one of the most challenging and rewarding careers, but it takes a thick skin to survive. It means you have to live your life like everyone is watching, because they are. It also means you can pick up the phone and call your counterpart in another community, and they will give you great advice and let you whine!

I have made friends with elected and appointed officials from one end of our state to the other. I have also had the opportunity to work with some very dedicated state officials who recognized we were all in this together. From the people who administer elections to those who plow our roads, communities are blessed with some very dedicated souls, many of whom stay 30, 40, even 50 years or more.

Both Maine Municipal and the City of South Portland are in very capable hands. The leaders in both organizations recognize the need to encourage young people to become members of the municipal family. They know that times are changing, and we must think about providing services in new and expanded ways in order to be effective and stay relevant.

One thing that will not change is that this is a people-oriented business, and we must always remember that our work affects the everyday lives of our citizens. Cities and towns will always need dedicated professionals serving the public, so it is my hope that we all are spreading the word about what a great life public service can provide.

Leaving my friends at Maine Municipal is going to be sad, but I do not see my public service ending. I like to think I still have a lot to offer, and I will land where I am destined to be. And as I step down on Dec. 3, other councilors in South Portland and elsewhere will take the oath of office, and another eager employee will join a municipal workforce somewhere in some wonderful Maine community, and so it will hopefully go for years to come.

Thank you for allowing me the honor to be your President. ■

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Fresh Start: Legislative Policy Committee adopts platform

Maine Municipal Association's 70-member LPC has given clear direction on municipal priorities for the upcoming session. Property-tax relief is paramount.

By Kate Dufour, Director of State & Federal Relations, MMA

The snow-covered path in Capitol Park featured on the cover of this magazine is by now imprinted with footprints of all shapes and sizes, with some moving in a uniform direction and others veering off of the main path in search of a new adventure or a favored location. Similarly, the November election of Governor-Elect Janet Mills and the members of the 2019-2020 Maine Legislature present state level policymakers with a fresh start and an opportunity to stamp their policy priorities on Maine's legislative history.

While it is too early to precisely determine which direction Maine's new leaders will move, it is expected that change will be forthcoming, both with respect to the tenor of the debate on run of the mill matters as well as on divisive issues and the policies addressed, debated and implemented.

"Good governance starts with good communication, even with those you disagree with. I look forward to improved communications and a more open dialogue with the new administration to help find common sense solutions for Maine citizens and visitors."
Gary Lamb, Waterboro Town Administrator & LPC Representative.

Despite the unknowns and a decade's worth of broken promises in the form of reductions in state funding for important – and, in some cases, mandated – municipal services, local officials are cautiously optimistic about the future, generally. More specifically, there is hope for the opportunity to restore the relationship between state and municipal leaders. To that end, the Maine Municipal Association's Legislative Policy Committee (LPC) is



The Blaine House will see a different occupant next month. (Photo by Ben Thomas)

advancing a 10-plank legislative platform for consideration by members of the Maine House and Senate over the next biennium. That platform is largely focused on a multi-pronged approach for delivering much-needed property tax relief and providing municipal leaders with the tools necessary to grow their local economies.

"The 10 planks that form the foundation of the MMA's 2019-2020 legislative agenda reflect the mission and commitment of MMA and its members - how can we best deliver the services our residents depend on local government to provide. From property tax relief to covering the cost of marijuana legalization at the local level, the bills that will have the full support of the MMA keep the local residents of communities from St. Agatha to Sanford at the center of the conversation." Larissa Crockett, Scarborough Asst. Town Manager & LPC Alternate.

Direct property tax relief

As directed by the LPC, the Association will foster a comprehensive property tax burden relief strategy that is focused on amending and improving three existing programs and diversifying sources of municipally generated revenue.

Specifically, the LPC's tax relief bills seek to restore and protect funding for the Municipal Revenue Sharing Program, expand the benefit and reimbursement provided under the Homestead Exemption program, and authorize municipalities to implement a local sales tax. A fifth tax relief measure included on the Policy Committee's platform seeks to revive the state's currently defunct property tax deferral program.

Revenue Sharing Restoration. The LPC directed MMA staff to advocate against legislation seeking to reduce the percentage of state sales and income tax shared with municipalities.

Under current statute, funding for the State/Municipal Revenue Sharing Program is scheduled to increase from 2% to 5% of state sales and income taxes on July 1, 2019. According to the Revenue Forecasting Committee's March 2018 report, the restoration to 5% will increase revenue sharing distributions from \$71 million in FY 2019 to \$170 million in FY 2020.

Revenue Sharing Protection. In addition to advocating for the immediate restoration of funding, the LPC is seeking to protect future revenue sharing distributions by amending the state's constitution. As proposed in the resolution, the Legislature would be constitutionally required to distribute not less than 5% of total monthly state sales and income tax revenue to municipalities for the explicit purpose of reducing the burdens placed on property taxpayers. If MMA is successful in convincing two-thirds of the members of the Maine House and Senate to support the bill, Maine voters will have to ratify the amendment at a subsequent election.

"During the great recession, state municipal assistance programs were decimated. This included redirecting 60% of statutorily required municipal revenue sharing to other state purposes. These cuts increased the property tax burden in all Maine municipalities, both urban and rural. Now that the state's finances have improved, municipal funding must be restored and cities and towns given the revenue tools we need to reduce the property tax burden on our residents." Ed Barrett, Lewiston City Administrator & LPC Representative.

Homestead Exemption Program Expansion. The LPC is also advancing a measure to increase the value of the benefit provided under the Homestead Exemption from \$20,000 to \$25,000 and increase state reimbursement for lost property tax revenues from 62.5% to 100%. If enacted, it is estimated that the property taxes paid on a \$150,000 home in a community with a mill rate of \$16 would be reduced from \$2,114 to \$1,973, a savings of roughly \$140 each year.

Local Option Sales Tax. In an effort to diversify sources of locally generated revenue and reduce the overreliance on property taxpayers to fund

local government services, the LPC is advancing a bill that grants municipalities the authority to voluntarily adopt a local option sales tax. As proposed, by a vote of the local legislative body, a municipality would be allowed to impose a local option sales tax of not more than 1% on retail, meals and lodging sales currently subject to the state sales tax.

"I am very pleased that municipalities across Maine have made the Local Option Sales Tax a top priority for the MMA for the first time in their history. Allowing our communities to diversify our revenue base will greatly reduce the burden on the property tax and ensure that we are able to fully fund our needs without simply asking Augusta for more help." Ethan Strimling, Portland Mayor & LPC Representative.

Senior Property Tax Relief. Finally, targeted property tax relief for older homeowners is proposed through the reinstatement of an amended version of the currently non-operational State Property Tax Deferral Program for Maine's Senior Homeowners. As proposed in the LPC's initiative, qualifying homeowners who meet thresholds for age (65 years of age and older), household income (less than \$40,000) and liquid assets (\$50,000 limit for an individual; \$75,000 for two or more individuals) would be eligible to defer all or a portion of their property tax liability. Under terms of the program, the state would pay the property taxes owed on behalf of the homeowner and, in turn, retain a non-foreclosing lien on the property. This would allow for the sale of the home and recoupment of tax payments made, once the homeowner is no longer eligible to receive the benefit.

Indirect property tax relief

The LPC is also advancing two measures that could potentially reduce the amount of property-tax revenues used to fund school programs and county jail costs.

Use of "Unanticipated" School Aid. The school-related initiative proposes to establish property tax relief as the default use of "unanticipated" additional state subsidy for K-12 education.

Under the terms of this proposal, unless the voters participating in the budget validation referendum ap-

prove a warrant article allowing all or a portion of additional state subsidy to be used to fund a school unit board approved cost center expenditure, the additional subsidy must be used to reduce the local share of approved educational costs. Under existing laws, absent the adoption of a warrant article authorizing the use of additional state subsidy, the revenues must be held in reserve for the following year.

In cases where the adjustment prevents the regional school unit board from raising 100% of the required local share, the Policy Committee's bill requires the Commissioner of the Department of Education to waive the required proration of the state share.

Jail Inmate Healthcare Costs. The LPC is also advancing legislation to reduce the property tax burden associated with funding county jail inmates' health-care costs. As proposed, the Department of Health and Human Services would be required to establish a mechanism for ensuring that county jail inmates who are eligible for Medicaid coverage are able to apply for initial and renewed coverage while detained or incarcerated.

Economic development tools

Finally, the LPC's platform includes five bills focused on local level economic development. One of the bills provides funding for the local implementation of the state's adult use marijuana retail and manufacturing operations, and the others ease municipal efforts to deploy reliable broadband service to all areas of the state.

Marijuana Revenue Sharing. Put simply, there are many local planning, administrative and enforcement costs associated with the adoption of ordinances allowing adult use marijuana industry operations. Recognizing this, the LPC is advancing legislation that allocates one-quarter of the gross sales and excise revenue generated by adult use marijuana establishments in the state to the municipalities where the revenue is generated.

Without this sharing of marijuana-related sales and excise tax revenues, it is unlikely that municipalities will voluntarily subject local property taxpayers to costs of generating revenues nearly exclusively for the state, which could have the unfortunate consequence of further empowering the

so-called “gray” market for the sale of non-medical marijuana.

Broadband Expansion and the Municipal Right of Way. The LPC is advancing three bills to facilitate local level efforts to provide much needed access to broadband service.

The first bill seeks to restore municipalities’ right to attach municipal facilities to utility poles located in the municipal right of way, without having to pay utilities to move their facilities out of the space on the poles that is intended to be reserved for municipal uses.

Towns and cities moving forward with broadband projects have discovered that the utilities’ “make ready fees” have become a serious impediment to broadband expansion efforts, with the potential to make otherwise shovel-ready projects cost prohibitive. It does not make sense for local governments to have to pay companies, which have encroached on the municipal space with poles, to move the utilities’ property out of the way.

The second proposal adds “community broadband systems” to the list of essential types of infrastructure that municipalities may construct and generate revenue from for reasons of public necessity. Broadband is as necessary in the 21st Century to public welfare and economic development as electricity, water and sewer. By recognizing this fact in state statute, this bill encourages local and regional public-private partnerships that expand broadband access.

Finally, the third bill builds on the first two broadband-centric proposals by recognizing the benefit that utilities receive from the municipal improvements to the right of way where the utilities’ facilities are located. Members of the Legislative Policy Committee believe management of the municipal right of way has grown more costly as a result of utility activity.

This bill brings Maine in line with other states by allowing municipalities to assess fees that place those growing costs where they are more appropriate, off of local property taxpayers and onto the utilities. The fees would be required to account for municipal expenditures necessitated by utilities’ occupation of space in the right of way, or to otherwise mitigate impacts that the municipality has to correct.



The Statehouse, pictured earlier this winter. (Photo by Ben Thomas)

“MMA’s LPC platform for the next legislative cycle should hopefully paint a clear picture that municipalities in Maine are concerned for their taxpayers, and that the 10 planks in the platform represent varying solutions to reducing the local taxpayer burden. Many of the proposals are simple requests to return to the norm of fully funding State mandates, such as 5% Revenue Sharing and fully funding the Homestead Exemption. Property tax relief is a local issue, therefore it is incumbent that we as municipalities collectively roll-up our sleeves to advocate for meaningful property tax relief for our residents and businesses.” Gary Picard, Madawaska Town Manager & LPC Representative.

Other policy priorities

In addition to advancing the proposals described above, the Legislative Policy Committee recognizes that local leaders need to engage in intergovernmental and multi-partner efforts that address systemic issues affecting Maine residents, guests and businesses. As a result, during the 2019-2020 legislative session Maine Municipal Association staff will seek out opportunities to address:

State/Municipal Relationships. Work with newly elected state leaders to improve the state/municipal relationships necessary for the successful, efficient and fairly funded provision of government services.

Broadband Access. Defend and im-

prove upon the ability for municipalities, regional collectives of municipalities, municipal broadband districts and counties to construct, own, maintain and/or lease broadband internet infrastructure for the purpose of ensuring timely and affordable access to Maine’s publicly-built “3-Ring Binder” network to support entrepreneurial activity, attract business, improve access to modernized methods of education and healthcare, and enhance demographic in-migration.

K-12 Education Funding. Hold the Mills Administration and the Legislature accountable for making continued progress toward the statutory requirement to fund 55% of K-12 education costs, as defined by the Essential Programs and Services program.

“Revenue sharing restoration is of the utmost importance to the taxpayers of Maine. The property tax burden is devastating to citizens of my municipality, especially the elderly. If the state would fully fund RS we may not need a local option sales tax. Furthermore, it is time for the elected representatives to put the money where they promised and fully fund the 55% for education.” Jay Feyler, Union Town Manager & LPC Representative.

Workforce Development. Support workforce development and recruitment efforts that ensure Maine residents have the skills necessary to support an expanding economy including, but not limited to, education loan

forgiveness, high school internship opportunities, vocational school programs and regional workforce training boards.

"The LPC work gives a true pulse as to the feeling of local governments, thus the residents of Maine." George Donovan, Alfred Selectman & LPC Representative.

Transportation Funding Shortfalls. Address the Department of Transportation's chronic funding shortfalls and overreliance on bond revenue by working with the Department and industry officials to identify and implement the sustainable funding and efficient resource allocation solutions necessary to avoid the public safety, declining maintenance standards, and financially related consequences associated with deferring improvements to Maine's federal, state and local road and bridge network.

County Jail Funding. Partner with county officials to implement measures that increase the state's share of county jail operations and thereby reduce the burden currently placed on property taxpayers to fund the state-mandated service.

Affordable Housing. Promote the development of affordable senior and workforce housing, including supporting efforts addressing the state's homelessness issue and encouraging locally implemented policies allowing older residents to age in place.

Mental Health/Opioid Crises. Partner with county and state agencies to develop and implement the multi-partner strategies necessary to address the state's opioid and mental health services crises.

"In today's world, there can be no we and them; we MUST work together to maintain this great state of ours and attain goals at all levels. We; municipality and state, are equally important pieces of a much larger mechanism that can fail miserably if too much pressure is applied in the wrong location. The 10 planks of our (LPC) platform are much needed... to equalize the pressure to maintain fluidity and productivity. There is much truth to the familiar saying 'united we stand, divided we fall.'" Dwayne Young, Weston Administrative Asst. & LPC Representative

Looking ahead

After the first of the year, the Legislature will begin to process hundreds of bills seeking to amend existing statute and implement new laws. If history is a guide, roughly 500 bills will impact municipalities, some more directly than others.

Future updates on the Association's platform efforts, as well as on

the municipally relevant bills advanced by state policymakers, will be provided in MMA's *Legislative Bulletin*, which is published each Friday during the legislative session. It is expected that the first edition will be published on Jan. 11, 2019. If you are interested in receiving a copy (either electronically or paper) of the Bulletin, please contact Laura Ellis at lellis@memun.org or 1-800-452-8786. ■

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How to comply with Maine's senior tax lien foreclosure law

MMA's Legal Services Department has received many inquiries about the new requirements. Here are the answers to some commonly asked questions.

By Susanne Pilgrim, Director of Legal Services, MMA

Last September, the Legislature enacted LD 1629, *An Act to Protect Homeowners Affected by Tax Lien Foreclosure* (PL 2017, c. 478). Maine Municipal Association's Legal Services Department has received many questions about this new law and its requirements. Some common questions are addressed below.

Q. *When is the new law effective?*

A. The new law takes effect Dec. 13, 2018. It will apply to 30-day demand notices sent after that date. It also imposes a special sale process for some tax-acquired real estate sold after that date.

Q. *How will the new law change municipal tax lien procedures?*

A. Remember that the new law applies only to real estate tax liens; it does not impact personal property tax liens or sewer liens.

Almost all of the new law's requirements apply post-foreclosure to the sale of covered tax-acquired real estate. During the pre-foreclosure process, the new law merely requires additional information in the "30-day demand" notice sent pursuant to 36 M.R.S. § 942. Specifically, a 30-day demand notice for real estate constituting a "homestead" under the Maine Resident Homestead Property Tax Exemption program must contain a statement informing the taxpayer of the right to file a poverty abatement application, that the municipality will provide information regarding application procedures, and upon request, will help the taxpayer apply. The 30-day demand notice must also provide contact information for the Maine Bureau of Consumer Credit Protection and state that the taxpayer may contact the bureau for assistance in locating an adviser to help the taxpayer

avoid lien foreclosure.

Although this information need be provided only to "homestead" properties, we recommend that the tax collector simply send the same information to all delinquent taxpayers receiving a 30-day demand notice. This provides all taxpayers with the same resources, avoids the need to research homestead properties and avoids the chance of overlooking any required recipient.

Aside from the new information now required in the 30-day demand notice, there is no change to the real estate tax lien foreclosure process.

Q. *Must we research which properties have received the homestead exemption?*

A. No. Although the municipality will normally have information on homestead properties, it is not necessary for the collector to research homestead properties during the lien process. As noted above, we recommend simply including the required information in all 30-day demand notices.

Q. *Does the special sale process apply to all property tax-acquired after Dec. 13, 2018?*

A. No. The new special sale process applies only to real estate: (1) that, on the date the lien certificate was recorded, was owned by at least one person who was 65 years of age or older and occupied the property as a "homestead" as defined in 36 M.R.S. § 681(2) (the Maine Resident Homestead Property Tax Exemption law); and (2) whose former owner(s) meet income and asset requirements stated in the new law (outlined below).

Q. *What does the new law require after a tax lien forecloses?*

A. At least 90 days before listing for sale any real estate that immedi-

ately prior to foreclosure received the homestead exemption, the municipal officers or their designee must notify the former owner(s) of their right to apply for the special sale process. The notice must be mailed by first class mail to the last known address of the former owner(s), and must include an application form, instructions and guidance on the type of supporting information necessary to include with the application. If the taxpayer files an application and meets eligibility criteria, the municipality must use the special sale process.

The State Tax Assessor is required to provide municipalities with forms for required notices, applications and instructions.

Note that the law does not require that covered property be offered for sale at all, or require that it be offered for sale within any time frame after foreclosure. As with any sale or disposition of tax-acquired property, general authorization from the municipal legislative body is necessary before covered property may be sold.

Q. *Must we research the birth date and income of all taxpayers?*

A. No. There is no need to investigate taxpayer birth dates or incomes. There is no reliable means for a municipality to do so anyway. Although the special sale process applies to homestead properties formerly owned by persons 65 years and older who meet income limits, the post-foreclosure notice and application forms must be mailed to any property that immediately prior to foreclosure received the homestead exemption, irrespective of the income or age of former owner(s). Moreover, we recommend that the notice and application simply be mailed to all former

owners of tax-acquired real estate at least 90 days before listing the real estate for sale. Former owners who meet age and income requirements may then file an application to request the special sale process.

Q. *What does the application process involve?*

A. After the notice and application materials (described above) are mailed to former owners of tax-acquired property, the former owner(s) must be allowed at least 30 days from the date of the mailing to submit an application and supporting information to qualify for the special sale process.

Within 30 days after receipt of an application and supporting materials, the municipal officers or their designee must determine if the former owner(s) qualify for the special sale process.

Within this 30-day period, the municipal officers or their designee should hold a meeting to review the application. The former owner(s) should have the opportunity to attend the meeting to provide information or answer questions. If the municipal

officers will review the application, the board must meet in executive session because the application and all supporting materials are confidential.

To qualify for the special sale process, the former owner(s) must demonstrate that:

On the date the lien certificate was recorded, the real estate was owned by at least one person who was at least 65 years old and who occupied the real estate as a "homestead" as defined in

36 M.R.S. § 681(2); and

The former owner's income, as defined in 36 M.R.S. § 5219-KK(1)(D) (Maine income tax laws) was less than \$40,000 after medical expenses are deducted, for the calendar year immediately preceding the calendar year in which the lien foreclosed; and (2) the value of their liquid assets is less than \$50,000 for one person (or \$75,000 for two or more persons). "Liquid assets" means "something of value

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The municipal officers or their designee must mail written notice of their decision via first class mail to the former owner(s) including notice of the right to appeal the decision pursuant to Maine Rule of Civil Procedure 80B. The notice must be mailed within 30 days after the application is received.

Q. *If the former owner qualifies for the sale process, how must the sale be conducted?*

A. If the former owner's application is approved, the municipal of-

ficers must list the tax-acquired real estate with a licensed real estate broker. The broker may not be an elected or appointed municipal official or employee of the municipality. Also,

the real estate must be sold at fair market value or at a price at which the broker thinks it is likely to sell within six months after listing.

If the municipality is not able to

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list the real estate with a broker after contacting at least three licensed real estate brokers, or if a broker accepts the listing but cannot sell it within six months after listing it, the municipality may then sell, retain, or dispose of the real estate according to its regular procedures relating to tax-acquired property.

Q. *If the property is sold using the special sale process, how are sale proceeds handled?*

A. If the real estate is sold while listed with a broker, sale proceeds in excess of back taxes, taxes that would have been assessed between the foreclosure and sale, accrued interest, fees including broker fees, and other expenses incurred in selling or maintaining the property, including reasonable attorney's fees, must be returned to the former owner(s). See 36 M.R.S. § 943-C(3) for a complete listing of costs that may be deducted from sale proceeds.

Q. *Does the special sale process apply if the municipality sells the property to the former owners?*

A. The law appears to assume, but does not specifically state, that the special sale process is intended to apply only when the municipality intends to sell covered tax-acquired real estate to someone other than the former owner(s). If the municipality wishes to sell real estate back to the former owner(s), the former owner(s) could

decide not to exercise their right to require the special sale process.

Q. *Can we recoup the additional costs in administering the law?*

A. The state must reimburse municipalities 90 percent of additional costs incurred in implementing these new requirements. Primarily, these costs will consist of postage and copying costs resulting from additional notices and mailings. Claims for reimbursement should be presented to

the Maine Revenue Services, which is expected to create reimbursement forms and guidance for this purpose.

Q. *Where can we find additional resources?*

A. MMA's *Guide to Municipal Liens* contains extensive guidance on lien procedures. A supplement detailing requirements of the new law, with sample forms, is available now in the "members" area of our website at www.memun.org. ■



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Voters spend and change laws; some receptive to marijuana sales

In a high-turnout election, there was intense participation in a wide variety of local decisions, belying the notion that voters are out of touch.

By Liz Mockler

Municipal voters supported a slew of major infrastructure projects in Nov. 6 balloting and scads of local ordinances, while some voters decided it was high time to open their communities to recreational and medicinal retail marijuana stores.

In statewide voting, Mainers elected Democrat Janet Mills as the next governor, which marks the end of the eight-year tenure of Gov. Paul LePage, who could not seek re-election due to term limits. Voters also handed control of both houses of the Legislature to Democrats.

Voters approved all statewide ballot questions save for Question 1, which would have created a \$310 million program to finance in-home care for Mainers, regardless of income. The proposal, which would have raised taxes, garnered just 27 percent support at the polls.

As is typical, Maine voters agreed to allow the state to borrow money for infrastructure projects ranging from transportation and wastewater treatment facilities to roads, bridges, harbors, airports, railroads and culverts.

Also included in the bond requests was \$101 million for facility improvements throughout the University of Maine System and the state's seven community colleges.

In all, voters approved four bonds totaling nearly \$200 million. The federal government will issue matching funds of at least \$137 million for certain projects.

Of the four bond questions, Mainers offered the most support for \$106 million for state and municipal infrastructure work. The margin was 68 per-

cent to 32 percent; none of the bond votes were close.

"I think Maine town and city clerks did an incredible job on the election," Secretary of State Matt Dunlap said. "I don't think people realize how hard our clerks work because Election Day is just not Election Day. There is tremendous prep (for actual balloting) and then the clean-up after the election."

Dunlap addressed election security, too, given all the ado over the past two years about alleged voter fraud and suppression.

"All of the local election officials I work with are jealous guardians of local elections," Dunlap said. Election officials "should be very proud of that. Towns and cities do a great job" year after year.

Dunlap said another clue that indicates how well clerks have done is that in the few recounts needed this fall, all of the final results "held up."

"That also speaks to the quality of the work of our clerks," Dunlap said.

Meanwhile, an Associated Press midterm election poll based on nearly 1,000 Mainers' responses, showed 35 percent of Maine residents think the nation is on "the right track," but 65 percent disagree. The poll takes a national snapshot of 135,000 voters and non-voters one month before midterm elections, when there is no presidential contest.

Mainers were slightly more optimistic than the national results, which showed that only 26 percent of Americans say the country is headed in the right direction. The AP VoteCast poll was conducted by the University of Chicago's Center for Public Affairs Research.

For only the second time in Maine history, a municipality has asked a

court to settle a municipal election. Last year, the Town of Winslow asked Maine's Supreme Judicial Court to examine a "sloppy" ballot and tell the town whether it should be counted. It was thrown out by the court, giving an incumbent a one-vote victory.

Bag issue not settled

This year, the City of Waterville has asked the state supreme court to examine 164 disputed ballots in the referendum vote on a proposed plastic bag ban. All of the ballots were cast by Colby College students who used Post Office box numbers, rather than a physical address, when they registered to vote.

The initial tally showed the ban had been narrowly approved by a vote of 3,052 to 2,911.

Mayor Nick Isgro, an opponent of the ban, collected more than the required 100 signatures and paid the city a deposit of \$250 for a recount. The recount reversed the tally, with the ban being defeated by seven votes – 2,918 to 2,911.

The 164 challenged votes were not counted, pending a court decision. Since 151 of the 164 challenged votes supported the ban, the results could flip again if the court rules the students' ballots should be counted, City Clerk Patti Dubois confirmed.

Meanwhile, Isgro and other city officials encouraged Colby students to come back to City Hall and change their registrations to list their physical addresses.

Under state election rules, voters who do not prove they have a physical address in the city cannot cast a vote in that municipality.

Dubois said recently that 30 students had come in to correct their registrations by Nov. 30. She planned to

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hold voter registrar hours during the entire first week of December so more students can make the change.

The Colby residency problem emerged because the college opened a downtown dormitory. The challenged ballots came from the downtown students, Dubois said.

There were no problems with other Colby students' votes because they live on campus and used the college's physical address.

The recount cost the city \$500. Isgro will get his deposit back if the ultimate vote results change the outcome. That will not be known until the court ruling. Dubois said ideally the court would rule sometime this month. Isgro could not be reached for comment by press time.

Pro-environment bans

Presently, 19 Maine towns and cities have banned retailers from using one-use plastic bags. In a new move, two Hannaford supermarkets in southern Maine recently announced they would begin charging customers five cents per paper bag because the chain needs three trucks per store to carry the same number of plastic bags that fit in one truck.

The Waterville proposal was initiated by a citizen's petition. The city council approved putting the ban question on the ballot, but Isgro vetoed the decision. The council voted 5-1 to override the veto.

Meanwhile, voters in Damariscotta and Newcastle agreed to ban one-use bags and there was no dispute about it. The ban passed in Damariscotta by a vote of 692 to 509; the Newcastle vote was 756 to 419, which included banning Styrofoam containers in addition to bags.

Voters said they were concerned about nearly-indestructible plastic, which is breaking down into small enough pieces that birds and fish and animals are eating it—with fatal results. The plastic pieces can be consumed by humans when they eat food without knowing it, food that may be contaminated with tiny bits of plastic.

According to research and reports, plastic bags take 10 to 1,000 years to decompose in a landfill. Bottles can take 450 years to break down. At the same time, most plastic products never fully decompose.

In Rockport, voters approved a

ban on Styrofoam containers by a vote of 1,604 to 470. Initiated by two high school students, the ban includes cups, plates, bowls, coolers and food containers.

Highs and lows

Voters in many towns addressed the ongoing controversial question of whether to allow retail recreational marijuana stores. The issue has been deeply analyzed by municipal leaders and residents for the past two years and a number are deciding to allow recreational-use stores. Also, more towns are allowing medical marijuana stores, where before most operations were established on caregivers' private property.

The issue has vexed communities since voters approved recreational marijuana use in the 2016 general election. Medicinal marijuana use was legalized in 1999, but state-approved private "caregivers" did not begin accepting patients until the Legislature expanded the law in 2009.

The use of medicinal marijuana has not been controversial in the way general use of marijuana has been.

On Nov. 6, voters in a number of cities and towns showed support for retail recreational marijuana stores, including Damariscotta, Eliot and Rockland, where all four advisory questions passed overwhelmingly. They included questions of whether to allow both medicinal and recreational stores in the city and in the downtown area.

Eliot voters endorsed an advisory question to create licensing standards for recreational marijuana stores. The retail stores would be located in commercial and industrial districts. The

vote was 1,742 to 1,163,

Topsham voters also were asked to give advisory direction to the select board. Town Manager Richard Roedner said the board during its Nov. 15 meeting agreed to follow the voters' directions.

Voters rejected the idea of recreational marijuana stores, but approved medicinal-use stores and commercial growing operations. Town officials will begin developing ordinance language to carry out voters' wishes, said Roedner, town manager for the last five years and Topsham town planner for 16 years before that.

Roedner said he was not surprised by the votes, but was "intrigued."

"It was obvious people put a lot of thought into where their comfort level was," he said. "We're not interested in the recreational stuff."

He added, "This is the grand experiment. Will there be (negative) ramifications down the road? We won't know for some time."

Damariscotta voters decided to adapt to the times and welcome both medical and recreation marijuana stores. Bridgton voters wouldn't go that far, but did approve medical marijuana storefronts by a vote of 1,350 to 1,183.

In many other towns, voters approved moratoriums so their elected officials and residents have time to figure out their comfort level.

Starks residents narrowly approved a moratorium on all marijuana-related issues. The vote was 150 to 133.

The Hallowell City Council, after months of debate and hearings, recently agreed to allow two recreational-use storefronts in the downtown.

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Big projects

Voters in many municipalities endorsed large capital improvements, but residents in some communities kept their wallets in their pockets.

Not so in Bridgton. Voters authorized spending up to \$13.5 million to expand the town's wastewater system capacity and improve water quality, both for residents and as a way to encourage more business development.

The project will be funded with state and federal help, but millions will also need to be borrowed. The vote was 1,806 to 749. Voters also approved \$2.9 million in downtown improvements, such sidewalk reconstruction and more efficient lighting. The vote was 1,370 to 871.

Yarmouth voters endorsed a two-part school bond referendum. The first question asked to borrow \$40 million to renovate and expand the town's elementary school. The vote was 3,168 to 2,091. The second question asked for \$12.2 million for three other school projects. The second piece of the plan passed by a vote of 2,900 to 2,049.

In Augusta, voters authorized the city to borrow \$1.6 million to recon-

struct, renovate, repair and improve streets and sidewalks, among other projects. The question passed with 70 percent approval, or by a vote of 5,227 to 2,153.

Rockport residents voted 1,067 to 922 to borrow \$1.5 million toward the cost of building a new library in the town village. Another \$2 million will be raised through pledges and grants, for a total cost of \$3.5 million. Voters agreed the town could seek a bridge loan until the pledges come through.

Old Orchard Beach residents voted 2,513 to 1,436 to borrow \$1 million for the majority cost of a new administration building for the wastewater treatment plant. Another \$350,000 will be withdrawn from the sewer reserve fund. The existing building, complete with asbestos, does not meet all health and safety codes and lacks adequate space.

Waterboro firefighters will get a new fire truck to replace a 20-year-old vehicle. Voters agreed by a vote of 1,661 to 1,277 to bond up to \$615,000 for the truck.

Yarmouth voters also approved borrowing \$8.5 million to build a new public safety facility. The vote was

3,350 to 1,910.

In Skowhegan, voters rejected spending \$8.5 million for a new public safety building, designed to accommodate both the police and fire departments. The vote was 1,893 to 1,322. The town's fire station is 114 years old, while police for decades have operated from the basement of the municipal office. The fire station is reportedly the longest operating station in Maine.

Town officials said most complaints seemed to be about the proposed location. They hope finding an alternate site might help the project win voter approval in the end.

Presque Isle voters rejected a referendum calling for spending \$15 million to close two elementary schools and revamp the middle school to accommodate all K-8 classes. The vote was 1,413 to 1,793.

This and that

Municipal voters decided a far-reaching range of issues. Here is a sampling:

Whitefield voters passed a new junkyard ordinance aimed at eliminating permanent yard sales, a growing concern for many communities.

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Among other concerns, Whitefield selectmen worried that endless “junk yards” could reduce the value of nearby property. The town’s previous junkyard ordinance was essentially based on the state’s policy, which addressed “lawn sales” and time restrictions, but left a loophole for permanent yard sales. The vote was 662 to 437.

Saco voters endorsed changes to the city charter, including a new policy for electing city councilors. Currently, the mayor and councilors serve two-year terms and are all up for election in odd-numbered years. Under the change, councilors will serve staggered three-year terms, with a third of the board seats up for election each year. The vote was 5,103 to 3,632.

Saco voters also endorsed five other charter changes, including requiring the mayor to preside over school board meetings. In the past, the mayor presided over the school committee, but that practice stopped when the city became part of RSU 23. In 2014, the city withdrew from the RSU and created a municipal school department. The vote was 5,790 to 3,002.

Two other changes included a vote of 6,022 to 2,561 to re-write the charter language so that it is gender neutral, and also to require regularly scheduled budget meetings between the school board and council. That change passed by a vote of 6,341 to 2,111.

Waterboro residents voted 1,599 to 1,304 to allow all-terrain vehicles on some public roads, pending a town ordinance. The ATV vote was advisory only.

In Buckfield, voters made major changes to planning board rules. They include reducing the number of members to five from seven; reducing the lengths of terms to three years rather than five; and to remove the requirement that it must meet monthly. In recent times, the board often lacked a quorum.

China residents voted 1,003 to 804 to show support for a town resolution asking the Legislature to amend state tax law that requires municipalities to collect personal property taxes from businesses.

The towns of Harrison and Bridg-

ton in western Maine will share an animal control officer after Harrison voters approve the idea by an overwhelming vote of 1,008 to 207. Voters authorized selectpersons to ink a three-year deal with their neighbors to cover joint funding for the ACO’s salary, benefits and expenses.

The Yarmouth town charter will be amended to prohibit school and town employees from serving on the town council. The vote was 3,088 to 2,147.

Clinton voters defeated a measure to use \$200,000 from surplus to finance a town-wide property revaluation. The vote was 563 to 762. In June, voters defeated the same proposal by a narrow margin, 291 to 296.

Ogunquit residents defeated a citizen initiative to revise and streamline the town’s 300-page comprehensive plan. Opponents said they thought the plan should contain more details.

Union residents voted to allow agency liquor stores within town lines by a vote of 757 to 465. Sales will be banned on Sundays. A local merchant collected enough signatures to get the question on the ballot. ■

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Here they are: Municipal election results from November voting

By Liz Mockler

Following are among the municipal election results from Nov. 6 balloting. Unopposed incumbents are not included. The names of challengers, unless former officials, also are not included unless necessary for clarity. However, former select board members are included, regardless of whether or not they won.

The results are based on news reports and interviews with town clerks. Unlike state and county races, which are partisan, municipal candidates generally run without party affiliation. The November results are listed in alphabetical order by municipality.

Bangor: In a seven-way race for three council seats, incumbents **Sarah Nichols** and **David Nealley** won re-election with 6,407 votes and 4,515 votes, respectively. **Gretchen Schaefer** received 3,480 votes to replace outgoing Councilor **Joseph Perry**, who did not seek re-election. Among the remaining four candidates was former long-time Councilor **John Cashwell**.

Belfast: Voters may have sent a message to the city council on Election Day by rejecting three candidates who oppose the planned Nordic Aquafarm salmon farm, touted as the largest in the world once operational. The two incumbents who support the fish farm held off challengers who oppose the farm: Incumbent **Neal Harkness** defeated his challenger by a vote of 1,560 to 1,422, while incumbent **Mary Mortier** defeated a write-in challenger by a vote of 2,207 to 618. Newcomer **Paul Dean**, who supports the farm, defeated a write-in challenge by a vote of 2,190 to 555. Dean replaces Councilor **John Arrison**, who did not seek re-election.

Brunswick: Newcomer **Daniel Ankeles** won 6,011 votes to defeat a challenger by a 2-1 margin for the town's

at-large council seat. He replaces **Allison Harris**, who did not seek re-election. Another newcomer, **Daniel Jenkins**, ran unopposed and collected 1,350 votes to replace District 3 Councilor **Suzan Wilson**, who also did not seek re-election after serving since 2010.

Cape Elizabeth: Incumbent **Jamie Garvin** won a three-year seat on the town council along with newcomers **Valerie Deveraux** and **Jeremy Gabrielson**. Garvin received 2,869 votes, while Deveraux garnered 2,796 votes and Gabrielson received 2,137. Councilors **Jessica Sullivan** and **Sara Lennon** did not seek re-election. Two other contenders received 1,744 votes and 1,710 votes.

Caribou: Newcomers **Thomas Ayer** and **Jody Smith** defeated two other candidates to replace outgoing councilors **Philip McDonough II** and **Timothy Guerrette**. Ayer collected 1,451 votes and Smith received 1,245 votes. Their opponents garnered 1,135 votes and 716 votes. Guerrette is a retired Caribou firefighter and paramedic.

China: Two incumbents and one former selectperson defeated a challenger to win three-year terms. Incumbents **Jeffrey LaVerdiere** collected received 1,142 votes, while **Donna Mills-Stevens** won another term with 960 votes. Former Selectperson **Ronald Breton** received 966 votes. The fourth candidate, budget committee member **Wayne Chadwick**, received 945 votes.

Eastport: In a four-way race featuring all newcomers, **Jeanne Peacock** and **Peter Small** received 484 votes and 260 votes, respectively, to replace outgoing councilors **Shannon Emery** and **Gilbert Murphy**, neither of whom sought re-election.

Ellsworth: Former City Councilor **John Phillips**, who previously served 18 years on the council, and newcomer **Heather Grindle**, were elected from a field of four to replace long-

time councilors **Stephen Beathem** and **Robert Crosthwaite**, who did not seek re-election. Grindle collected the most votes with 2,044, followed by Phillips, who received 1,336 votes. The two other candidates won 1,236 votes and 974 votes. Crosthwaite served from 1997 to 2005 and from 2012 to 2018. Beathem served from 1985 to 1990, 1993 to 1999 and from 2003 to 2018. Both former councilors recently received a plaque in recognition of their outstanding and long public service to the city.

Fairfield: In a three-way race for two town council seats, incumbent Vice Chairman **John Picchiotti** received 1,479 votes while newcomer **Peter Lawrence** garnered 1,330 votes. Incumbent council Chairman **Michael Taylor** fell just 200 votes shy of winning another term.

Fort Fairfield: Former Councilor **Mark Babin** received the most votes with 1,015 to win one of two seats on the town council. Incumbent **Scott Smith** was re-elected with 504 votes. Babin replaces **Jason Barnes**, who did not seek re-election. Two other candidates received less than 500 votes each.

Freeport: Newcomer **Tawni Whitney** defeated incumbent **Leland Arris Jr.** for an at-large seat on the town council. The vote was 2,720 to 1,690.

Hallowell: Newcomer **Patrick Wynne** defeated eight-year incumbent **Lisa Harvey-McPherson** by a vote of 143 to 106 for the Ward 5 seat. Wynne is an Augusta firefighter and paramedic. Former Ward 1 Councilor **Maureen Aucoin**, who had moved to Ward 4 in September, ran unopposed for the at-large seat vacated by **Lynn Irish**, who did not seek re-election. Aucoin received 1,244 votes. Appointed Ward 1 incumbent **Kate Dufour**, who declared her write-in candidacy in October and who replaced Aucoin after she moved out of her ward, was elected with 22

Liz Mockler is a freelance writer from Randolph and regular contributor to Maine Town & City, lizmockler@hotmail.com.

write-in votes against another write-in contender, who received four votes. Dufour is director of the Maine Municipal Association's State & Federal Relations Department.

Gorham: Newcomers **Virginia Wilder Cross** and **Lee Pratt** defeated a third candidate to replace outgoing Councilors **Sherrie Benner** and **Marla Stelk**, who did not seek re-election. Cross collected the most votes with 4,029, while Pratt drew 3,754 votes. The third candidate received 3,389 votes. Pratt served on the planning board at the time of the election.

Houlton: Newcomers **Christian "Chris" Robinson** and **Terry Joseph "Joe" McKenna** garnered 1,480 votes and 1,437 votes, respectively, to replace outgoing town councilors **Rosa McNally** and **Sue Waite-York**, who did not seek re-election.

Lincoln: Incumbents councilors **Sheldon Hanington** and **George Edwards** were re-elected to three-year terms with 1,084 votes and 822 votes, respectively. Former Councilor **Samuel Clay**, who was first elected while in high school, placed third in a field of four with 743 votes. Clay served for more than a decade. The fourth candidate received 594 votes.

Pittsfield: Town Councilor **Timothy Nichols**, who has served as councilor for two decades, was re-elected narrowly against one challenger by a vote of 148 to 138. In another tight race, the at-large council seat vacated by Mayor **Michael Cianchette** was captured by former Councilor **Debra Billings**, who edged a challenger by a vote of 826 to 817. Councilor **Heather Donahue**, who did not seek re-election to her District 4 seat, was elected nonetheless by receiving 21 write-in votes, compared to five votes for another write-in race.

Portland: Incumbent District 1 City Councilor **Belinda Ray** held off a challenger by a vote of 3,771 to 1,589 to win re-election to another three-year term. District 2 incumbent **Spencer Thibodeau** defeated a challenger by a vote of 4,081 to 1,963, also for another three-year term. Meanwhile, at-large Councilor and former Mayor **Nicholas Mavodones** defeated his challenger by a vote of 14,851 to 14,137. Mavodones will start his eighth term. The challenger, **Joey Brunelle**, dropped his request for a recount after City Clerk **Katherine Jones** and others

explained that some ballots required hand counting, which is why he lost his midnight lead. Once all votes had been tallied by 5 a.m., Mavodones had won the race. Moreover, once all ballots were counted, Brunelle did not qualify to seek an automatic recount under the city charter because the margin was not within 1.5 percent. Brunelle, who ran unsuccessfully last year, still could have had the votes recounted if he paid for it, but decided

to concede instead.

Presque Isle: Incumbent **Douglas Cyr** received 1,493 votes to defeat three other candidates, including former Councilor **Donald Gardiner**, to win a four-year term on the city council. Cyr was appointed in January to fill the vacancy created when former Councilor **Natalie Graves**, who served two years of a four-year term, moved out of the city. Newcomer **Jacob Shaw** was unopposed for a one-year term.



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Shaw garnered 2,605 votes to finish the final year of Graves' term.

Rockland: **Benjamin Dorr** collected 1,246 votes to defeat two challengers to replace **Adam Ackor**, who did not seek re-election. The challengers received 711 votes and 652 votes.

Scarborough: Councilor **Robert "Will" Rowan** was defeated for re-election, placing third in a four-way race for two council seats. Newcomers **Paul Johnson** and **Donald Hamill** collected 5,152 and 4,674 votes, respectively, while Rowan received 4,060 votes. The fourth candidate trailed with 3,882 votes. Former Councilor **Christopher Caiazzo** did not seek re-election; he sought and won election to the state House for District 28.

South Portland: **April Caricchio** defeated **James Gilbo** by a vote of 6,834 to 3,796 to replace former Mayor **Linda Cohen**, who did not seek re-election after serving six years as councilor.

Waterville: **Michael Morris** survived a recount, defeating **Catherine Weeks** by two votes, 347 to 345, to replace **Stephen Soule** on the city council. Soule did not seek re-election. The original vote was 346 to 342 in Morris' favor. The recount ended with one disputed ballot and 28 blank ballots.

Westbrook: Former City Councilor **Michael Foley** defeated a challenger by a vote of 4,446 to 2,966 to replace outgoing at-large Councilor **John O'Hara**, who had served on the board since the 1990s. Foley served from

2006, when he graduated from high school, until 2016, when he did not seek re-election. In Ward 4, incumbent **Gary Rairdon** defeated a challenger by 28 votes, 698 to 670.

Windham: Former Town Councilor **David Nadeau** handily defeated incumbent **Dennis Welch** for an at-large seat by a vote of 3,319 to 1,808. Welch, who had served as councilor since 2011, initially said he would not seek another term. Nadeau served on the council, including a stint as chairman,

from 2011 to 2017. He lost his re-election bid last year to current Councilor **Rebecca Cummings**. A third candidate collected 1,430 votes.

Winslow: Incumbent Councilor **Benjamin Twitchell** was re-elected by holding off a challenger by a vote of 370 to 300. Twitchell also ran again against incumbent state Rep. **Catherine Nadeau** for House District 78, but lost that race by a vote of 1,715 to 2,146. Twitchell ran against Nadeau for the House seat in 2016. ■



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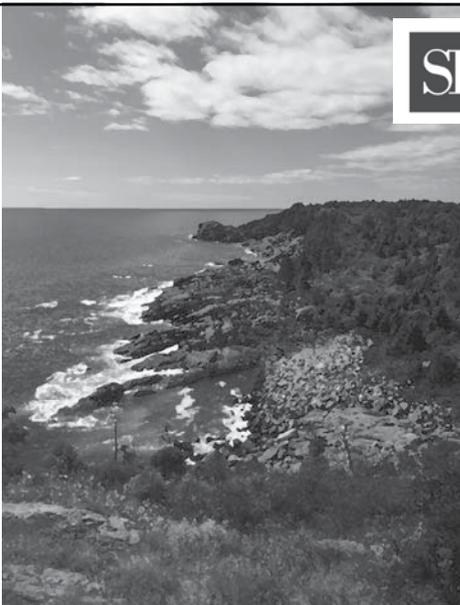
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For MMA members, even more tools are available. The Members Area of the MMA website provides handouts that municipal employers can use, logos and instructions about how to promote Hometown Careers on municipal websites and Facebook pages.

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'Have enough lined up:' Municipal interns can fill critical needs

More Maine students apply for internships with the state, cities and towns than are awarded. Faced with a labor shortage, local leaders may want to think about that.

By Janine Pineo

If you could sit yourself down for 40 hours a week, what could you get done?"

Jay Feyler, Union town manager, has had three years – and three interns – to test this question and get quantifiable results. "It's just amazing the quality and intelligence of these young people," he said. "You can have your interns do stuff that never gets done in years."

Not only does it give management a fresh perspective, Feyler said he has learned how much work can be accomplished by an individual not being pulled in a dozen different directions, but devoted to specific tasks 40 hours a week.

"They get stuff done really fast," he said. His advice for any manager planning for an intern? "Make sure you have enough lined up."

Feyler did not seek interns via his own hiring process in Union. Larger municipalities with human resource departments can and do, but advertising and interviewing applicants, if you get any, requires time, something that smaller municipalities often lack because of the size of their office staff.

What Feyler did was create a job description and outline projects as part of his application to the Maine Government Summer Internship Program administered by the Margaret Chase Smith Policy Center at the University of Maine. The program was established in 1967 by the Legislature, specifically to offer students a chance to gain experience in state government as legislative interns.

It wasn't until 2006 that local and county government internships were



Students in the 2018 Maine Government Summer Internship Program attend the final ceremony at the Blaine House with Gov. LePage. (Submitted photo)

added to the program, but there was no funding attached, nor was there direction on how to organize an administrative structure, according to Peggy McKee, director of the internship program. The Maine Town, City and County Management Association agreed to disseminate information to membership, according to McKee, and the Maine Municipal Association agreed to include information in the Maine Townsman magazine, but it wouldn't be until 2013 that things began to take shape.

"I think there's been a growing recognition that the work force is aging," McKee said. That has led to a conscious effort to build up interest in municipal government.

"In 2013, we worked out a process and shared the program information," according to McKee. "The first municipal internship through our program was in 2014. The program has expanded every year since."

The internship is a full-time, paid job for 12 weeks in the summer. Eligible students either have to be enrolled in a Maine college or be a Maine resident enrolled in college elsewhere, and they must have completed successfully a minimum of two years of college. All majors are eligible to apply.

Interested municipalities also have to apply, outlining the job for the intern and budgeting the funds to pay the required salary. In 2018, that was \$11 per hour.

Need more municipalities

Once applications are in, the process falls on the selection committee, which seeks to match the needs listed by the government applicants to the skill sets of the student applicants. According to McKee, 215 students applied to the overall program in 2018, with 57 offered internships, of which 14 were to municipalities.

"There were a lot of applicants we

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

couldn't place," said Feyler, who is the municipal representative on the selection committee. "Too many kids, not enough towns."

His goal is to see the number of interns double. "We've really been promoting it," he said.

Two first-time participants this year were Bowdoinham and Rumford, with both town managers singing the praises of their interns and the program.

"I can't say enough about the program," said William Post, Bowdoinham's town manager. "I didn't know what to expect. I was cautiously optimistic."

Post said he sat down with his planning and development director to plot out a project list and make sure that the work planned would be valuable. "I knew I was going to have an intern because I knew I could find the money for it," he said. Bowdoinham also won one of three \$1,500 grants from a Maine Municipal Association program as part of its "Hometown Careers" initiative, which aims to raise awareness of the depth and breadth of jobs and careers available in local government.



Rodger Heidgerken

With support from Bowdoinham's elected officials – "They were completely supportive of it" – Post applied and was paired with Rodger Heidgerken, a student from Germany who attends Bowdoin College. When Heidgerken started in late May, Post met with him for a couple of hours to go over the project list, asking him what he wanted to tackle as the town's administrative intern.

"We wanted to expose him to everything," Post said. Among the work Heidgerken did was: mapping all of Bowdoinham's accessible public lands; surveying every municipally maintained road to develop a road plan including budgets, spreadsheets, road status and cost estimates; and, compiling and completing Bowdoinham's Age-Friendly Resource Guide.

"The resource guide alone," Post said, "I mean, it's perfect."

Post said the committee had been working on the project for three years

MORE INFORMATION

Interested city and town officials are encouraged to contact Peggy McKee at the Margaret Chase Smith Policy Center (207-581-1644 or margaret.mckee@maine.edu) prior to applying the first time. "If it isn't someone we've worked with before, it helps to talk with them early," she said. McKee and Union Town Manager Jay Feyler also recommend getting advice from someone who has had an intern before as the municipality plans its internship.

and Heidgerken was able to consult with AARP to complete the 20-page booklet. "It's going to benefit us for years to come," he said.

Heidgerken also attended meetings of the select board and planning board. "This was easily the best part of the internship," he wrote in his final synopsis. "I love feeling like my work made an impact on people, and this is the easiest way to learn that."

Assistance in Rumford

In Rumford, the town was in the midst of executing a critical infrastructure project in the downtown that would replace water, sewer and storm runoff systems, along with sidewalks and other improvements. "This is not a typical Main Street project," said Town Manager Linda-Jean Briggs. "It's a huge undertaking here in Rumford."

Briggs decided the \$5 million Island Project could use an intern as a communications assistant who would help not only with the necessary communication between the town and businesses but also with financial aspects of the project. The intern was responsible for all of the grant and loan paperwork, Briggs said, and also



Victoria Forkus

set up a process for administering the money.

Rumford's intern was Victoria Forkus, a resident of Bryant Pond who just got her master's degree from University College of Dublin in Ireland.

Briggs estimated that Forkus spent about half her internship working on the project. "She would walk the island and introduce herself," Briggs said. "She was very visible. She got a standing ovation when she was leaving."

She added, "Without her, I think we would have had a lot more problems."

For Forkus, the experience opened her eyes to employment possibilities she hadn't seen before. "Local government has more of an impact... than state or federal," she said. She had been applying for state and federal jobs, but as her internship progressed, Briggs encouraged her to consider municipal work.

"I was really open for anything," Forkus said. "The most important thing was being able to remain in Maine. It's cliché, but when you spend time away from Maine, you want to stay here."

She was told to "just apply and see what happens." Forkus did, and in early October, she started work as Jackman's new town manager.

"The experience is exactly what the program wants," Briggs said. She "absolutely" will have another intern, with the focus possibly on mapping cemeteries or working in the highway department.

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More plans for Union



Patrick Groening

Feyler is hoping this year's intern, Patrick Groening of Belfast, will return next year to finish the job on mapping Union's cemeteries. He has another project in mind, too, which would involve the town's website and social media to attract younger folk to become more involved and informed. "We have a hard time getting volunteers for anything," he said.

McKee, the internship program's director, said the program is a learning experience for both intern and administrator. "There's really a void in student awareness," she said. "Most of them come back and say I had no idea."

For administrators, she said, "it's sometimes just having this injection of new energy and different perspective."

The most common issue for students is time management, McKee said. They need to speak up and ask for more to do. "Student interns can generally accomplish more than people think they can," she said.

Administrators regularly find they don't have enough for the intern to do. "It works out better when the supervisor can identify major projects,"

McKee said. Across the board, managers need to design bigger projects for their intern.

While state-level internships tend to be less varied, McKee said, the same is not true for municipalities, which require a variety of skill sets depending on the department. At town level, if the student isn't interested in a project, you can probably come up with other things they can do. "The town has the flexibility to change," she said. ■



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For more information on all Personnel Services programs, or general personnel management information, contact David Barrett, Director of Personnel Services and Labor Relations at 1-800-452-8786.

For more information visit the MMA website:

www.memun.org

PEOPLE



Jerry Goss

Brewer voters returned **Jerry Goss** to a fourth consecutive three-year term on the City Council. Goss, a former mayor and Brewer High School principal, was joined by newcomer **Thomas Morelli**, who replaced retiring two-term City Councilor **Matthew Vachon**. Both Goss and Morelli were unopposed.



Thomas Morelli

Bath has hired **Lindsey Goudreau** as its first staff member to work exclusively marketing Bath and promoting economic development. The new "marcom" position was created last fall. Previously, Planner **Ben Averill** replaced the director of planning and economic development and continued most of Averill's work.



Lindsey Goudreau

However, economic development efforts were divided among various employees. Among Goudreau's responsibilities will be maintaining the city's social media, website, newsletters and other public relations efforts.

Stephen Gould was named Livermore Falls' town manager last month, after serving as interim manager since **Kristal Flagg** left in August 2017 to work as business manager for RSU 17. Gould, a Fayette resident, has worked as a nurse and police officer, as well as volunteering for the local ambulance service. He worked for 20 years in security at the Wausau Paper Corp. mill in Jay.

Wendy MacDougall is the new director of social services for the City of Lewiston. She replaces longtime Director **Sue Charron**. The social services department oversees General Assistance and a workfare program, as well as limited case management. MacDougall has worked as supervisor for the case management program for the Knox County Home Co-

alition. She also served as site manager for a nonprofit that teaches state welfare clients self-sufficiency and provide help developing skills. She holds a bachelor's degree in addiction studies from the University of Maine at Augusta and a master's degree in psychology from the University of Phoenix.



Angelo Mazzone

Scarborough has hired **Angelo Mazzone** as harbor master, replacing **Ian Anderson**, who resigned to move closer to his family in northern Maine. Mazzone is a Portland native who worked his way through the ranks over 20 years to become Scarborough deputy police chief. He resigned to move to Cape Cod to care for his parents for several years. A self-described conservationist, Mazzone ran the department's marine resources program before departing for Massachusetts. Mazzone said he thinks the most challenging aspect of his new job will be to balance the needs and interests of recreational boaters and commercial fishermen.

Jason Moen was named Auburn police chief in November after serving as interim chief since the retirement of **Phillip Crowell**, who took over as assistant city manager after retirement. Moen joined the department in 1995 and served in various roles over the years, including school resource officer, detective and deputy chief. Moen, a former firefighter, earned national certification as a police ethics instructor and is a graduate of the FBI National Academy.



Andrea Powers

After a months-long search, Fort Fairfield councilors hired **Andrea Powers** as the town's new manager. Powers most recently lived in Washington State with her family, and found the advertisement for the Fort Fairfield job while looking for municipal openings in northern Maine, where she grew up and worked previously. Pow-

ers, who started her new job on Nov. 26, grew up in Washburn and Presque Isle. She managed Washburn from 2005 to 2009 and served one year on the Presque Isle Economic Development Committee from 2000 to 2001. She earned a bachelor's degree in art from the University of Presque Isle and a master's degree in public administration from the University of New Haven in Connecticut. She took a few years off from working to stay home with her three daughters, but wanted to return to municipal public service when she eyed the Fort Fairfield opening.



Edward Tolan

In another high-profile retirement, Falmouth Police Chief **Edward Tolan** will end his 45-year police career this month. He started his public service career as a Cape Elizabeth patrolman in 1973, after serving as an Army police officer for three years in Vietnam and the Pentagon. He served as Gorham police chief before moving to the Falmouth department. He initially followed his mother's wishes that he become an English teacher, but then entered the U.S. Army and law enforcement. Tolan's grandfather was a lieutenant for the Portland department, while his father, a Portland fire captain, died in the line of duty when Tolan was seven years old. Because of his father's death, his mother tried to steer Tolan clear of a similar career. Tolan acknowledged that Maine is a safe place to live, relative to other states, because of its low crime rate and use-of-force incidents. He said residents would be alarmed to know how much time the department spends dealing with mentally ill people and those who are caught up in substance abuse – both drugs and alcohol.

Cape Elizabeth Police Chief **Neil Williams** will retire at month's end, concluding a 45-year career in public service. Williams joined the department in 1973 as a 911 dispatcher. A town native, Williams was hired as a Falmouth officer and after one year and returned to Cape Elizabeth, where he worked as a detective, sergeant and captain before being named chief 18 years ago. ■

GORHAM

Town councilors have asked the planning board to investigate a proposal to allow one farm animal in residential backyards, in addition to the six chickens homeowners are already allowed within town limits. The animal must not weigh more than 50 pounds and can only be kept on home lots under 40,000 square feet in both urban and suburban residential districts.

A family that owns Wilbur, a porky mini-pig, asked town officials to change the local code and invite the animals in. In addition to Wilbur, whose owners fear he will weigh more than 50 pounds before long, qualifying farm animals could include goats and sheep. The council last fall passed an amendment to a local ordinance requiring grain be stored to keep rodents away. At least one neighbor has voiced concerns about how close the animals would be kept from the property line, as well as worries about odor, flies and noise.

LEWISTON

The city has built Maine's first universally accessible public playground called "Jude's Place at Marcotte Park." The park is named for Jude Libby, the son of state Sen. Nate Libby, who suffers from cerebral palsy. The playground can be fully accessed by children in wheelchairs, and features a rubberized surface for safety and 19 pieces of playground equipment. The city secured private donations and added \$400,000 in Community Development Block Grant funding to build the playground. There are an estimated 5,500 special needs students in Lewiston.

SKOWHEGAN

Social service agencies will have an easier time getting on the town meeting warrant each year after selectpersons last month halved the number of signatures needed on petitions for financial requests. The board reduced the number of required signatures on funding petitions from 10 percent of the number of Skowhegan residents who voted in the last gubernatorial election to 5 percent. The change will effect multiple agencies and groups, including the chamber of commerce, Main Street Skowhegan, and numerous social service groups. Groups that submit the petitions ensure their en-

NEW ON THE WEB www.memun.org

Senior Citizens and Tax Liens. As you may know, the rules and laws have changed regarding senior citizens who fall behind on their property taxes. Maine Municipal Association's Legal Services Department has published guidance on following the new rules

Ecomaine Awards. Maine's largest single-sort recycling and waste-to-energy organization, ecomaine, seeks nominations for its eco-Excellence Awards. The deadline is Jan. 31. Communities must belong to ecomaine to participate.

Cable Television. There has been a flurry of activity at the federal level affecting local control over cable television. MMA's State & Federal Relations staff produced a summary, an update and provided helpful web links.

tire request will be printed on the warrant, even if the select board recommends less – which is their right.

PORTLAND

Maine's largest and most diverse municipality has been ranked No. 1 in the nation on the list of "Best Small Cities for Small Business" by Verizon Business. The firm collected information from nearly 300 cities in the U.S. with populations between 50,000 and 75,000. Then it ranked the top 50 "startup friendly" cities based on six areas, including the education level of the local workforce, income and loans per-capita, and broadband access. "With a population on the lowest end of the top 10 spectrum (67,000), Portland certainly proves itself as the scrappy small business contender," company officials said in a press release when they announced the news last month. Many of America's small cities are hidden in the shadows of huge metropolises, such as New York City or Los Angeles, Verizon noted.

The report continued, "Tucked in the far northeast corner of the U.S., this city enjoys a lucrative port close to Boston and an incredibly low unemployment rate. Folks generally spend less than 20

minutes traveling to work, and nearly half of the population holds a bachelor's degree. If there's any indication of the city's personality, its seal depicts a phoenix rising from the ashes... Like we said before – scrappy."

RUMFORD

The downtown Clough & Pillsbury building, built in 1916 as a hardware store, has been listed on the National Register of Historic Places. Now owned by the town, the select board had voted to sell the building and require the new owners preserve the façade, if nothing else.

With the new status, municipal officials hope someone will buy the three-story wood-framed building and give it new life rather than demolish it. The town had the building listed for sale with a local Realtor, but when officials received the estimated value and saw it was far lower than what they thought they could get, they took it off the market.

They feared someone could buy the historic structure on the cheap if the town sold it, but now hope the \$6 million downtown infrastructure project under way will attract a buyer who wants to return it to a viable and valuable building. ■

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2019 MMA HOLIDAY SCHEDULE

2019 HOLIDAY SCHEDULE MAINE MUNICIPAL ASSOCIATION

<u>Holidays</u>	<u>Day/Date to be observed</u>
Christmas Eve (2018)	Monday – December 24, 2018
Christmas Day (2018)	Tuesday – December 25, 2018
New Year's Day	Tuesday – January 1, 2019
Martin Luther King, Jr. Day	Monday – January 21, 2019
Washington's Birthday/Presidents' Day	Monday – February 18, 2019
Patriots Day	Monday – April 15, 2019
Memorial Day	Monday – May 27, 2019
Independence Day	Thursday – July 4, 2019
Labor Day	Monday – September 2, 2019
Columbus Day	Monday – October 14, 2019
Veterans' Day	Monday – November 11, 2019
Thanksgiving Day	Thursday - November 28, 2019
Thanksgiving Friday	Friday – November 29, 2019
Christmas Day	Wednesday – December 25, 2019

Please note: For MMA, holidays that fall on Saturday are observed on the preceding Friday, and holidays that fall on Sunday are observed on the following Monday.

LEGAL NOTES

Petition for Notary-Called Meeting Must Be to Notary

A Maine Superior Court has held that a voter petition for a notary to call a town meeting must be directed to the notary – it can't simply be the original petition to the selectmen recycled.

In *Friends of Mitchell Field v. Town of Harpswell*, PORSC-CV-18-0334 (Me. Super. Ct., Cum. Cty., Sep. 5, 2018), the voters at the March 2018 annual town meeting voted to demolish a derelict town-owned water tower. A short time later opponents of the demolition petitioned the selectmen for a revote, but they refused. As authorized by law (see 30-A M.R.S. § 2521(4)), the petitioners then petitioned a notary to call a town meeting but using the very same petition they had first submitted to the selectmen. They also sued for a court order requiring the notary to call the meeting.

There were two issues before the Court: First, whether the selectmen's refusal to call for a revote was "unreasonable," and second, whether the petition to the notary was valid.

As to the first, according to settled case law it was not unreasonable for the selectmen to refuse to call a town meeting for a revote on a question already decided by the voters (see *Heald v. School Administrative District No. 74*, 387 A.2d 1 (Me. 1978); *Town of Vassalboro v. Denico*, 1990 Me. Super. LEXIS 51). Thus, a notary-called meeting would have been legally invalid.

The second issue was one of first impression, though. To our knowledge no Maine court has ever ruled on whether a petition for a notary-called meeting requires a new petition. Wisely, in our view, the Court held that it does. As the Court noted, "A petition addressed to one entity for one purpose cannot simply be redirected to a different entity for a different purpose." Also, "it cannot be assumed" the signers of the first petition would necessarily endorse a second one. This reasoning seems eminently sound and sensible to us.

For a summary of current statutory requirements for town meeting petitions, see "New Requirements for Local Petitions," *Maine Townsman*, Legal Notes, April 2016.

For other grounds for refusing a petition, see "Voter Petitions: What's a 'Reasonable' Refusal?," *Maine Townsman*, Legal Notes, March 2010.

MUNICIPAL CALENDAR

JANUARY 1 — New Year's Day 2019 – A legal holiday. (4 M.R.S.A. §1051)

ON OR BEFORE JANUARY 15 — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333-0011 [22 MRSA §4311].

BY JANUARY 20 — Treasurer of State to post notice of maximum interest rate which can be charged on delinquent taxes (36 M.R.S.A. §505).

JANUARY 21 — Martin Luther King, Jr. Day - a legal holiday (4 MRSA §1051).

JANUARY 31 — Deadline to submit quarterly withholding taxes to State Tax Assessor (36 MRSA § 5253).

DURING JANUARY — In towns with a March annual meeting, selectmen should begin preparing the town meeting warrant and town report. Obtain reports from all departments: schools, roads, etc. Arrange to have annual audit made before town meeting. ■

For a detailed discussion of voter petitions generally, see Chapter 5 of our *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

Covered Loads

Question: Is it a law or just good industry practice to cover loads of sand or gravel when trucks are traveling over public ways?

Answer: It's the law (see 29-A M.R.S. § 2396). And it's not just sand or gravel. Crushed stone, rubbish, building debris, and trash must also be covered or otherwise secured or confined to prevent spillage. Also, firewood, pulpwood, logs, bolts, and similar material (but not hay, pea vines, straw, grain or cornstalks) must be secured, confined or loaded so as to prevent spillage. If it's sawdust, shavings or wood chips, though, minor amounts blown off while the vehicle is in motion are not a violation if a reasonable effort has been made to completely cover the load.

The law applies to all vehicles, not just trucks, and to all operators, not just commercial or industrial ones.

The law also requires anyone responsible for spillage of "injurious substances" (tacks, nails, wire, scrap metal, glass, crockery or other substances that may injure feet, tires or wheels) on a public way to clean it up immediately.

A violation of this law is a traffic infrac-

tion subject to a \$150-\$500 fine.

For a municipal vehicle or a vehicle under contract to a municipality, spillage of material onto a public way could also lead to liability for negligence under the Maine Tort Claims Act if personal injury or property damage results (see 14 M.R.S. § 8104-A(1)). This is why we've long recommended that municipal contractors be required to maintain liability insurance for at least \$400,000 and naming the municipality as an additional insured.

Incidentally, 29-A M.R.S. § 2396 is the same law that prohibits anyone from placing or allowing snow or slush to remain on a public roadway that has not accumulated there naturally. But unlike with other materials, municipalities cannot be held liable for accidents caused by snow or ice on roads (see 23 M.R.S. § 1005-A(1); also *Wells v. City of Augusta*, 135 Me. 314 (1938)). (By R.P.F.)

Municipal Planning Assistance Program

The State's Municipal Planning Assistance Program (MPAP), which is hosted by the Maine Department of Agriculture, Conservation and Forestry, provides technical and financial assistance to municipalities and regional planning organizations as well as state agencies and the legislature. (The MPAP replaced the former State Planning Office, which was in the Executive Branch.)

LEGAL NOTES

MPAP assistance includes model ordinances and other guidance documents, workshops and webinars, one-on-one technical support, planning data, training for local officials, annual grants to regional planning organizations, and competitive grants for specific planning projects.

We revisited the MPAP website recently and were greatly impressed by both the quantity and quality of information available there.

Among many other things, the website includes a wide variety of planning guides, model land use ordinances, and technical bulletins on a diverse range of subjects.

The website also features town-by-town planning data collected by certain state agencies that can be very useful for comprehensive planning purposes.

Also included is contact information for the various regional planning organizations in Maine as well as professional planning consultants.

The website also has an FAQ section with more information about what the MPAP does and how it can assist with local planning projects.

We strongly encourage municipal planners and others who may be looking for planning resources and expertise to visit the MPAP's website at <https://www.maine.gov/dacf/municipalplanning/index.shtml>. (By R.P.F.)

Discharging Foreclosed Liens

Question: Should a foreclosed tax lien be discharged when the property acquired by the foreclosure is sold?

Answer: No! A foreclosed tax lien is prima facie evidence of the municipality's title to the property (see 36 M.R.S. § 943, eighth para.). A discharge of the lien upon sale of the property is not legally required and will only confuse title searchers and undercut the municipality's claim of title. A quitclaim deed given by a municipality to a buyer is sufficient all by itself to release all claims and convey title (but not "marketable" title, see "Tax-Acquired Property: No Warranties Required," *Maine Townsman*, Legal Notes, April 2009).

Sometimes a buyer of tax-acquired property will ask the municipality to discharge later liens against the property that have not yet foreclosed. We don't recommend doing this either, first, because it's unnecessary – the municipality's quitclaim deed ordinarily releases all claims based

on these later liens as well. In addition, a discharge is appropriate only when a lien has been timely paid off or the tax has been abated or the lien was recorded by mistake. None of these circumstances normally applies to unperfected liens against tax-acquired property, so a discharge is not legally called for. Again, the municipality's deed effectively releases all claims to the property as of the date of the deed, including recorded liens that have not yet foreclosed.

For more on the tax lien foreclosure process, see MMA's *Guide to Municipal Liens*. For more on tax-acquired property, including sale and disposition, see our "Information Packet" on tax-acquired property. Both the manual and the packet are available free to MMA members at www.memun.org. (By R.P.F.) ■

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2019 SPRING BOND ISSUE SCHEDULE

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

FEBRUARY						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
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APRIL						
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28	29	30				

MAY						
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Wednesday, February 13th

Application Deadline.

Wednesday, March 20th

Application approval (Board Meeting).

Monday, April 8th

Preliminary opinions and loan agreements due from bond counsel of each borrower.

Wednesday, April 10th

Last date for signing school contracts and rates in place for water districts. PUC Approvals due.

Monday, April 22nd & Tuesday, April 23rd

Maine Municipal Bond Bank Pricing.

Wednesday, April 24th

Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Monday, May 13th

Final documents due from bond counsel.

Wednesday, May 22nd

Pre-Closing.

Thursday, May 23rd

Closing - Bond Proceeds Available (1:00 PM)

If you would like to participate in or have any questions regarding the 2019 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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