

Maine Townsgman

The Magazine
of the Maine Municipal Association

JULY 2016

SPECIAL REPORT Up in the Air

Leaders, Residents Ask:
Whither the Future of
Maine's Forested Assets?



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**80th Anniversary Series Begins
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Let's Go Out to the Lake



Code officers who enforce Shoreland Zoning rules have more tools than ever at their disposal. We look at best practices from the Shoreland Zone.

Convention nudge. *Maine Municipal Association President Stephan Bunker says none of us should let the summer slip by, but the 2016 MMA Convention, coming to Bangor on Oct. 5-6, looks pretty good.* **Page 5**

2016 Convention program. *Are you ready? For the first time in years, the MMA Convention heads to Bangor, and our lineup is chock full of interesting and provocative speakers and workshops.* **Page 29**

After the Closures

There were warning signs, say leaders in communities that have seen paper mills close in recent years. Still, preparing for, and dealing with, the closure of a large employer is never easy.

Page 9

One Word: Diversification

A leading expert on Maine's economy says the more communities can diversify, before a major industry has challenges or after issues present themselves, the better off our towns and cities will be. **Page 13**

New England's Forest Economy

We Mainers tend to see the decline of traditional forest manufacturing as our unique issue, but it's really a region-wide trend. This article provides context – and some reason for optimism. **Page 15**

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A MESSAGE FROM MMA

BY STEPHAN BUNKER / MMA PRESIDENT

Convention heads to Bangor, in our 80th year

A warm summer's hello from your Maine Municipal Association president. As I enjoy this beautiful time of year, my business and vacation travels have taken me throughout our state. As such, I observe that our official summer color has appeared, that being traffic cone orange, with numerous highway, water and wastewater public improvement projects underway.

Please, don't rush through this season. However, I can't help but look forward to this fall and the building excitement in anticipation of our 80th Anniversary MMA Convention, coming to Bangor on Oct. 5 and 6. Having spent several successful years at the Augusta Civic Center, MMA staff and Executive Committee members wanted to offer members an opportunity to experience a change of scenery and to acknowledge the many dedicated MMA members who have traveled south for so many years from the "County" and "Down East" to attend the convention in Augusta.

Accordingly, the "Queen City" of Bangor will welcome us to the Cross Insurance Center this fall, where we will enjoy the new complex and its meeting rooms, vendor space and food service, to name a few highlights. Our visit to Bangor will allow us to enjoy all that the city has to offer, including hotels, shopping, restaurants, entertainment and tourism.

As a special opportunity, especially for those not from the area, a bus tour will be offered to showcase the highlights in and around the City of Bangor. See details on Page 31 of this Maine Townsman, in order to reserve a seat – the number is limited – for this fun experience.

Our conference planning staff has secured an exciting list of keynote and featured speakers. On opening day, we will be greeted by David Eaves, a Research Fellow at Harvard University, whose presentation will be "The Open Revolution," where technology is changing everything. His invigorating and interactive presentation will challenge attendees to think about the issues and opportunities presented by an instantly interactive world.

On the morning of Day Two, we will welcome Dr. James H. Page, the first University of Maine Chancellor ever to be born in Maine or to have been educated at one of its public university campuses. Dr. Page will explain his vision for the University System, how it can grow and prosper and where municipal leaders, like us, can fit in.

Later on Day Two, our convention will take on a very serious tone, as we are addressed by Dr. Michael Clumpner, an internationally recognized expert, whose presentation is entitled, "An Active Shooter in Your Community." Dr. Clumpner's extensive qualifications include decades in the fire service, flight para-medicine, law enforcement special operations, instructor with the U.S. Department of Home-

land Security and Department of Justice. He will talk about community leadership and more, should there ever be an active shooter in your community. Following his plenary presentation, Dr. Clumpner will offer sessions specifically geared to law enforcement and public safety personnel, which will explore the tactics of dealing with a major emergency.

Helping to make our convention the success it is, our many municipal affiliate groups use this event to also offer professional development opportunities, filling the podiums with subject matter experts from their many fields and professions. Some of these groups will combine the convention sessions with their annual business meetings, and some announce the name(s) of those recognized as leaders in their fields.

Concurrent sessions of interest cover a wide gamut of topics, including: renewable energy, medical marijuana, dog licenses, clean water, forests, aerial photography, elder scams, changing retail trends, street lighting – and the list goes on (see Page 29).

The agenda also includes the annual MMA business meeting, where attendees will hear from leadership and our Executive Director, who will shed light on upcoming priorities and projects that arose in 2016, including the introduction of several new MMA programs and offerings. Speaking of "new," not to be missed is a demonstration of the 2016 Municipal Salary Survey, an interactive tool that we hope members will find as a great way to compare wages and benefits with other Maine communities.

Municipal officials also will be invited to interact with the 70 members of the 2017-18 Legislative Policy Committee (LPC). Attendees will help the LPC set priorities and ideas for the coming two-year legislative session.

MMA could not offer such a great convention without the tremendous support from our many exhibitors who provide the many products and services to our member communities. Again this year, our exhibitor space will be fully occupied and will be showcased in Bangor's fine convention facility.

As always, throughout the year, I encourage you to make the best use of the talented and customer-focused staff members at MMA, as they offer the many programs and services, advice and council that we have come to value and depend upon.

Again, please see the Convention details starting on Page 29 and at our website (www.memun.org). Until we meet in Bangor, best wishes to you.

Yours in service,
Stephan M. Bunker

- 2016 -

Elected Officials Training Opportunities

Elected Officials Workshops

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This workshop is a "must" for newly elected and veteran officials-councilors & select-persons-as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state. **(Qualifies as Maine Freedom of Access Act Training.)**

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- Can we hold multiple offices?
- Which of our meetings are open to the public?
- Must we have an agenda and take minutes?
- What ordinances can we enact?
- What authority do we have over the schools?
- What are our liabilities and immunities?
- What is a disqualifying conflict of interest?

As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that this course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou. Attendees can participate via ITV Technology by viewing the presentation remotely. ITV broadcasting allows for live viewing as well as interactive participation with the attendees. A facilitator will be onsite to assist. Should you wish to attend this session at NMDC, simply fill out the registration form and select the Caribou live broadcast.

A perfect opportunity for elected officials to take advantage of the expertise that the Maine Municipal Association has to offer, attain a better understanding of their role as public officials, and stay abreast of ever-changing local government responsibilities and issues.



Online registration is easy!

<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

Elected Officials:

Dates & Locations

Augusta – 8/15/2016

Maine Municipal Association
60 Community Dr., Augusta, ME 04330

Caribou – 8/15/2016

Live Video Conference

Northern Maine Development Commission
11 West Presque Isle Rd., Caribou, ME 04743

Lewiston – 12/6/2016

Ramada Inn
490 Pleasant St., Lewiston, ME 04240



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'It's always about Lubec,' says First Selectman Carol Dennison

By Liz Mockler

Serving as a selectman in small-town Maine is no small matter. Lubec First Selectman Carol Dennison can tell you that.

Voted chairman days after being elected for the first time in August 2014, Dennison said recently that she relishes her municipal work and continues to focus her efforts on improving the economy of the Washington County fishing town of 1,300, where she lives.

Despite all of the efforts of the elected officials, however, it is the hired staff that keeps the town running on time, Dennison said.

"If you don't have a staff and town administrative assistant working together (with selectmen) as a unit, you can't get anything done," she said.

Dennison, who owns Downeast Charter Boat Tours with her husband, served as president of the Cobscook Bay Area Chamber of Commerce for three years before running for election.

While chamber president, Dennison wrote a grant proposal for a new town dock. She won the grant and gave the money to the town as matching funds for a Small Harbor Improvement grant (SHIP). The dock was put in the ocean for the first time this spring.

Dennison also has helped the town land a Community Development Block Grant (CDBG) to assist four businesses, as well as a Boat Infrastructure Grant (BIG) from the state transportation de-



partment. The BIG program finances projects that benefit large recreational boats and thus helps everyone by improving public and private harbors and other coastal facilities, according to the state website.

Never easy

Among the most challenging duties of the Lubec first selectman is to find and recruit volunteers for various town boards and events. It's never easy, Dennison said, but she has had success.

She said people don't turn down opportunities to serve out of apathy or distrust of local government. Rather, they are mostly just plain too busy to serve.

"Recruiting volunteers is a big job, but I reach out by going out and talking to everyone I can find," said the Washington, D.C., native, who moved to Maine a dozen years ago.

Dennison sought an elected position out of her desire to focus more on economic development and diversify it beyond

tourism, she said. One of her first efforts as first selectman was to propose the town create an economic development committee, and her fellow selectmen agreed.

"I consider myself an advocate for the Town of Lubec," Dennison said. "When I go anywhere, it's always about Lubec."

Dennison said she tries to be an effective ambassador for the town. Even on her business website, she and her husband feature the town as much as the boat business. Lubec includes 92 miles of coastline for which the town is responsible to steward.

"I'm basically on call (24/7) and work on any issue, from unglorified public works to job creation. I love it. I love what I'm doing," she said.

The most difficult decisions to make as selectman are the ones when it's clear some people are going to be upset and perhaps even take a board decision personally.

"You have to do what's best for the community. You have to put aside your own opinion and do the right thing for the town," she said, "That's not always going to make you friends."

Dennison's goal for the future? "I want to get Lubec more things," she said. ■



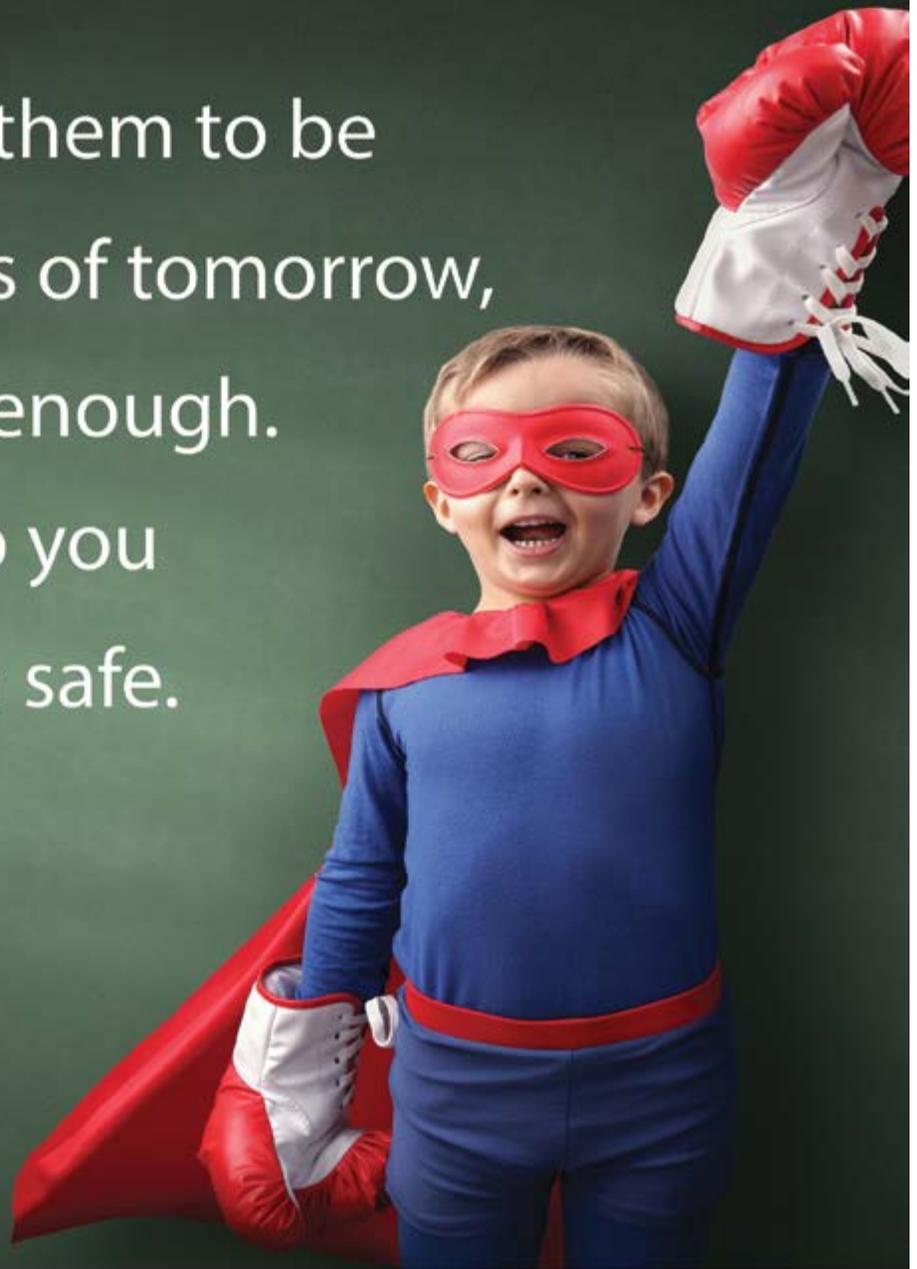
Carol Dennison

Liz Mockler is a freelance writer from Randolph and regular contributor to the *Maine Townsman*, lmocker@gmail.com.

ABOUT THIS SERIES

Elected and appointed municipal officials provide essential services to their communities all across our state. As Maine Municipal Association celebrates its 80th year – we were founded in 1936 – the Maine Townsman will highlight our members and honor the work that they do.

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How towns cope (or try to) when paper mills slow, then go dark

In many cases, officials say, warning signs came years before the closure announcements. That doesn't mean preparing for a shutdown is easy to do.

By Lee Burnett

Few things are as painful in the life of a community as the closure of a paper mill.

From the sudden blow to community pride to the wrenching process of reinvention, there is mostly bad news and there are difficult decisions to be made. The hardships that follow a closure often include squeezed cash flow, staff layoffs, service cuts, a rising tax rate, rising unemployment, property-tax foreclosures, political turmoil and sagging morale.

Millinocket has weathered all those storms since the Great Northern paper mill closed in 2008, said Millinocket Town Manager Harold R. "John" Davis.

All except sagging morale.

"That surprised me, when I came back here. Morale was good," Davis said. "If we didn't have good morale, I don't know how we'd make it. We've got good people. We get some comic relief. No one's preaching doom and gloom."

Five other communities in Maine are in various stages of grappling with mill closures: East Millinocket, Bucksport, Madison, Old Town and Lincoln. It's conceivable that other towns will join their ranks.

Charles Pray, a former Maine state senator and current Millinocket town council member, notes that only one of five remaining mills in Maine has seen significant recent investment.

"The only place that is positive is the mill in Baileyville. The rest are either in a holding pattern or slowly reducing workforce," he said.

So, how do you manage the loss of a huge chunk of tax base and sometimes the town's whole identity? Two strands



This photo shows the Verso Mill in Bucksport. (Photo by Ben Thomas)

of wisdom emerged in interviews with leaders in affected communities:

1. Try to soften the fiscal shock by taking it in doses, instead of all at once.
2. Try to diversify the local economy.

While news of a shutdown always lands with a shock, it typically follows years of downsizing and ownership instability. Old Town saw its mill change hands six times in the past three-plus decades, each time at lower employment levels, before Expera Specialty Solutions shuttered the mill for good last December. Other towns have seen similar downsizing and short-term cycling of ownership. So, there is time to plan – if a town has the political will.

Few in Millinocket heeded the warning signs, said Town Manager Davis. "You just don't want to believe it," he said. "I guess we should have seen it coming."

Davis witnessed the impending closure from many sides. First, he was a long-time mill worker, who participated in a union group that explored an

employee buyout. Then, as a member of the Millinocket Town Council for seven years. And now as town manager.

Even though Millinocket knew it needed to diversify its economy, mustering the will to do it was difficult when the mill was operating, he said.

"Back when the mill was running full bore, they (mill owners) didn't want anyone else coming in here to compete. But it wasn't all their fault," he said. To this day, Millinocket has diversified "not a lot," he said. "We actually started losing businesses, and then people started moving away."

Squirreling money away

Even when political will exists to plan for a future without a paper mill, there never seems to be enough time. "We thought we'd have five, 10, maybe 15 years" to prepare for closure, said Bucksport Mayor David Keene, of Verso Paper Corp's closure in 2015.

Bucksport had an inkling the mill's days were numbered as long ago as the 1990s, during a battle over the mill's

Lee Burnett is a freelance writer from Sanford and regular contributor to the *Maine Townsman*, leeburnett_maine@hotmail.com.

tax value. Town leaders knew that the mill's manufacturing process was not fully integrated and it produced a lightweight coated paper that was in decline.

"The mill was going to close, it was just the economics of it," said Keene. "The brand of paper was getting phased out."

But it has only been in more recent years that Bucksport began actively saving for the proverbial rainy day. Bucksport set a goal of building up a reserve account equal to half the town's budget.

"We knew we needed something to stabilize the community for six months," he said. "We had a budget of \$12 million, so we needed at least \$6 million," Keene said.

Year by year, the town squirreled money away. Capital replacement cycles were extended, some spending was curtailed. The town also worked to diversify its tax base by developing an industrial park and acquiring a marina. When Verso, shut the mill for good in late 2014, Bucksport applied \$2 million in reserve to buffer the impact on the tax rate. It helped that through the years, the mill's share of taxes had

ESTIMATED FULL VALUE TAX RATES (2014 - MOST RECENT YEAR AVAILABLE)

Mill rate represents the tax assessed per thousand dollars of property value

Bucksport	14.27
East Millinocket	30.49
Lincoln	29.93
Madison	19.38
Millinocket	32.02
Old Town	20.98
State Weighted Average Mill Rate	14.72

dropped from 75 percent to 43 percent of the total.

"We thought our tax rate would go to 25 or 26 mills, but it went from \$14 to \$17 (per thousand dollars of valuation). A big part of that was we built the rainy day fund up to \$2 million," said Keene.

Bucksport also embraced school consolidation as a precautionary fiscal move, according to School Superinten-

dent James Boothby. School consolidation was an initiative of the administration of former Gov. John Baldacci that was unevenly adopted across the state. Bucksport saw it as the means to "develop a structure as efficient as possible" and adopted community-wide visioning process as part of the exploration of forming a new school district with four neighboring towns.

"The idea of a mill closure was...

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present on the minds of participants,” Boothby said. “We really focused on preparing students for the workforce or post-secondary education. The vast majority of jobs in the future haven’t been thought of yet.”

One result was greater integration of the high school curriculum with Maine’s community college and university system, with more students pursuing dual enrollment and high school teachers getting credentialed as adjunct professors, he said.

Similar to Bucksport, Madison had been anticipating closure since 2012 when the Myllykoski Corp. mill was bought by Finland-based UPM-Kymmene, one of the world’s largest paper makers, according to Town Manager Tim Curtis.

“I don’t want to say they bought it with the intention of closing it, but they had seven mills in North America producing the same kind of paper and there was only a market for four.”

Madison’s write down

Madison tried to soften an impending fiscal shock by writing down the tax value of its mill in 2014 from \$224 million to \$80 million, a reduction based on the mill’s reduced business, according to Curtis. The write down “shocked” a lot of residents, some of whom accused town officials of subsidizing the mill, he said.

“It was best to take a larger reduction up front to, in theory, speed up the process of the state catching up in reimbursement, which can take two to five years to fully make you whole.”

To offset the write-down’s expected spike in the tax rate, the town applied \$1.4 million held in reserve to stabilize the tax rate, and then (to maintain liquidity), and took out a \$2.5 million line of credit. Still, the write-down necessitated hiking the tax rate by \$2 to \$19.50 per thousand dollars of valuation. Curtis said he’s not sure Madison voters would have allowed the building of reserves, as Bucksport had done.

“It’s harder to save that much money (in reserve) when Town Meeting has to approve it. There are always people saying we’re overtaxing.” He speculated that it is easier to build up a reserve with a town council form of government and no town meeting oversight.

Still, the steps it took two years ago positioned Madison when the bad news came this year. “We made our biggest

adjustments in 2014 and 2015,” he said.

Maintaining direction and leadership amid the tumult is difficult. To wit, Bucksport, Madison and Millinocket have seen rapid turnover in town managers of late. Keeping the town on an even keel requires resetting expectations, said Peggy Daigle, a retired manager who served in East Millinocket, Old Town and Millinocket during tumultuous times.

“A big part of it in entitlement communities is attitude adjustment,” said Daigle. That means accepting there is no “endless pot of gold at the end of the rainbow. It takes a while to understand it’s gone,” she said.

In her experience, town managers are willing to tackle the challenges, but she’s not so sure about elected officials. “They are so beat up right now. They’re tired of rising to the challenge and just want things to go smooth and happy.”

Even when things are running well, a sudden change in direction may be near, as Daigle knows. She was dismissed from her town manager’s job in Old Town in 2012, just eight months after winning the Leadership Award from Maine Town, City & County Management Association for her handling of the closure of the town’s paper mill.

“Old Town took me by surprise. I wasn’t doing anything I thought would get me fired,” said Daigle, who also said that her “aggressive” management style may have been her undoing. “They probably got tired of it.”

PAPER MILL VALUATIONS

UPM-Madison, Madison

2013 \$229 M
2014 \$80 M

Verso Paper, Bucksport

1990 \$300 M
2014 \$375 M

Expera Specialty Solutions, Old Town

1999 \$200 M
2014 \$19.56 M
2015 \$30 M

Lincoln Paper and Tissue, Lincoln

2004 \$80 M
2005 \$22 M
2006 \$51 M
2015 \$32 M

Cate Street Capital (Great Northern), East Millinocket

2009 \$96 M
2011 \$30 M
2014 \$5.4 M (bankruptcy auction sale)

Brookfield Asset Management (Great Northern), Millinocket

2004 \$200 M
2008 \$80 M
2015 \$2 M



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Daigle said town managers should not be surprised if they become scapegoats. "Unfair blame? I don't know as it's unfair. It's kind of what we're paid for – to take the frustration. It's just part of the job," she said.

Managing opportunities

Mill closures also create unexpected opportunities, which the Town of Lincoln discovered and quickly tapped.

The unexpected shut down (due to a boiler fire) of Lincoln Paper and Tissue in 2013 gave the town a whiff of the future that made a profound impression. "We didn't stink anymore," said Assessor Ruth Birtz. "Nobody wants to think of their home town like that ... The smell going away was a good thing for everybody."

The promise of shedding the stigma of being "stinkin' Lincoln" hastened the town's shift toward a natural resource and "quality of place" economic development strategy. The town had already landed a 60 megawatt wind power development. It followed that with an overhaul of its website with new tagline, and a \$30,000-plus marketing campaign. Among the town's attractions: 13 lakes, bass fishing opportunities, a loon festival, proximity to Baxter State Park and trail networks, said Birtz.

"We're never going to be a Camden or a Bar Harbor, but we think we can be a nice, four-season destination," she said.

Lincoln Paper and Tissue's bankruptcy filing in September 2015 created another opportunity: ownership of the mill's three dams, which the town is now pursuing through court in order to control water levels for recreation and property values, according to Town Manager Ron Weatherbee. Birtz credits the Lincoln Town Council's "proactive" approach.

"They did not want it (closure) to happen and then say, 'What's the state going to do for us? What are the feds going to do for us? Look at us, we're hurting, we've lost all these jobs.'"

When asked about the transition from paper-mill town to recreation area, Birtz said: "I don't want to make it sound easy, but you can survive it if you can plan."

Another opportunity that may arise in the aftermath of closure is managing an unleashing of volunteer energy.

Earlier this year, Bucksport embarked on a grass-roots, strategic-planning process, thanks to funding from the Orton Foundation's "Heart and Soul" program. That follows establishment of a downtown organization through the Maine Development Foundation and a Bucksport Bay Healthy Communities Coalition.

"This town has a lot of energy, ideas and optimism about the future," said Town Manager Susan Lessard.

Millinocket is tapping volunteerism to stage a free marathon and half marathon race. The only requirement is

that runners spend money in local businesses and contribute in some way, such as bringing food to share. Last December, 50 runners participated in the race organized by Gary Allen, a well-known race organizer. This year's goal is to attract 500 runners and secure certification as a Boston marathon qualifier.

"I'm hoping this kind of thing would bring businesspeople who are runners who can say this is a great place," Town Council Chairman Richard Angotti Jr. told *Runners World* magazine. ■

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Expert: Small diversification is key to rural Maine's future

By Lee Burnett

Is the vehicle for rural Maine prosperity a logging truck or an RV?

Take 'em both, says former state economist Lloyd Irland. And while you're at it, make room for other vehicles too, he said. Wood chip vans. Tractor trailers stacked with lumber. Pickup trucks towing boats. Tour buses full of leaf peepers

"The best situation is woods businesses *and* tourism," said Irland, an author, lecturer and forest-products industry consultant.

Irland was responding to a question that arises in the aftermath of the contractions in both the biomass and paper industries in Maine: What is the future of the Maine woods?

The wisdom of a singular focus on regaining paper mill prosperity has been discredited through a seemingly endless series of shutdowns, corporate mergers, bankruptcy auctions and mill demolitions, he said. "It's been horrible for morale, horrible for workers, horrible for communities," said Irland

But there's danger in over-reliance on tourism too, he noted.

"A tourist town does not make a great economy," Irland said. "It's seasonal with low-wage jobs. Infrastructure has to be built five times larger than the year-round population – the treatment plant, the water supply. And their season is what, five months? The burden of all that is too much."

Irland takes no credit for his concept of rural prosperity, citing as his inspiration Daniel E. Chappelle, a former forestry professor at Michigan State University. Chappelle looked at three communities in the forested region of the Midwest: Rhinelander in northeast Wisconsin; Grand Rapids in north central Minnesota; and, Gaylord and Grayling in northern Lower Peninsula, Michigan. Their histories

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(Photo by Carol Savage)

are interwoven with both the tourism and forest product industries. Chappelle found that each "combined de-

velopment center" experienced faster and stronger economic growth than their respective states as a whole.

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Irland says he's not sure if any Maine communities fit Chappelle's definition of "combined development center," however.

The ingredients of a strong forest products industry include timber supply, labor supply, transportation to markets and water supply. The ingredients for a strong tourism sector include: attractive landscape and bodies of water; cultural, entertainment, and shopping activities; resort and dining attractions; and, transportation access for visitors.

Which Maine communities come closest? "We don't have perfect examples," Irland said. Perhaps Jackman, because of its Pleasant River sawmill and the way it draws people who fish and hunt. Or Grand Lake Stream, with the Woodland Pulp mill in Baileyville and its storied fishing heritage. Or Casco, with the Hancock saw mill and a strong summer lake population. Bethel may be the best example, with both a Hancock sawmill, nearby Sunday River ski resort and other attractions.

The point, said Irland, is to avoid commissioning a feasibility study to at-

tract the next big employer. He notes the last failed savior of rural Maine was the manufacture of I-joists – a hybrid lumber product utilizing wood from Maine forests. Plants were built but they were all just across the US-Canadian border in New Brunswick and Quebec.

"That was sad. I don't know all the reasons," he said. Irland said the rural labor force has been so dispersed and the woods so thoroughly harvested

that he doubts whether a new mill could even establish itself. "It's not easy to recruit labor. Many of these places haven't had steady employment in a generation."

A better strategy is to promote development of small-scale woods businesses that employ six to 12 people.

"They're the kind of places that will survive – small in scale, that fit the wood basket, fit the labor market," he said. "We need to hit more singles." ■

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Andy brings many years of experience to counseling municipalities. He has served as General Counsel for a number of Maine towns, and provides advice on economic development initiatives and environmental/land use matters.

Andy is committed to improving Maine communities through public and private investment, and has served in many leadership roles in the Bangor region and eastern Maine.

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Reinventing rural: Regional development in Northern Forest

Manufacturing jobs are way down, the author acknowledges, but the region's natural assets remain. Areas hit hard by mill closures can start with 'easy wins,' and build from there.

By Joe Short, the Northern Forest Center

Sustainable forestry and recreational tourism are the new economic forces in the Northern Forest.

The rural Northern Forest spans much of northern New England and upstate New York, a 30-million-acre swath of forest reaching 740 miles from the Atlantic coast of Maine to the shores of Lake Ontario.

Historically, forest-based industries dominated the Northern Forest economy, but today the region is formulating new types of rural economy by combining the region's assets with leadership, human capital and catalytic investments.

In the 1800s, entrepreneurs coupled innovation, vision and investment with the region's powerful rivers and vast forests to make the Northern Forest an industrial powerhouse. Jobs in sawmills, turning mills, paper mills and other industrial operations attracted workers from around the world.

Communities like Millinocket, Maine, and Berlin, N.H., grew up around the mills and became the region's commercial and cultural centers. By the 1970s, manufacturing accounted for nearly 180,000 jobs in the region.

Current realities are dramatically different. As in the rest of the United States, manufacturing employment in the Northern Forest began a precipitous decline in the 1980s as efficiency grew and companies shifted production to lower-cost regions of the world. Since 1988, nearly 50 Northern Forest communities have experienced the permanent closure of one or more forest products mills and loss of the

ABOUT THIS ARTICLE

This article first appeared in *Communities & Banking* magazine, which is published by the Federal Reserve Bank of Boston. The views included do not necessarily reflect the opinions of the Federal Reserve Bank or Maine Municipal Association. The article is reprinted with permission.

jobs associated with them. Today, manufacturing of all types accounts for 86,000 jobs in the region, a 52 percent decline since 1970.

These economic shifts have had lasting effects on people and communities. Median household income in many parts of the Northern Forest trails the national average, and well-paying manufacturing jobs have given way to employment in services, health care and government.

Population has declined in many manufacturing-dependent communities as residents have left to seek employment. Conversely, many recreation-dependent communities are growing quickly. Yet across the board, the region is aging more quickly than the rest of the country and is having a hard time retaining young people.

Between 2003 and 2013, the share of the population over the age of 65 increased by almost 22 percent in the region, while the number of individuals aged 25–34 declined by almost 6 percent.

Question for a new economy

While these realities are daunting, the natural-resource base that has always been the region's economic foundation remains in place. For

many leaders working to address economic distress in the Northern Forest, the question now becomes: "How do we optimize the use of our natural assets to revitalize our places?"

In November 2015, the Northern Forest Center and the Neil and Louise Tillotson Fund of the New Hampshire Charitable Foundation hosted the Northern Forest Symposium to address this question. Support from the Federal Reserve Bank of Boston and others enabled 130 community development leaders from across the Northern Forest to gather for three days of learning about shared community development challenges and – more importantly – successes in the region.

As community leaders shared their stories, a common theme emerged: New types of rural economy hold promise for the Northern Forest when the region's assets are combined with leadership, human capital and catalytic investments.

Consider Hardwick, Vt., where fires devastated Main Street businesses and an important agricultural business. Community leaders worked with local lenders and residents to reopen businesses quickly and focused on increasing the town's "local food" markets. Today, 75 businesses are flourishing, employment is up by nearly 6 percent and the average annual wage is 4 percent higher than the regional average.

Other small towns have created and branded local promotional events like a hiking challenge (Saranac Lake, N.Y.) or a jack-o'-lantern festival (Littleton, N.H.) to draw thousands of new visitors to their downtowns and the surrounding region. Similarly, new recreational assets and events for

Joe Short is vice president at Northern Forest Center in Concord, N.H. Contact him at jshort@northernforest.org.

mountain bikers, cyclists and off-road vehicle enthusiasts are supporting new businesses across the region.

Galvanizing community development

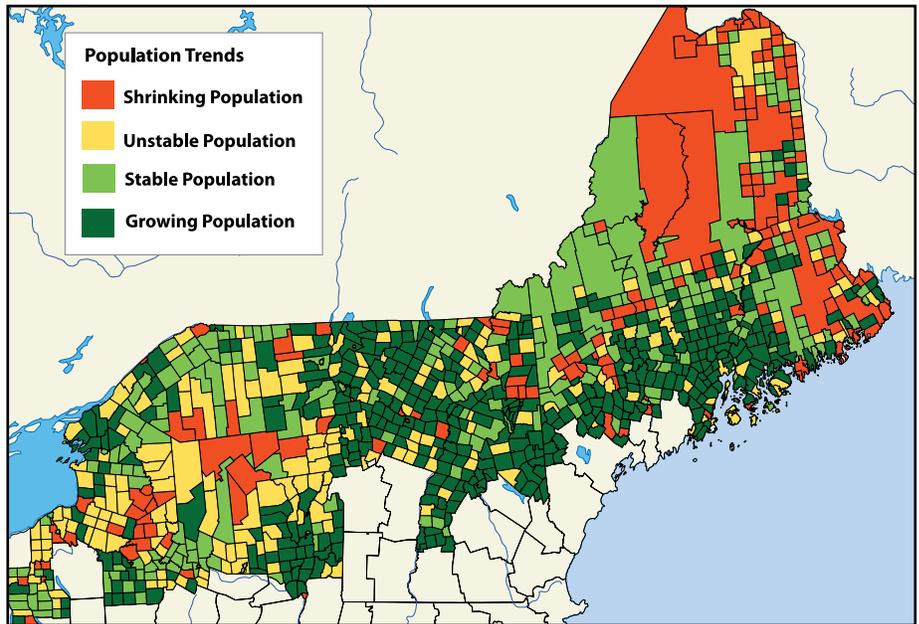
These stories and many others inspired Northern Forest Symposium participants. They show the tangible ways in which many Northern Forest communities are revitalizing their economies and building civic pride. A common ingredient in each success is a strong commitment of personal time – and often, money – by a group of individuals.

For community leaders and for supporters like the Federal Reserve Bank of Boston, the challenge is to understand how to use the energy and innovation of the motivated few to catalyze community development momentum across the broader region.

Events like the symposium itself may be part of what will necessarily be a multifaceted answer. In connecting with peers beyond their usual boundaries, symposium participants reported that they tapped into new inspiration and energy for their work, which they consider essential for sustaining their efforts in rural community development.

“Meeting peers, potential partners, and mentors was priceless. ‘People with passion’ are often out ahead of most of their home communities. Being able to think with and learn from counterparts from across the region is energizing and sends everyone back

NORTHERN FOREST POPULATION TRENDS: 1980-2010



Data Source: US Decennial Census (1980, 1990, 2000, 2010). Northern Forest Center map based on research and analysis by NH Center for Public Policy Studies, with assistance from Center for Community GIS.

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TURNING ASSETS INTO SUCCESS

Across the Northern Forest, a number of communities and businesses are using natural assets to revitalize local communities in innovative ways.

- The Model Neighborhood Wood Heat Initiative, which operates in Maine, New Hampshire, Vermont and northern New York, has combined local wood with modern technology to create \$3.6 million in economic impact.
- Vermont's Kingdom Trails Bike Association drew nearly 70,000 mountain bike user visits in 2014, with each visit leaving \$100 in the regional economy.
- A community-owned forest in Errol, N.H., has generated \$3.7 million in timber sales through sustainable forest management and will net \$100,000 annually to the town budget over time.
- Vermont's investment in its working-lands economy has created 65 jobs and a 54 percent increase in average product output.
- Essex County, N.Y., has become a hub for young entrepreneurs finding success in incubating viable agriculture businesses.
- Coös County, New Hampshire, is now home to the largest interconnected ATV trail system in the Northeast, becoming a hub for thousands of visitors each summer.

to their home communities knowing they have a large network to call on," said one participant.

In a region like the Northern Forest, which has a shared cultural and economic history, peer-to-peer sharing also accelerates the adoption of successful community development approaches. Through these established relationships and networks, leaders in a community dealing with a paper mill closure can now connect with people who experienced a similar loss elsewhere or at another time and respond more nimbly as a result of what they learn.

While there are good ideas to be replicated, participants at the symposium consistently concluded that there is no magic bullet for reinventing the Northern Forest economy. If anything, the group was united in the sense that economic development takes time and requires a willingness and ability to take risks, learn from failure and keep a positive attitude.

The symposium highlighted the importance of small, easy wins to engage a community in its own economic revitalization and overcome pessimism. Small, authentic initiatives

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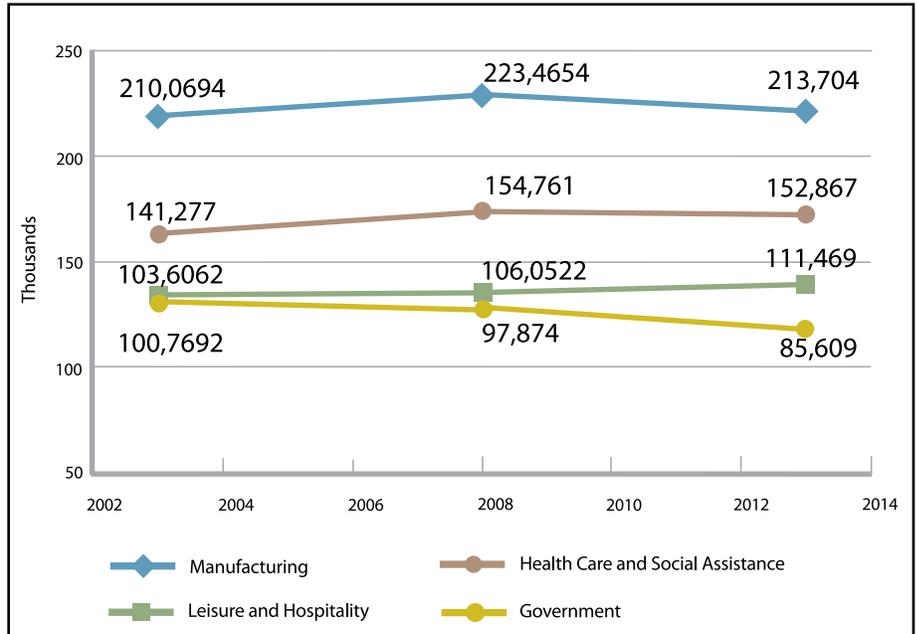
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that bring a community together and demonstrate potential are a key way to build new leaders and set the stage for larger efforts.

There is also work under way to get more people involved in these endeavors. Informed by the symposium and a recent strategic-planning process, the Northern Forest Center will work with a few communities in the region to test strategies aimed at attracting new residents, including people who can help fill the growing gap of 25- to 34-year-olds in the region.

Data alone might suggest a challenging economic road ahead for Northern Forest communities. What the numbers don't reflect, however, is a region full of creative, energetic people dedicated to making a difference in their local economy. As the region charts its future, combining this human capital with the natural capital of the Northern Forest paints a much more promising picture. ■

CHANGE IN EMPLOYMENT NORTHERN FOREST KEY INDUSTRIES



Data Source: Bureau of Labor Statistics. "Northern Forest Region Demographic Trends & Characteristics" (report, New Hampshire Center for Public Policy Studies, 2015).

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Scenes from the
2nd Annual **Municipal**
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June 7, 2016
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Presented by: Maine Municipal Association
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Photos by Ben Thomas

Scenes from the
2nd Annual **Municipal**
HR & Management Conference

June 7, 2016
Thomas College
Waterville, ME



The Municipal RISK MANAGER

SUMMER 2016

A Publication of the Maine Municipal Association

Fire Apparatus – Is Your Equipment Secure?

Fire apparatus is kept in a constant state of readiness, prepared for action at a moment's notice. When the call comes, the response is designed to be performed in a well-planned and rapid fashion. As a result, it is of critical importance to have all equipment properly stored, secured and ready for deployment at all times. Improperly stored or unsecured equipment may come loose resulting in damage to the apparatus, personnel or even injury to the public that we protect.

MMA Risk Management Services is aware of situations where fire hose has come loose from its storage area causing damage to apparatus and in one situation, severe bodily injury to a pedestrian who was struck by the hose dragging behind the fire truck. In one situation, an improperly secured hose bay cover came open and the hose then fell out of the bay and was dragged, damaging the hose, the nozzle and the truck. In the other situation, the hose bay cover would no longer fit due to modifications made on the pumper truck. This resulted in the hose becoming dislodged and being dragged behind the truck while responding to an emergency call. The hose caught a pedestrian's legs causing him to fall and resulted in multiple fractures, including a skull fracture and other serious injuries.

Both incidents may have been prevented by implementing some simple preventative measures:

- Operators should review and perform procedures for pre-trip checks and driving protocols.
- Pre-use "walk around" of the vehicle prior to departing the station for an emergency call.

- Hose bed/bay covers should be present. If covers are not installed or have been removed, appropriate measures should be taken to prevent movement of items or the apparatus should be out of service until all covers are installed and function correctly.

- Hose bed/bay covers should be inspected periodically to determine that securing and latching mechanisms are in place, work correctly and are sufficient to keep hose beds /bays from opening due to the movement of the vehicle.



Open hose bay without covers in place.

- Be aware that post-delivery modifications to apparatus may cause factory installed bays and latches to become impaired or ineffective.

- Hose beds should have nonskid finishes to keep hoses from

moving inside the bed or be secured.

- During response, operators should check mirrors every 3-5 seconds to make sure nothing has become unsecured or is being dragged by the truck.

Periodic inspections of the appa-

Story Continued on Page 22

Welcome our New Nurse Case Manager

We are excited to announce that on May 23, 2016 we welcomed Sherry Gaudet to the Maine Municipal Association Claims team as our new Nurse Case Manager. Sherry is a registered nurse and joins MMA with experience as an Occupational Health Nurse working the last three years for True Textiles out of Guilford Maine. Sherry's knowledge and expertise will be an asset to our members and MMA Risk Management Services.

The Maine Municipal Association has employed a Nurse Case Manager in our Risk Management Services Department since 2002 when the position was originally created. Many of our mem-

bers may not be familiar with the duties of this position and the assistance that a Nurse Case Manager provides. A Nurse Case Manager does a lot of work behind the scenes either directly for the Claims Representatives and/or by communicating with the injured employee and the medical providers.

What is the Role of a Workers' Compensation Nurse Case Manager?

The Nurse Case Manager does not provide any direct, hands on medical treatment but rather aids the process by being an advocate and facilitator. She must work in the best interest of

Story Continued on Page 22

Nurse Case Manager *(cont'd)*

the injured employee to insure that proper, efficient and effective medical care is provided. The role of a Nurse Case Manager has expanded significantly over the years to include the management of medical treatment options, the reviewing of complex medical claims as well as working with all parties to increase the likelihood that there is a successful return to work plan in place.

It is important to note that all decisions about compensability, approval of procedures or other aspects of the claims handling process continue to remain with the Claim Representative assigned to the claim. However, the Nurse Case Manager does provide a support role to the Claim Representative, the injured employee and in some cases the employer by providing many of the following functions:

- Assesses the medical aspects of the illness, injury or trauma that gave rise to the claim.

- Provides case management for traumatic injuries involving hospitalizations to allow for an efficient transition from the hospital to a rehab facility or in some cases a discharge to their home while making sure that the injured employee has the medical devices or home modifications necessary.

- Ensures all parties including employers are up to date on treatment recommendations, including the ability to return to work and any restrictions on employment.

- Acts as a liaison between the injured individual, the medical provider, the employer and/or the Claim Representative with regards to medical and rehabilitations issues.

- Conduct claim reviews for the Claim Representative when there is a question on compensability of an injury or for a better understanding of a diagnosis and the recommended medical treatment.

If you would like additional infor-

mation, or if you have any questions about the role the Nurse Case Manager, please feel free to contact Tracey Gould, Assistant Claims Manager or your Claims Representative directly. 🏠

Fire Apparatus *(cont'd)*

tus, equipment and maintaining an awareness of conditions in and around the vehicle while in transit will help prevent such a possible tragedy from occurring. MMA Loss Control Consultants are available to provide "Coaching the Emergency Vehicle Operator-Fire Defensive Driver" training at no cost to Members of the MMA Workers Compensation Fund and/or Property & Casualty Pool. This course also qualifies for 3 points of credit with the Maine Bureau of Highway Safety on your Maine Motor Vehicle Operators License. For more information please contact your MMA Risk Management Services Loss Control Consultant for more information about this class at (800) 590-5583. 🏠

Time out for Training at the 25th Annual Highway Congress

Risk Management Services again supported the Annual Highway Congress held June 2nd at the Skowhegan Fairgrounds. The "Time Out for Training" booth has become a fixture at the Highway Congress and provides our loss control staff an opportunity to visit with many of our members and with vendors in a casual setting.

This year's safety topic centered on

outdoor safety with a focus on the education and prevention of exposures to dangerous plants, insects and environmental conditions.

We would like to thank all of the attendees that visited our booth and congratulate our raffle winners, Timothy Coston Town Windsor, Cory Murphy Town of Jay and James Provost Town of Winthrop. 🏠



The Municipal Risk Manager

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

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Welcome to Underwriting



Please join us in welcoming our newest member to the Underwriting Team, Kerry Lewis. Kerry is originally from Connecticut and moved to Maine 3 years ago with her family. She has obtained her Certificate in Paralegal

Studies, Bachelors of Science in Business Administration, and will be com-

pleting her Master's in Public Administration in the near future.

The MMA Risk Management Services Underwriting team is available to answer your questions about coverages and related matters in person or by telephone or email. The Underwriting team also offers assistance with the insurance bid process, including the review and analysis of your coverage.

Please contact us today by calling 1-800-590-5583 for assistance. 🏠

FLEET Operations: Safety and Liability Exposures for Public Works Equipment

Operating public service equipment is an essential element in the delivery of most, if not all, municipal services. Street graders, sewer cleaning equipment, street sweepers, mulching machines, fire trucks, buses, snow plows, refuse trucks and tractors are just a few of the types of equipment that municipalities own and operate. Personal injury and property damage resulting from the operation of equipment are the most frequent causes of loss. In addition, the negligent operation of equipment can expose a governmental entity to civil liability and generate losses of greater severity than those that either personal injury or property damage creates. This is because the operation of some equipment – classified as motor vehicles – is one of the few general exceptions to governmental immunity.



Personal Injury And Property Damage Losses

In addition to the obvious costs that personal injury or property damage losses generate, equipment related incidents frequently result in many hidden costs. These costs – both tangible and intangible – include:

- Employees injured or killed on the job;
- Disruption of operations or delays in completing projects;
- Impaired ability to respond to requests for service;
- Equipment damage, loss, or loss of use;
- Increased maintenance costs;
- The diversion of funds earmarked for other purposes to pay for losses, and
- Increased insurance premiums.

One of the first steps in developing a comprehensive motor vehicle risk reduction program that includes public works equipment is to have a fleet management program. Such a program has several key components. The program should include:

- A written policy that addresses the goals and expectations of the program
- A statement defining accountability. Because a program cannot succeed if there is no accountability, the policy should establish that managers and supervisors are responsible for implementing and assuring employee compliance with the program.
- A policy establishing that management and supervisory effectiveness in

this area should be part of the entity's periodic appraisal of performance.

- An efficient and thorough process for selecting safe and qualified operators as well as active and ongoing program for training drivers in safe operating procedures.
- A method of reporting, reviewing and evaluating all accidents.
- A program for the maintenance of equipment. Every municipality should have a preventive maintenance system in place that complies with manufacturers' recommendations as well as state and federal agencies.
- Mandatory, periodic inspections of equipment.

You can obtain more detailed information about each component by contacting the MMA Risk Management Services Loss Control Department and asking for the guide to Fleet Management for Public Agencies. 🏠

Welcome New Members

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Town of Grand Isle
Town of Island Falls



Maine Municipal Association
Risk Management Services

ACCIDENT INSURANCE FOR VOLUNTEERS

July 1, 2016 – June 30, 2017

Maine Municipal Association Risk Management Services is pleased to announce that the Accident Insurance for Volunteers (AIV) coverage continues to be available through The Hartford Life Insurance Company. The program provides coverage limits of \$50,000 for accidental medical expenses at a rate of \$2.25 per volunteer. Last year 112 members participated in this MMA sponsored program, providing excess medical coverage to 6,970 volunteers.



If you have any questions with Accident Insurance for Volunteers (AIV) or the Volunteer Firefighter Blanket Accident Program (VFF), please contact Judy Doore

jdoore@memun.org or 1-800-590-5583, ext 2255



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Rewarding Safety

The Safety Enhancement Grant and Scholarship Grant Programs offer financial incentives to members of the Maine Municipal Association Workers Compensation Fund. Safety Enhancement Grants are used to purchase safety equipment or services that assist in reducing the frequency and severity of workplace injuries.

The Maine Municipal Association has been awarding safety grants to Members of their Workers Compensation Fund since 1999. The Grant program has assisted municipalities by bestowing over \$ 3.6 Million of Safety Enhancement Grants and Scholarship Grants.

For more information about any of the Maine Municipal Association Risk Management Service programs, including Safety Enhancement Grants eligibility and applications, please visit our website at www.memun.org and click on the Risk Management Services link, or call us at 1-800-590-5583. 🏠

We would like to congratulate the May 2016 Grant recipients

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Town of Gray
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Hancock County Commissioners
Town of Hermon
Town of Hiram
Town of Howland
Town of Hudson
Town of Jackson
Town of Jefferson
Kennebec Sanitary Treatment District
Kennebec Water District
Town of Kennebunk
Town of Kennebunkport
Town of Kingfield
Knox County Commissioners
Town of Levant
Town of Liberty

Town of Limerick
Lincoln Sanitary District
City of Caribou
County of Cumberland
Town of Dedham
Eagle Lake Water & Sewer District
Town of Eddington
Town of Eliot
City of Ellsworth
Town of Farmingdale
Town of Farmington
Lincoln Sanitary District
Town of Livermore Falls
Town of Lovell
Town of Machias
Town of Madison
Maine Community College System
Town of Mechanic Falls
Town of Mexico
Town of Milford
Town of Millinocket
Town of Montville
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City of Westbrook
Town of Westport Island
Town of Wilton
Town of Windham
Town of Windsor
Town of Winslow
Town of Winthrop
Town of Woolwich
York County Commissioners

RMS Claims Department

Our local MMA Risk Management Services Claims Department administers all claims for participating members. The Claims Department is organized on a team basis to provide members and injured employees with the



Property & Casualty Pool Claims Team: Chris McCauley, Colette Robbins, Debra Marquis, Peter Tanous and Randa Veilleux

best and most comprehensive service possible. It is our goal to work closely with you to appropriately manage your claims. The Claims Department is dedicated to providing members and claimants with timely, accurate and excellent claims handling in accordance

with Maine law.

It is critical for municipal, school and district officials to proceed carefully whenever a claim occurs. In the event of a loss, it is important to:

ALWAYS

- Call MMA Risk

Management Services immediately

- Take pictures of the damage
- Take pictures of the incident site
- Complete an incident report
- List witnesses & parties involved
- File a police report (if necessary)

- File a "Report of Occupational Injury/Illness"

NEVER

- Admit liability
- Pay for a claim directly
- Put off filing a claim
- Disturb/alter the incident site
- Discuss confidential claims
- Make promises to claimants
- Forget to file required forms
- Take threats of claims lightly

For Additional Claims

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Photographs, images invaluable during Shoreland Zoning process

Municipal code enforcement officers report that property owners are aware of tree-cutting rules near lakes and streams. Not so much with low-lying vegetation.

By Eric Conrad, Director of Communication & Educational Services, MMA

Summer in Maine means a lot of things, but high on the list is the importance of anticipating, enforcing and listening to questions about, and activity within, the Shoreland Zone. Generally speaking, that means applying myriad rules and provisions that involve construction, earth movement and vegetation removal within 100 feet of Maine lakes and ponds and 75 feet from streams.

Early this year, a working group that had been created by the Legislature to look into issues surrounding the Shoreland Zone issued a report with several findings. Specifically, the group examined various proposals included in LD 713, which originally was a bill that would have changed Shoreland Zoning laws, but morphed into more of a study: “Resolve, to Further Protect Lake Water Quality” in the state.

Among other things, a majority of the working group recommended changes to the state’s minimum guidelines requiring submission of baseline photographic data while a property owner is filing a Shoreland Zone permit application, as well as the development of a “notification system for tree cutting or vegetation removal” within the Shoreland Zone. Neither requirement was enacted into law.

Instead, as the working group’s final report was issued, Maine Municipal Association was asked to do more research about what the current municipal practices are, in both of those areas. Specifically:

- Do town and city code enforcement officers require – or otherwise provide for – photographs of an area before and after a project within the Shoreland Zone?



This is the north end of Lake Kezar. (Photo by Steve Solloway)

- And, do municipalities require residents to make proper notification before they remove trees or vegetation within the Shoreland Zone? Short of that, do property owners or hired contractors typically provide such notice, such as when “hazard trees” – dead or dying ones that may be in danger of falling – are involved?

The answers to both sets of questions basically are “yes.” Photographic information is sought, and is considered by municipal code officers to be very valuable when monitoring and enforcing regulations within the Shoreland Zone.

And, property owners generally have high awareness of the need to notify their towns before they remove trees within the Shoreland Zone.

There are caveats to the second part, however: Municipal CEOs (Code Enforcement Officers) say property owners don’t always follow through on notification, and generally they are

less aware of the importance of notifying local officials when low-lying vegetation, or underbrush, is involved. Yet low-lying vegetation can be as important to protecting lake water quality as trees are, if not more so.

Photos from assorted sources

Let’s begin with photographs, aerial images, GIS photos and the use of “Google Earth,” an existing website that uses satellites and high-powered cameras to take images from above. In short, municipal officials find photographic evidence to be extremely valuable.

“I use GIS photos if any and Google before I visit any property, which is extremely helpful,” said Bob Ouellett, a code enforcement officer in Wallagrass who served on the Working Group that the Legislature created with its LD 713 “resolve.”

“If this is an enforcement case, the photos that I take and Google aeri-

all become part of the file,” explained Ouellett. “Regardless of whether it would be an enforcement case, renovation or a new construction permit, and even for selling of a property, a video of the shore line from the water should be done and reviewed as needed to prevent problems in the future.”

Ouellett said he found his participation in the Shoreland Zone Working Group to be beneficial, although he wished more municipal CEOs had participated – he was the only one – and he found the state Department of Environmental Protection’s level of interest in the working group effort to be disappointingly low. The DEP did not participate. In addition to Ouellett, municipal interests were represented by a town manager, a locally elected official and by Geoffrey Herman, Director of State & Federal Relations at MMA.

Andrew Marble is the CEO in two central Maine towns with lakes: Rome and Smithfield. Like Ouellett, he believes strongly in the value of photographic information when monitoring all kinds of shorefront projects, including vegetation removal and the construction of “cocktail docks,” fixed docks that are popular but often are illegal, unless they truly existed prior to Shoreland Zoning laws being adopted in the 1970s.

Marble’s towns are fortunate to have received an invaluable “gift” from Colby College in Waterville, which in 2010 and 2011 extensively photographed the Shoreland Zones throughout the Belgrade Lakes region. The Colby College photo library (viewable at: <http://web.colby.edu/epscor/about>) painstakingly takes photos of 100 feet of shoreland at a time throughout the Belgrade watershed. The photos can be overlaid, or put side by side, to show what the area looked like at that time.

Marble said the extensive photo archiving is very useful in his towns, as it provides strong proof when an area is changed by development or vegetation removal, or when a project leaves things essentially unchanged.

‘The whole key’

“Visual proof is the whole key,” said Marble. “In Shoreland Zones, ‘grandfathered’ is a word that gets thrown around a whole lot. You see something new and people say, ‘That’s been like

ONE TOWN’S GUIDE

The Town of Rome hands out this simpler handout (one page front and back) when property owners or contractors ask about tree-removal projects within the Shoreland Zone.

Cutting Trees in the Shoreland Zone

Please note this is meant as a quick guide only, and is not an exhaustive list of the cutting regulations. For a complete list of the cutting standards please see section 15(P) of the Shoreland Zoning Ordinance, or contact your local code office.

1. Cutting within 100’ (75’ for streams) setback from the normal high waterline

- a. No cleared openings greater than 250ft² in the canopy
A “well distributed stand of trees” must be maintained:
 - i. At least 24 points (16 point in stream protection) within every 25’x 50’ rectangular area.
 - a. 2-4 inch DBH tree = 1 point
 - b. 4-12 inch DBH tree = 2 points
 - c. 8-12 inch DBH tree = 4 points
 - d. Greater than 12 inches DBH = 8 points

Additionally, there must be 5 saplings less than 2”DBH within every 25’x50’ area.

DBH = Diameter at Breast Height, or diameter measured at 4.5’ above ground level

- b. No more than 40% of the volume of trees 4 inches or greater DBH may be removed in any ten year period
- c. Pruning the bottom 1/3 of a trees branches is allowed
- d. Existing vegetation under 3’ in height, including leaf litter and forest duff layer, cannot be cut, covered or removed!
 - i. A cleared six foot meandering path to access the water is allowed

2. Cutting beyond the 100’setback from the normal high waterline

- a. No cleared openings greater than 10,000ft² or 25% of the total lot located within the “shoreland zone”, whichever is greater
 - i. Shoreland zone is 250’ from high waterline (75’ for streams)
- b. Cleared opening of 5,000ft² or greater must be separated by a 100’ canopy buffer
- c. No more than 40% of the volume of trees 4 inches or greater DBH may be removed in any ten year period
- d. The total footprint area of all structures, parking lots, and other *non-vegetated* surface areas cannot exceed 20% of the total lot located within the “shoreland zone”.

(Continued on next page)

that forever.’ That’s very popular to say. You can’t disprove a ‘grandfathered’ claim without visual proof.”

In addition to the Colby photo library, Marble typically takes four photos of an area during his first, preliminary site inspection and follows the same process during subsequent inspections.

However, not all citizens relish the idea of “big brother,” even when it’s just the local, municipal CEO, taking photos up front. Most people under-

stand the reason for this, but some view it as threatening, feeling that the municipality is almost anticipating that the property owner or contractor will commit a violation during the project.

That’s one reason why some state officials hold back on requiring local or state officials to take photos up front, Marble said. The idea of using satellite or aerial cameras to build a catalog of images – using a treasure trove of photos like the one Colby College provided or having the property

ONE TOWN'S GUIDE

3. Dead / Hazardous trees and replanting

- a. Unquestionably dead:
 - i. If a tree is unquestionably dead (no leaves, no bark, deep cracks, top broken off, etc.), take pictures, remove the tree properly, and replant as specified below.
- b. Alive, but hazardous
 - i. If a tree is not unquestionably dead, but still viewed as "hazardous", have a licensed Maine forester or licensed arborist inspect the tree and submit a letter including:
 1. Why they think the tree is hazardous
 2. What it is a hazard to
 3. Their license number
 4. A picture of the tree
- c. Tree replanting
 - i. If the removal of dead or hazardous trees violate any of the provisions listed above under Sections (1) or (2), trees will need to be replanted, ideally in the quantity specified below:
 1. For each tree removed between 1-9" DBH, replant one (1) tree
 2. For each tree removed between 10-19" DBH, replant two (2) trees
 3. For each tree removed greater than 20" DBH, replant three (3) trees
 - ii. Trees to be replanted must be:
 1. Of a native species
 2. A minimum of 54 inches tall
 3. Planted within 20' of the stump of the removed tree
 4. Planted no closer than 5' to other living trees
 5. Maintained for a minimum of 3 years (replanted if they die)
 - iii. Replanting plan
 1. A tree replanting plan must be submitted to the town office for approval before replanting takes place.
 2. The plan must include a map that accurately shows
 - a. Location of removed tree(s)
 - b. Location of replacement tree(s)
 - c. Replacement tree species
 - d. Distance to the water body or resource.
 - iv. Other things to consider when replanting
 1. Document the replanting by taking pictures of the newly planted trees (if applicable)
 2. For extensive replanting within 75' of a water body, a D.E.P permit may be required. Check with your local office for details

owners themselves provide photos up front – seems to be more palatable.

The Town of Rome requires the latter: That property owners provide photos of an area before a permit is approved for a project within the Shoreland Zone. That requirement eases the burden on the town, Marble explained, and property owners "feel better about it" because of their up-front participation in the process.

As part of the Shoreland Zoning Working Group process, MMA con-

ducted a survey in 2015 of municipal CEOs around the state on a number of issues. Eighty CEOs representing a total of 144 communities (many CEOs serve more than one municipality) participated. The survey produced some important and a few surprising results:

- For starters, municipal CEOs feel well supported by state DEP officials who work on Shoreland Zoning issues. Eighty-four percent of the CEOs who responded said their relationships

with DEP colleagues were "positive." In fact, they wish the DEP was better staffed in the area of Shoreland Zoning and could be involved even more.

- Although it is important work, the number of Shoreland Zoning permits requested in 2014 (remember, the survey was done last year) is not overwhelming. Sixty percent of the CEOs involved said they handle between one and 20 Shoreland Zoning permit requests that year, typically coming in the spring and summer. That figure may be affected by changes in the Maine and national economies.

- The vast majority of projects – 93 percent – found no violations occurred during the construction phase of the projects and that the number of violations was limited in number (0-10 violations per year).

- When violations did occur, 59 percent were rectified voluntarily. Twenty percent were addressed through a formal agreement between the property owner and town. Four percent required court action.

- Tree cutting and vegetation removal were considered to be the most challenging standards for property owners to understand and comply with, and for code officers to enforce, particularly if they lacked a photographic baseline.

- Finally, from a list of six potential mechanisms that could help reduce Shoreland Zoning violations, code officers overwhelmingly said "landowner education" was the preferred and most effective tool that they can use.

Taken together, those survey findings and others suggest that the current laws are working fairly well, said Geoff Herman, head of MMA's State & Federal Relations staff and a member of the working group.

Awareness about trees

With respect to tree removal, the MMA survey and Marble's "ground zero" work with the towns of Rome and Smithfield show that citizens are keenly aware of the need to be careful about tree cutting and removal within the Shoreland Zone.

"Most people do contact the town and say, 'We're going to cut trees in the Shoreland Zone,'" Marble said. "Most people realize this is an issue, with trees."

With low-lying vegetation, public awareness is much less, he continued.

People don't see underbrush and plants that are three feet or lower in height as valuable as trees, yet for erosion purposes, to hold soil and nutrients intact during runoff from heavy rains, and just to "maintain the natural aesthetics of an area," low-lying plants are very important, said Marble.

Again, photographic evidence before and after a project is important, even if it's just a matter of underbrush being mowed, disturbed or removed.

Marble said one of his towns recently received a complaint from a citizen that someone had made a visible change to the Shoreland Zone. The citizen wondered if the project had been approved. Marble had visited the site and to his naked eye, had not seen a change during the project involved.

But when he viewed the photographs, Marble said changes were evident. The current property owner – who is new, and is not the person who made the changes – is working to add plants and restore the area close to what it had been.

An easier shoreland guide

Rome also has taken steps to address what Marble, and many others, feel are overly long documents that explain Shoreland Zoning rules in technical terms and in too much detail, written from a bureaucratic viewpoint.

For example, Rome provides a two-page document (one page front and back) about tree removal in Shoreland Zones. Out of necessity, it still gets a bit technical, including descriptions of a point process that can be used to determine whether trees can be removed from the Shoreland Zone.

However, it is short, and it includes an easy-to-follow section about removing dead and hazardous trees, and for replanting trees and plants when that is done. Marble said questions about hazardous trees are among the most common ones that he receives each year. This example could be replicated in other areas of enforcement, and would be particularly helpful to citizens who have not owned land in a Shoreland Zone before.

Finally, there's the matter of citizen complaints and phone calls.

Many citizens who report possible

Shoreland Zoning infractions do so with good intentions. They may be part of lake associations that exist to protect the lake area environmentally, or they may own lakefront properties themselves, so they want to protect water quality, local aesthetics and their own investments.

Sometimes, however, CEOs do get caught up in "neighborhood feuds," said Marble. You know that happens when you get a complaint, look into it, find there was no violation and the complainant responds by listing other things about the neighbor that the town should investigate.

Most shoreland zoning tips come during the early summer, when seasonal residents return to their homes and camps and see changes, or what they think are changes. Tips continue during the summer months but the initial swell comes in May and early June, said Marble.

"They get here, see what's happened, say 'that's not right' and they contact us," Marble said.

His towns average about a tip or complaint a week, during the summer. The initial swell of calls in late May and June exceeds that number. ■

We'll handle the rest from here.

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ELECTIONS, ELECTIONS, ELECTIONS HAS YOUR TOWN HAD ITS ELECTION?

**DID YOU LET MMA KNOW, SO WE CAN UPDATE OUR DATABASE?
NO ELECTION, BUT YOU HAVE CHANGES: LET US KNOW!**

DATABASE IS UPDATED DAILY

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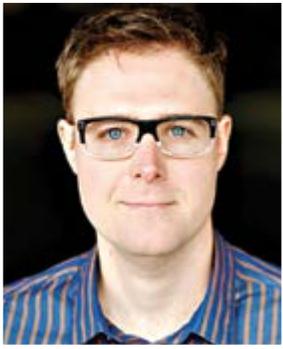
CHANGES

2016 MMA Convention

October 5 & 6, 2016

Cross Insurance Center, Bangor, ME

DON'T MISS THESE
SPECIAL FEATURES
& EVENTS!



Keynote – David Eaves – The ‘Open’ Revolution

Wednesday, October 5 – 9:00-10:15 a.m.

Our special guest is **David Eaves**, a Research Fellow at Harvard University and government-access expert from Canada, whose premise is simple: Technology is changing *everything*. His invigorative and interactive presentation will challenge attendees to think about the challenges and opportunities presented by an instantly interactive world.

David is an expert in public policy, strategy, open government, disruptive innovation, negotiation and collaboration – all wrapped up in one person. At home both in Washington, D.C. and Ottawa, David recently led the White House boot camp for Presidential Innovation fellows. He is a prolific writer, both in print and online, and expert in U.S. and Canadian governmental affairs.



The Future of the University of Maine System

Dr. James H. Page, Chancellor – Thursday, October 6 – 9:00-10:15 a.m. – **FEATURED SPEAKER**

The single most important component to the future of Maine – its economy, vibrancy and retention of young people – may rest with the public University of Maine System. Plus, we all know how important our public university campuses are in Maine Communities from Presque Isle and Machias to Orono, Gorham and Portland.

Please listen to Dr. Page as he explains his vision for the University System, how it can grow and prosper and where municipal leaders, like you, fit in. Born and raised in Caribou, and educated at the University of Maine in Fort Kent, Dr. Page is the first University of Maine Chancellor, ever, to be born in Maine or to have been educated at one of its public university campuses.



An Active Shooter in Your Community

Michael Clumpner – Thursday, October 6 – 1:00-2:00 p.m. – **FEATURED SPEAKER**

Our convention takes a deliberate step toward the very serious as Michael Clumpner, an internationally recognized expert and speaker, talks about community leadership – and more – if there ever is an active shooter in your city or town. He will address how community leaders should plan for, staff and fund their emergency response priorities.

Dr. Clumpner, President and CEO of Threat Suppression Inc. in North Carolina, has qualifications almost too lengthy to list: a 24-year veteran of the fire service; adjunct college professor; flight paramedic; seven years in law enforcement special operations; co-chair of the North Carolina Active Shooter/Active Assailant Work Group; instructor with the U.S. Department of Homeland Security and Department of Justice; and, holder of a doctoral degree in Homeland Security leadership and policy.



www.memun.org

The 2016 MMA Convention: 80th Anniversary Year Preliminary Lineup

Wednesday, October 5, 2016

7:30 a.m. Registration Begins

7:30 – 10:30 a.m. Buffet Breakfast

9:00 – 10:15 a.m. WELCOME AND KEYNOTE SPEAKER

David Eaves – The ‘Open’ Revolution

Our special guest is **David Eaves**, a Research Fellow at Harvard University and government-access expert from Canada, whose premise is simple: Technology is changing everything. His invigorating and interactive presentation will challenge attendees to think about the challenges and opportunities presented by an instantly interactive world.

David is an expert in public policy, strategy, open government, disruptive innovation, negotiation and collaboration – all wrapped up in one person. At home both in Washington, D.C. and Ottawa, David recently led the White House boot camp for Presidential Innovation fellows. He is a prolific writer, both in print and online, and expert in U.S. and Canadian governmental affairs.

Certification: Valid for 1.25 MTCMA credits in the following category: Leadership.

10:15 – 10:30 a.m. Break/Visit with Exhibitors

10:30 – 11:45 a.m. Concurrent Sessions

Cutting Edge Energy Projects

Years of collaborative local planning efforts were realized this year, with a variety of municipal energy generation projects going online throughout the state. Whether using the sun or gas produced by organic materials, members of this panel will explain how they are saving money, and creating new revenue streams, in sustainable and environmentally friendly ways.

Moderator: Garrett Corbin, Legislative Advocate, Maine Municipal Association

Presenters: TBD

Certification: This session is approved for 1.25 CMA/CAT re-certification credits through Maine Revenue Services. Valid for 1.25 MTCMA credits in the following categories: Leadership and Finance/Budget.

Elder Scams

Maybe it's because Maine has its share of senior citizens and maybe it's because they are a trusting lot, but scams that hurt senior citizens are the scourge of our great state. Here's an update on the problem and advice on what can be done to reduce it.

Presenter: Sheriff Bill King, York County Sheriff's Department

Certification: Valid for 1.25 MTCMA credits in the following categories: Leadership and Legal.

Medical Marijuana in the Workplace

Medical marijuana is legal in Maine and, in fact, small amounts of marijuana possession also are permitted in a few communities. What can municipal employers do when confronted with the fact that employees are using marijuana, legally?

Presenter: Stephen E.F. Langsdorf, Partner and Chair of the Municipal Law Group, Preti Flaherty, Augusta

Certification: Valid for 1.25 MTCMA credits in the following categories: Leadership, Legal, and Human Resources.

11:45 a.m. – Noon Break/Visit with Exhibitors

Noon – 1:30 p.m. Awards Luncheon

1:30 – 2:30 p.m. Concurrent Sessions

MMA Annual Business Meeting

Please join us as President Stephan Bunker, Vice President Laurie Smith and Executive Director Stephen Gove shed light on MMA's upcoming priorities and issues that arose in 2016, including the introduction of several new MMA programs and offerings.

Certification: Valid for 1.00 MTCMA credit in the following category: Leadership.

Trees Everywhere: What's the Future of Our Forests?

Paper mill closures and a tough market for biomass electricity make it easy to get discouraged about the vitality of Maine's woods-based industries, at least in the short-term. Four highly credentialed presenters who work in, or closely alongside, these industries will provide updates on emerging markets and innovations that offer what might be called "realistic optimism" as the forest-based industries explore new technologies and adapt. The municipal role in assisting in the inevitable adaptation process will be discussed.

Moderator: Geoff Herman, Director, State & Federal Relations, MMA

Presenters: Donna Cassese, Managing Director, Wood Resource Strategy, Sappi North America, Skowhegan; Peter Triandafillou, Vice President, Huber Resources, Old Town; Dr. Stephen Shaler, Director and Professor, School of Forest Resources, University of Maine; Michael Bilodeau, Director, Process Development Center, University of Maine.

Certification: This session is approved for 1 CMA/CAT re-certification credit through Maine Revenue Services. Valid for 1.00 MTCMA credit in the following categories: Leadership and Finance/Budget.

Making Good Employee Leave Decisions

Municipal leaders as employers must make decisions about employee leave requests and, believe it or not, a bevy of federal and state laws come into play. Join our expert legal speakers as they provide tips on what to do, and what not to do, when employee leave requests come along.

Panelists: Daniel J. Rose and Tom Trenholm, Attorneys, Drummond Woodsum

Certification: Valid for 1.00 MTCMA credit in the following categories: Legal and Human Resources.

2:30 – 2:45 p.m. Break/Visit with Exhibitors

2:45 – 4:00 p.m. Concurrent Sessions

Setting MMA's 2017 Legislative Priorities

Municipal officials are invited to meet and interact with the 70 members of their 2017-18 Legislative Policy Committee. The goal of this meeting is to prioritize ideas for the upcoming two-year legislative session. Please join the discussion and help LPC members identify the most significant municipal issues to be considered by the Maine Legislature in 2017 and 2018.

Wednesday, October 5, 2016

Chair: Laurie Smith, MMA Vice President and Manager, Town of Kennebunkport

Presenters: MMA State & Federal Relations Staff

Certification: Valid for 1.25 MTCMA credits in the following category: Leadership.

Following the Money: How Retail Is Changing

What is the future of retail sales? Is it more big-box stores, revitalizing downtowns, online sales and call-center employers – or all of the above? Our expert speaker has worked closely with Maine communities, and municipalities throughout the U.S., as they assess retail trends and projects.

Presenter: Scott Emison, Director of Retail Strategy, The Retail Coach

Certification: Valid for 1.25 MTCMA credits in the following categories: Leadership and Finance/Budget.

Making Your Comp Plan Meaningful

Communities large and small struggle with conceptualizing, organizing and getting “buy in” on comprehensive plans. Some even ask if they are worth doing in the first place. The truth is, the comprehensive plan process can be invaluable, if done right. Here are some best practices, lessons learned, and new ways of thinking to make planning your community’s future a more practical and valuable endeavor.

Moderator: Nancy Smith, GrowSmart Maine

Panelists: Amanda Bunker, Land Use Planning Consultant, Community Planning Studio, Brunswick; Pat Hart, Councilor, City of Gardiner; Kurt Klebe, Falmouth Long Range Planning Advisory Committee Member; Emily Newell, Selectperson, Town of Unity; Judy East, Washington County Council of Governments.

Certification: Valid for 1.25 MTCMA credits in the following category: Leadership.

4:00 – 5:30 p.m. Member Appreciation Reception

Music by jazz guitarist Steve Lynnworth

5:00 – 6:30 p.m. Eaton Peabody Bus Tour of Bangor

In Cooperation with Cyr Bus Line

Eaton Peabody, a Maine-based law firm, and Cyr Bus Line of Old Town will sponsor and host a bus tour showing highlights in and around the City of Bangor. A limited number of seats on two buses are available on a first-reserved, first-served basis. To reserve your seat, and to enjoy this fun experience, please contact MMA via email [now](mailto:now@convention@memun.org) at: Convention@memun.org.

MMA wishes to thank Eaton Peabody and Cyr Bus Line for taking on this fun event!

Thursday, October 6, 2016

7:30 a.m. Registration Begins

7:30 – 9:00 a.m. Continental Breakfast

9:00 – 10:15 a.m. FEATURED SPEAKER

Dr. James H. Page, Chancellor – The Future of the University of Maine System

The single most important component to the future of Maine – its economy, vibrancy and retention of young people – may rest with the public University of Maine System. Plus, we all know how important our public university campuses are in Maine Communities from Presque Isle and Machias to Orono, Gorham and Portland.

Please listen to Dr. Page as he explains his vision for the University System, how it can grow and prosper and where municipal leaders, like you, fit in. Born and raised in Caribou, and educated at the University of Maine in Fort Kent, Dr. Page is the first University of Maine Chancellor, ever, to be born in Maine or to have been educated at one of its public university campuses.

Certification: Valid for 1.25 MTCMA credits in the following category: Leadership.

10:15 – 10:30 a.m. Break/Visit with Exhibitors

10:30 – 11:45 a.m. Concurrent Sessions

Lewiston-Auburn Merger: What Lies Ahead?

One of the most ambitious and highest-profile municipal issues involves the cities of Lewiston and Auburn, which are discussing a full-fledged merger. Come hear a leader from the L-A region talk about the region’s past, present and possible outcomes of the merger project.

Presenters: Chip Morrison, Business Development Officer, Androscoggin Bank (former Androscoggin County Chamber of Commerce Executive

Director; former municipal manager and MMA President).

Certification: Valid for 1.25 MTCMA credits in the following categories: Leadership, Legal, and Finance/Budget.

Making Healthy Downtowns a Reality

Downtown development is very important, but the ultimate goal is developing a downtown area that encourages good health. Please join Breanna and Sadie as they provide details about their town’s successes and future challenges in creating a vibrant downtown that’s welcoming to pedestrians and bicyclists.

Presenters: Breanna Pinkham Bebb, Executive Director, Our Town Belfast; Sadie Lloyd, Assistant City Planner, City of Belfast.

Certification: Valid for 1.25 MTCMA credits in the following categories: Leadership and Finance/Budget.

Addressing, Acquiring Properties with Unpaid Taxes

The experts say the economy has improved, but cities and towns still deal with whether to acquire properties with unpaid taxes – and how to force property owners, banks and lenders to maintain the properties they control. This workshop addresses legal and strategic considerations in the foreclosure process.

Presenters: Wendy Paradis and Phil Saucier, Attorneys, Bernstein Shur

Certification: This session is approved for 1.25 CMA/CAT re-certification credits through Maine Revenue Services. Valid for 1.25 MTCMA credits in the following categories: Leadership, Legal, and Finance/Budget. Valid for 5 points towards certification as tax collector or treasurer. Overall attendance at the MMA Convention is valid for 1 additional point for MMTCTA Certification.

11:45 a.m. – 12:50 p.m. Networking Luncheon

12:50 – 1:00 p.m. Break and Move!

Please make your way to the Exhibit Hall.

Thursday, October 6, 2016

1:00 – 2:00 p.m. FEATURED SPEAKER

Michael Clumpner – An Active Shooter in Your Community

Our convention takes a deliberate step toward the very serious as Michael Clumpner, an internationally recognized expert and speaker, talks about community leadership – and more – if there ever is an active shooter in your city or town. He will address how community leaders should plan for, staff and fund their emergency response priorities.

Dr. Clumpner, President and CEO of Threat Suppression Inc. in North Carolina, has qualifications almost too lengthy to list: a 24-year veteran of the fire service; adjunct college professor; flight paramedic; seven years in law enforcement special operations; co-chair of the North Carolina Active Shooter/Active Assailant Work Group; instructor with the U.S. Department of Homeland Security and Department of Justice.

Join Dr. Clumpner for this “can’t miss” address.

Certification: Valid for 1.00 MTCMA credit in the following categories: Leadership and Legal.

2:00 – 2:15 p.m. Break time with Exhibitors

2:15 – 3:15 p.m. Concurrent Sessions

Active Shooter: Tactical Instruction

Primarily aimed at police officers and fire-rescue personnel, Michael Clumpner of Threat Suppression Inc. – a nationally recognized expert on dealing with active shooters – begins a two-hour, 30-minute session that explores the most effective tactics of dealing with a major emergency.

Presenter: Michael Clumpner, Threat Suppression Inc.

Certification: Valid for 1.00 MTCMA credit in the following categories: Leadership and Legal.

Municipal Impact of New Overtime Rules

New rules from the U.S. Labor Department, which take effect on Dec. 1, will grant overtime pay to many non-salaried employees who previously were not entitled to OT. The change affects 4.2 million Americans, 16,000 Maine workers – and many municipal employees. What does the new rule say? And, how will it affect municipal staffs and budgets?

Moderator: David Barrett, Director, Personnel Services & Labor Relations, MMA

Presenter: Sarah Newell, Attorney, Eaton Peabody, Bangor

Certification: Valid for 1.00 MTCMA credit in the following categories: Leadership, Legal, and Finance/Budget.

Street Lights and Your Community

The issue of who owns street lights and utility poles has important ramifications for many municipalities, and the amount of money at stake can be surprising. This panel of local leaders offers insight and education into the issue and future trends.

Presenters: Nathan Poore, Manager, Town of Falmouth; Larry Pritchett, Councilor, City of Rockland; Tex Haeuser, Community Development Director, City of South Portland

Certification: Valid for 1.00 MTCMA credit in the following categories: Leadership and Finance/Budget.

3:15 – 3:45 p.m. Dessert and Grand Prize Drawing: Exhibit Area

3:45 – 4:45 p.m. Concurrent Sessions

Active Shooter: Tactical Instruction (continued)

Primarily aimed at police officers and fire-rescue personnel, Michael Clumpner of Threat Suppression Inc. – a nationally recognized expert on dealing with active shooters – continues a two-hour, 30-minute session that explores the most effective tactics of dealing with a major emergency.

Presenter: Michael Clumpner, Threat Suppression Inc.

Certification: Valid for 1.00 MTCMA credit in the following categories: Leadership and Legal.

Right to Know

Attorneys from MMA's Legal Services Department offer Right to Know training that is required for both elected officials and municipally appointed Public Access Officers.

Presenters: Richard Flewelling, Assistant Director, Legal Services, MMA; Amanda Meader, Staff Attorney, Legal Services, MMA

Certification: Valid for 1.00 MTCMA credit in the following category: Legal. Valid for 5 points toward certification as tax collector or treasurer. Overall attendance at the MMA Convention is valid for 1 additional point for MMTCTA Certification.

Demonstrating the 2016 Municipal Salary Survey

This meeting will officially unveil MMA's 2016 Salary Survey, an interactive tool that we hope members will use – and that we will build on – for years to come. Please join us in a live demonstration on how our interactive survey can help your municipality compare wages and benefits with other Maine communities.

Presenters: Holly Maki, Project Manager with Dynamic Benchmarking; Eric Conrad, Director, Communication & Educational Services, MMA; Carol Weigelt, Web Publishing Technician, MMA; Ben Thomas, Website & Social Media Editor, MMA

Certification: Valid for 1.00 MTCMA credit in the following categories: Leadership and Finance/Budget.

4:45 p.m. Adjourn

Overnight Accommodations

Discounted room blocks are available at the following Bangor area hotels (reserved under Maine Municipal Association) for Tue., Oct. 4 and Wed., Oct. 5:

Fireside Inn & Suites

570 Main Street, Bangor • (207) 942-1234

<http://firesideinnbangor.com/>

Rate: \$79/night plus tax

Hollywood Casino Hotel

500 Main Street, Bangor • (877) 779-7771

<http://www.hollywoodcasinobangor.com/>

Rate: \$89/night plus tax

Bangor Residence Inn by Marriott

22 Bass Park Blvd, Bangor • (207) 433-0800

<http://www.marriott.com/hotels/travel/bgri-residence-inn-bangor/>

Rate: \$149/night plus tax (reservations must be made by 9/4/2016)

Bangor Fairfield Inn by Marriott

300 Odlin Road, Bangor • (207) 990-0001

<http://www.marriott.com/hotels/travel/bgrfi-fairfield-inn-bangor/>

Rate: \$119/night plus tax (reservations must be made by 9/4/2016)

If requesting tax exemption, you will be asked to provide your tax exemption certificate and municipal payment (municipal credit card or check) at the time of check-in.

Affiliate Association Programs

Please see full convention program for additional offerings, highlights, special events and CEU/Certification credits/points. The following sessions have been prepared by and are sponsored by individual affiliate associations. All sessions are open to all attendees.

Maine Association of Assessing Officers (MAAO) **Co-Sponsored by Maine Chapter of IAAO**

Wednesday, October 5

1:30 – 4:00 p.m. Using Aerial Photography for GIS

Presenters: Kerry Leichtman, Assessor, Town of Rockport and President, Maine Chapter of IAAO; Bill Healey, Assessor, City of Lewiston and Vice President, MAAO; Judy Mathiau, Assessor, Town of Winslow; Aaron Weston, Business Development Manager, CAI Technologies

Certification: This session is approved for 2.5 CMA/CAT re-certification credits through Maine Revenue Services

Maine Animal Control Association (MACA) **Co-Sponsored by Maine Town & City Clerks' Association**

Wednesday, October 5

10:30 – 11:45 a.m. Dog Licensing from A-Z

Presenters: Janice Porter, Clerk, Town of Oakland; Kathleen Paradis, Deputy Clerk, Town of Oakland; Pat Faucher, Animal Control Officer, Town of Oakland and President, Maine Animal Control Association

Certification: Attendance at the MMA Convention is valid for 2 optional points for MTCCA Certification.

Maine Association of Local Emergency Managers (MALEM)

Thursday, October 6

9:00 – 11:45 a.m. It's a Disaster: Open the EOC!

Presenter: Dale Rowley, Director, Waldo County EMA and Vice President, Maine Association of Local Emergency Managers

Maine Chapter of American Public Works Association (MCAPWA)

Thursday, October 6

9:00 – 11:30 a.m. MCAPWA Annual Meeting & Sessions

11:30 a.m. – 1:15 p.m. MCAPWA Luncheon (pre-registration required)

Maine Fire Chiefs' Association (MFCA)

Wednesday, October 5

9:00 a.m. – 1:00 p.m. Annual Meeting and Maine Fire Chief of the Year Award and Luncheon – (pre-registration required)

Thursday, October 6

9:00 a.m. – 11:45 a.m. Session TBD

Maine Local Government Human Resources Association (MLGHRA)

Wednesday, October 5

10:30 – 11:45 a.m. Session TBD

1:30 – 2:30 p.m. MLGHRA Annual Meeting

Maine Municipal Tax Collectors' and Treasurers' Association (MMTCTA)

Thursday, October 6

2:15 – 3:15 p.m. How to Read Your Municipal Audit

Presenter: Craig Costello, CPA, CGMA, Brantner, Thibodeau & Associates, Bangor

Certification: Valid for 5 points toward certification as tax collector or treasurer. Overall attendance at the MMA Convention is valid for 1 additional point for MMTCTA Certification.

Maine Resource Recovery Association (MRRA)

Wednesday, October 5

10:30 – 11:45 a.m. Effective Community Engagement and How Recycling Can Affect Your Town's Bottom Line

Presenters: Shelby Wright, Director of Communications and Development, MRRA; Victor Horton, Executive Director, MRRA.

Maine Town, City & County Management Association (MTCMA)

Thursday, October 6

10:30 – 11:45 a.m. ADA Requirements for Local Government and Public Projects

Presenters: Stacy Hart, ADA Trainer, Information and Outreach Specialist, New England ADA Center; Steve Landry, Traffic Engineer, MaineDOT

Certification: Valid for 1.5 MTCMA credits in the following categories: Leadership and Legal

Maine Town & City Clerks' Association (MTCCA)

Wednesday, October 5

1:30 – 4:00 p.m. State Agency Updates

Law & Policy Changes, Department Updates, Tips, Do's & Don'ts, Questions & Answers. 1:30-2:00 p.m. Division of Elections, Deputy Secretary of State Julie Flynn; 2:00-2:30 p.m. Inland Fisheries & Wildlife, Moses Training & Support, Management Analyst Chet Chessman; 2:30-3:00 p.m. Data, Research & Vital Statistics/Vital Records, TBD; 3:00-3:30 p.m. Division of Notary, Deputy Secretary of State Julie Flynn; 3:30-4:00 p.m. Animal Welfare Program, Director Liam Hughes

Certification: Attendance at the MMA Convention is valid for 2 optional points for MTCCA Certification.

Maine Water Environment Association (MEWEA)

Wednesday, October 5

10:30 – 11:45 a.m. What Do Our Clean Water Utilities Really Do?

Presenters: Matt Timberlake, President, Ted Berry Company and First Vice President, Maine Water Environment Association; Barry Sheff, Senior Project Manager, Woodard & Curran; Scott Firm in, Director of Wastewater Services, Portland Water District and President, Maine Water Environment Association

Attendee Registration Form

MMA Convention – Cross Insurance Center, Bangor – October 5 & 6, 2016

One registrant per form (please photocopy for additional registrations)

BILLING INFORMATION:	NAME BADGE INFORMATION: <small>*Name badge will read as indicated here.</small>
Full Name: _____	First Name: _____
Employer: _____	Last Name: _____
Billing Address: _____	Primary Title: _____ <i>(Please list one)</i>
City, State, Zip: _____	Employer: _____
Phone: _____	
Email: _____	

I am a current member of MMA's Legislative Policy Committee.

I plan to attend (choose ONE): Wed 10/5 Thur 10/6 Both Days

CONVENTION REGISTRATION FEES (For one or both days)			Cost
<input type="checkbox"/> MMA Members	Registration Fee	\$ 85.00	
<input type="checkbox"/> Non-members	Registration Fee	\$ 170.00	

MEALS		Cost
WEDNESDAY LUNCHEONS (OCT 5):		
<input type="checkbox"/> Awards Luncheon (Buffet) – Cross Insurance Center (Ballroom)	\$ 28.00	
<input type="checkbox"/> Maine Fire Chiefs' Association (MFCA) – <i>Hollywood Casino</i>	\$ 15.00	
THURSDAY LUNCHEONS (OCT 6):		
<input type="checkbox"/> Networking Luncheon (Buffet) – Cross Insurance Center (Ballroom)	\$ 28.00	
<input type="checkbox"/> Maine Chapter of American Public Works Association (MCAPWA) – <i>Hollywood Casino</i>	\$ 15.00	
TOTAL (Registration Fee & Meals) \$		

SPECIAL EVENTS - for Wednesday, October 5 and Thursday, October 6

For planning purposes, please select which complimentary activities you plan to attend:

Member Appreciation Reception on Wednesday 10/5 Dessert social on Thursday 10/6

Payment Options: Send invoice* Check will be mailed** Payment Enclosed** PO #: _____

*(*You will be invoiced after Convention – **Please send a copy of this registration form with payment)*

Fax registration form to: (207) 626-5947 **Mail form to:** Convention Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

Signature: _____ Date: _____

Please make check payable to Maine Municipal Association

Questions/Cancellations: Please call Louise Ridley at MMA, 1-800-452-8786. Notification must be given three business days in advance of the start of Convention to obtain a refund. All cancellations are subject to a \$10 processing fee. Registrations may be transferred to another official or employee. Please inform us of any special dietary needs or special requirements you may have due to a disability.

Please keep a copy of this form for your records.

Maine Municipal Association Ethel Kelley Memorial Award

...MMA's Most Prestigious Award

NOMINATIONS BEING ACCEPTED

Deadline for Receipt of Nominees – Friday, September 2, 2016.



Ethel Kelley devoted 45 years of service to the Maine Municipal Association – from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the “cement” that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association.

In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel Kelley's memory by recognizing other volunteer or employed municipal officials of the same character and dedication. This year MMA will recognize its 30th Recipient!

CRITERIA: Do you know someone in your municipality who...

- ★ *Is dedicated to the cause of good local government;*
- ★ *Has conscientiously served local government and made this a lifetime achievement for 20 years or more;*
- ★ *Has demonstrated the capability and willingness to “Hold the Community Together”;*
- ★ *Has a selfless concern for others in their community;*
- ★ *Has not received full recognition for their service in local government; and*
- ★ *Is currently serving or has retired in the past two years (may be given posthumously if within the past two years).*

MMA wants to know about them! Send your nomination and give MMA the opportunity to recognize their achievement and dedication to local government.

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

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

PRESENTATION: The Award will be presented at the MMA Annual Convention during the Awards Luncheon with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Luncheon is scheduled for **Wednesday, October 5, 2016 at 12:00 p.m. at the Bangor Cross Insurance Center.**

For more information, please contact Theresa Chavarie, MMA Manager of Members Relations at 1-800-452-8786 ext. 2211 or by e-mail at tchavarie@memun.org



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207-623-8428 • www.memun.org

LOCAL GOVERNMENT
begins with **YOU.**

Maine Municipal Association Ethel Kelley Memorial Award

NOMINATION FORM

*** Due Date – Friday, September 2, 2016 ***
(Please complete all applicable sections)

Nominee's Name: _____

Municipality Served: _____

LIST MUNICIPAL POSITIONS (Please include information relating to services provided to your municipality as well to other municipalities):

Position(s): _____ Municipality: _____ Length of Service: _____

Position(s): _____ Municipality: _____ Length of Service: _____

Position(s): _____ Municipality: _____ Length of Service: _____

Total Length of Local Government Service: _____

Membership in Professional Associations:

Community Service and Recognitions Received:

Is the Nominee Retired? YES (When did Nominee retire? ___/___/___)
 NO (Anticipated retirement date? ___/___/___)

Signed by:

Name: _____

Title: _____

Municipality: _____ Date: _____

Name: _____

Title: _____

Municipality: _____ Date: _____

Please complete and return with up to (5) supporting letters. **The supporting letters are critical to your success.** Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by **Friday, September 2, 2016** to:

Ethel Kelley Memorial Award – Selection Panel
Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

Join the MRRRA Board!

Maine Resource Recovery Association, the state's non-profit trade organization for recycling and solid waste professionals, is seeking nominations from individuals seeking to join the 2016 - 2017 Board of Directors.

If you or someone you know has interest in recycling and solid waste management issues and would like to participate in shaping the future activities of Maine's only state wide recycling and solid waste management organization, please fill out the information below:

The Board consists of seven elected voting members and one appointed non-voting liaison member representing the Maine DEP. Together, they direct the policies and actions of the association.

MRRRA's Board of Directors meet once a month in Augusta or Bangor. Committee meetings, except those of the Education Committee, are normally via conference call.

Nomination by: _____ Title: _____ Phone: _____
Nominee: _____ Title: _____
Organization: _____ Mailing Address: _____
Town: _____ Zip: _____ E-mail: _____
Cell Phone #: _____ Work Phone #: _____ Fax: _____

Reasons I wish to serve on (the nominee would be an asset to) the Board of MRRRA:

Signature: _____ Date: _____
Printed Name: _____ Company: _____

Please send completed form or information to:
Ross Nason, c/o KVCOG 17 Main Street, Fairfield, ME 04932
Email: rnason@kvkog.org or Fax: Attn: Ross at 207-453-4264.

Deadline for Nominations: October 15, 2016

Nominations will be compiled by committee and put before membership for vote at the Annual Meeting & Workshop in October 2016.

SAVE THE DATE
MRRRA Annual Meeting -- Monday, October 24, 2016



PEOPLE

Lewiston Police Chief **Michael Bussiere** has been hired for a command-level post with the Greater Dallas-Fort Worth (Texas) Police Metroplex – the largest police force in the south, covering 13 counties. Bussiere prevailed in a nationwide search. Bussiere has been with the Lewiston force his entire 26-year career, starting as a patrolman. He has worked as chief for the past seven years, and is known for his open-door, approachable style and a deep commitment to the city. Bussiere waited until a new police union contract had been forged before announcing his retirement, set for July 17. Among his accomplishments includes winning a \$150,000 federal grant to expand the city's "hotspots policing" program, by which a special squad addresses trouble spots in the city. Officials credit Bussiere, among others, for reducing the city's crime rate and improving its image.

Former Old Orchard Beach Selectman **John Bird** died May 23 at the age of 73. Bird, who began his public service to the town in the 1970s, served two terms as a selectman, as well as stints on the town Charter Commission and Conservation Commission. Bird, a strong environmental advocate, co-founded the Ocean Park Conservation Society and was serving as a director at the time of his death.

Ed Brackett, code enforcement officer for Gouldsboro, Sullivan and Sorrento, died on May 22 after a kayak he was rowing capsized during a squall off Mount Desert Island. Brackett, 63, was a Maine kayaking guide and had co-owned and operated a bike and kayak business for 14 years. A male client also perished in the accident. The client's wife was rescued by a fisherman after she had spent an hour in the water.

Brewer Public Safety Director **Perry Antone Sr.** retired in early June after a "health scare," ending his 32-year career, the past 22 of which were in Brewer. Antone, who was named the city's first Public Safety Director in September 2012, worked previously as the city's police chief. Antone will be replaced by Deputy Chief **Jason Moffitt**, who was promoted in early June. Captain **Chris Martin** was promoted to deputy public safety chief.

Longtime Camden civic leader **Parker Laite Sr.** died June 8 at the age of 82. In

addition to serving nine years as selectman, Laite was remembered for his service on the planning board, school committee, comprehensive plan committee and the harbor committee, among many others over 50 years of service to the town. He also was co-chairman of the town's charter committee. In 2006, he was predeceased by his wife of 50 years. At the time of his death, which followed a brief illness, Laite was still active in various town efforts.



James Gailey

South Portland City Manager **James "Jim" Gailey** has resigned to accept the job of Cumberland County assistant manager. He will begin his new job this month after managing South Portland for nine years. Gailey worked his way to the top over 30 years in his hometown government. He earned a master's degree from the Muskie School of Public Service in 2001 and was selected by his peers as the 2014 Maine Manager of the Year. Gailey previously served as assistant manager, community development director and planner, among other positions.

Nobleboro Selectman Walter **Allen "Al" Lewis Jr.** died May 29 at the age of 62. Lewis was serving his sixth year on the board and previously served on the town budget committee. After being elected selectman, he was chosen to serve on the county budget committee. A New York City native, Lewis moved to Maine from Florida in 1986. Town officials said Lewis was always willing to help in any way. In 1995, Lewis

bought an electrician's business, renamed it and operated it until his death.

William Lawrence left his manager's job in Howland to accept the top job in Warren, effective June 1. Lawrence replaced **Robin Bennett**, who worked as interim manager since May 2015. Lawrence has 30 years of municipal experience, including managing the town of White Springs, Fla., and serving as Lincoln interim manager before taking the Howland job. His experience includes 20 years as a police officer.



Susan Nourse

Freeport police Lieutenant **Susan Nourse** has been promoted to chief after working for the department for 31 years, the last 11 as second-in-command. Nourse has served as interim chief since the March retirement of **Jerry Schofield**. Town officials conducted a lengthy search and interview process, which included a public forum so residents could meet the two finalists.

The Hallowell City Council named **Nate Rudy** as the new city manager, with an effective date of June 14. Rudy is a former Director of Economic and Community Development for the City of Gardiner. Rudy succeeds **Stefan Pakulski**, who died suddenly in March after serving as manager for just six months. Rudy most recently worked as executive director of Waterville Creates!, a nonprofit organization to promote, support and expand arts and culture in Greater Waterville. ■

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BANGOR

Bangor plans to offer free, high-speed internet service to families living in the city's poorest neighborhood, where students may not have internet access at home. The Capehart project will cost \$28,000, officials said, and will be paid for with Community Development Block Grant funds. An additional \$6,000 is needed to run the network. Municipal and school officials hope the service will help students keep up with others from wealthier families. Only computers and other technology devices provided by the neighborhood school will have access to the internet. The free service should be ready for the start of the school year this fall. The city considers the Capehart project a pilot program that, if successful, could lead to more internet service in other areas of Bangor.

CHELSEA

Veterans' advocates are close to starting construction on 21 cabins that will become permanent housing on the campus of Togus, a Veterans Administration hospital complex in Chelsea. The cabins will be available to veterans, either single or with families, who otherwise would be homeless or at risk of becoming homeless. Volunteers of America (VOA) secured a lease for 11 acres at Togus in 2009 and has worked since then to secure funding for the project. The VA and VOC hope to put the project out to bid this fall, with completion and the start of occupancy planned for the summer of 2017.

INDIAN ISLAND

The Penobscot Indian Nation will relinquish its seat in the Maine Legislature after 150 years and appoint an ambassador to represent the tribe with state and federal governments. The change is needed, tribe leaders say, because of icy relations with the LePage Administration. The tribe asserts that the administration does not honor its sovereignty as a federally recognized tribe and has violated its self-governance rights. The Penobscot Indian Nation, indigenous to Maine, occupies more than 200 islands in the Penobscot River and has a population of 2,400 as of January 2010. The tribe bills itself as "the oldest continuous government in the world," according to the tribe's website.

NEW ON THE WEB www.memun.org

Highlights of what's been added at www.memun.org since the last edition of the Maine Townsman.

Ethel Kelley Award. Maine Municipal Association seeks nominations for the Ethel Kelley Memorial Award, our most prestigious annual award that honors one person who has demonstrated outstanding municipal and community dedication.

Maine's Fiscal Health. A study by George Mason University ranked Maine 43rd among the states for "fiscal health," or how sound its finances are. The study questioned whether Maine has the financial reserves and capacity to deal with unexpected situations.

New OT Rule. The U.S. Department of Labor issued new overtime rules that will affect managerial personnel who earn less than \$47,476 per year. In short, they will be eligible for overtime pay. A municipal impact is expected.

KENNEBUNK

The town's utility district plans to surrender its licenses for three hydroelectric dams on the Mousam River to allow nine miles of the river to run freely. The existing licenses expire in 2022. The district will consult with state and federal agencies to determine what to do with the dams, including whether to remove them completely or add fish passages to help fish get upriver to spawn.

TOWNSHIP E

The state has proposed more improvements to the scenic byway at Height of Land near Rangeley on Route 17. Presently, up to 40 cars can park in the turnout high above Mooselookmeguntic Lake and the 500 acres of forestland purchased by the Rangeley Lakes Heritage Trust. Since the project cost \$1.2 million less than the projected \$2.9 million, the remainder, which must be spent only on Height of Land, has allowed a second phase of improvements. The state plans to create a 1,300-foot paved walking path, with areas for conservation information displays, among other elements of the project. The path will be handicap accessible. The Route 17 scenic byway is among the first 150 scenic byways created nationwide under President Johnson's Administration in the 1960s.

PORTLAND

Maine's largest city in June became the state's first municipality to increase the minimum age to buy tobacco products from 18 to 21. The new ordinance, which takes effect this month, was a recom-

mendation of the city Health and Human Services Committee. There was no opposition to the change except from some businesses that specialize in tobacco and related products.

SANFORD

The town's fire department in June was awarded \$250,000 in federal funds to replace a pumper engine, which is more than 30 years old. The Maine Fire Service Institute in Brunswick also will receive \$250,000 from the federal Assistance to Firefighters grant program for new equipment, including protective clothing.

SCARBOROUGH

In what could be a first for Maine's larger municipalities, the town has signed an inter-local agreement with the City of Westbrook and the Town of Old Orchard Beach that will allow the Scarborough Public Works Department to provide fleet maintenance services to all three communities. Lacking staff and equipment, Westbrook and Old Orchard Beach have been outsourcing maintenance of their fire trucks and police cruisers to private mechanics. Scarborough will charge its neighbors an hourly rate of \$55.23 and markup the cost of parts by 10 to 15 percent. Scarborough has been a leader in collaborating with other communities: It also provides dispatch services for Old Orchard Beach and assessing services for Cape Elizabeth. The agreement is for one year, beginning July 1, and will automatically renew annually unless a partner decides not to continue the arrangement. ■

MUNICIPAL BULLETIN BOARD

JULY 21

Planning Boards/BOA: Farmington

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on July 21 at Franklin Memorial Hospital in Farmington.

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

JULY 28

MFCA Meeting, Luncheon: Hope

The Maine Fire Chiefs' Association will hold a membership meeting and networking luncheon on July 28, beginning with a business meeting promptly at 10 a.m., at the Hope Fire Station. The event includes a lobster bake or steak dinner. All fire chiefs and members are welcome.

Cost for registration is \$35 for chiefs who pre-register or \$45 for those who register after July 18. Guests can attend as well. Please provide a billing address if it will be different from the municipal address.

AUG. 9

MTCCA New Clerks: Bangor

The Maine Town and City Clerks' Association will hold a new clerks' workshop on Aug. 9 at the Spectacular Event Center in Bangor. The day-long course is designed to familiarize newly elected and appointed clerks to the duties and responsibilities of this important office.

The instructors include: Patty Brochu, City Clerk in Old Town; and, Kim McLaughlin, Town Clerk in Old Orchard Beach. The course covers an array of topics, and is valuable to clerks from large and small municipalities. Registration begins at 8:30 a.m. The workshop concludes with a Q&A session at 4 p.m. Cost is \$55 for MTCCA members and \$75 for non-members.

AUG. 10-12

71st New England Management Institute: Newry

The Maine Town, City & County Management Association's biggest training

event of the year will be held on Aug. 10-12 at the Sunday River Resort in Newry. The program begins with registration at 7:30 a.m. on Wednesday, Aug. 10 and will run through noon on Friday, Aug. 12. Costs vary depending on number of days attending and accommodation requests.

The theme of this year's program is Generation Next: Succession Planning for Communities. Keeping and Attracting Young People to Maine. This is a planned follow-up to the 2016 managers' interchange, which focused on the new frontier of aging in Maine communities. Mayor Svante Myrick of Ithaca, N.Y., who was first elected at the age of 24, will be the featured Institute speaker. Networking with fellow managers is also an important and valuable part of this event.

AUG. 15

Elected Officials Workshop: Augusta (Caribou via video)

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Aug. 15 at Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. The workshop will be available via video at the Northern Maine Development Commission offices in Caribou.

The workshop is designed for newly elected officials, but veteran councilors and select board members may benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations;

and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members in Augusta; \$45 in Caribou, for MMA members only.

AUG. 16

MTCCA Vital Records: Portland

Fireside Inn and Suites in Portland will host a vital records workshop on Aug. 16, with registration starting at 8:30 a.m. and the class ending at 4 p.m. Cost for Maine Town and City Clerks' Association members is \$55 and the cost for non-members is \$75.

Instructors will be Jessica Hanscombe, Deputy City Clerk in South Portland, and Roberta Fogg, Deputy State Registrar, Vital Records, State of Maine. This one-day workshop will provide clerks with an overview of the laws, rules and regulations concerning vital records in Maine.

AUG. 17

I've Got the Job – What Now?

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a one-day workshop designed to take attendees through a significant portion of their roles and responsibilities in public office. The workshop may include topics such as: nature of the job; settlement and discharge; delinquent property taxes; excise taxes; role of the treasurer; disbursements and warrants; investments; and, much more.

Presenter will be Stu Marckoon, treasurer in the Town of Lamoine. The workshop will begin with registration at 8:30 a.m. and will conclude at 3:30 p.m. Cost is \$55 for MMTCTA members and \$75 for non-members. The workshop will be held at the MMA Conference Center in Augusta. ■



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LEGAL NOTES

All about Resignations

People resign from public office for all sorts of reasons, mostly honorable, but sometimes not. No matter what the reason, though, resignations often prompt legal questions. Here are the most common ones we can think of, together with our answers.

Must a resignation be in writing? No, an oral resignation is legally sufficient and may be accepted as is. But the official should be encouraged to tender it in writing – preferably signed – so there is documentation. If they refuse, the official or body that accepts the resignation should note for the record that it was given orally.

When is a resignation effective? Absent a municipal charter or ordinance provision to the contrary, a resignation is effective upon its acceptance by the official or body with the power to fill the vacancy. Acceptance may be either by formal vote to accept or by taking steps to fill the vacancy, such as making an appointment or calling an election if necessary.

Can a resignation be withdrawn? Yes, if it has not yet been accepted, but not afterward (see “Resignation Withdrawn,” *Maine Townsman*, Legal Notes, February 1995).

Can a resignation be made effective at a future date? Yes, if the resignation specifies a future effective date. But if accepted, the resignation cannot be withdrawn between acceptance and that future date.

Must a resignation be accepted? Technically, no, but an official cannot be compelled to continue serving, so there is probably no point in not accepting it. (If a resignation is tendered in a fit of petulance, there is perhaps all the more reason to accept it and to do so promptly.)

Is a resignation a public record? It is if it’s in writing. However, portions may contain confidential information, such as personal medical history or accusations about an identifiable employee. If so, these should be redacted before the resignation is released to the public (see “Is a Resignation a Public Record?,” *Maine Townsman*, Legal Notes, November 2010).

Can a resignation occur automatically? In effect, yes. An officeholder who qualifies (takes the oath) for a second office that is legally incompatible with the first is deemed to have automatically resigned the first (see “Incompatible Offices,” *Maine Townsman*, Legal Notes, August 1987).

How is a vacancy created by a resigna-

tion filled? Unanticipated vacancies in an office other than selectman or school committee must be filled by appointment by the selectmen for the remainder of the term even if the official is customarily elected. An unanticipated vacancy in the office of selectman may be filled only by special election. The rules for school committees and other types of school boards vary depending on the type of school unit (see “How Vacancies Are Filled,” *Maine Townsman*, Legal Notes, July 2007).

For more on resignations, see Chapter 2 of MMA’s *Municipal Officers Manual*, available free to members at www.memun.org. (By R.P.F.)

Local Road Laws ‘Tweaked’

The Legislature has made a handful of relatively minor changes to the laws governing the discontinuance and abandonment of town ways, to ensure a more public process (see PL 2015, c. 464, eff. July 29, 2016).

First, the municipal officers (selectmen or councilors) must hold a public board meeting to discuss any proposed discontinuance. If they decide to proceed with the discontinuance, they must file an order of discontinuance with the municipal clerk that includes certain information (e.g., location of the way, names of abutters, amount of damages, etc.). Then they must hold a public hearing on the discontinuance at least 10 days before the municipal legislative body (town meeting or town or city council) votes on the discontinuance. If approved the clerk must record an attested certificate of discontinuance in the registry of deeds and provide a photocopy to the Maine Department of Transportation. (For the record, the law on retention of a public easement after discontinuance remains unchanged: Unless explicitly stated otherwise in the order, a public easement is automatically retained.)

Second, if the municipal officers determine that any town way has been discontinued by abandonment (by at least 30 consecutive years of no maintenance at public expense), they must file a record of their determination in the registry of deeds. Also the clerk must provide a copy to the MDOT. (Failure to file in the registry cannot be construed as evidence against abandonment, however.)

Third, municipalities are authorized

MUNICIPAL CALENDAR

BY AUGUST 1 — Local Roads Assistance Program (LRAP) certification forms must be returned to MaineDOT Community Services Division prior to August 1st. This is an annual certification that must be completed by a municipality to receive URIP funds. Effective July 1, 2008, there is a requirement for municipalities to provide information on how the previous fiscal year’s funds were expended.

ON OR BEFORE AUGUST 15 — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333 (22 MRSA §4311).

BETWEEN MAY 1 AND OCTOBER 1 — Municipal officers may initiate process to close certain ways during winter months (23 MRSA §2953). For further information, see the MMA Municipal Roads Manual.

BY SEPTEMBER 1 — Clerks of organized plantations shall make return to the Secretary of State, on blanks furnished by him for that purpose, of the names of the assessors and clerks of their plantation and that the same have been sworn. There is a penalty for failure to make such a return (30-A MRSA §7005). ■

and encouraged (but not legally required) to develop or update public inventories of all known roads, including those that have been discontinued or abandoned, and to share these inventories with the MDOT.

Finally, any abutter to a discontinued or abandoned road may sue anyone who damages a public easement in a manner that impedes reasonable access to the abutter’s property by motor vehicle. Relief may include money damages, an injunction, and attorney fees and court costs. Law enforcement officers and emergency responders are exempt. (Damaging a public easement is already a Class E crime, see 17 M.R.S.A. § 3853-D.)

LEGAL NOTES

For more on the discontinuance and abandonment of town ways, see MMA's *Municipal Roads Manual*, available free to members at www.memun.org. (By R.P.F.)

Where to Post a Warrant

The person to whom a town meeting warrant is directed (either a town constable or a town resident by name) must post an attested copy "in some conspicuous, public place in the town at least 7 days before the meeting" unless otherwise provided by municipal charter (see 30-A M.R.S.A. § 252394).

There is no legal requirement that a warrant be published, or posted in more than one place, but many municipalities do so in order to reach the greatest number of voters. If this has been traditional practice, it is probably best not to depart from it without some advance notice.

Also, it is customary – but not legally required – for the annual town meeting warrant to be included in the municipality's annual report (see "What Should/Shouldn't Be in the Annual Report," *Maine Townsman*, Legal Notes, December 2010). For the record, though, the "official" or legal warrant is the posted one, not the one published in the annual report (see "Town Meeting Warrants – Posted Versus Published," *Maine Townsman*, Legal Notes, January 2010).

For more on what must be in a warrant, who can post it, and when to post it, see the last three issues of this magazine. (By R.P.F.)

Municipal Sign Regulation: New 'Information Packet'

If readers have questions about municipal sign regulation, a great place to start is our new "Information Packet" on the subject. Like MMA's other information packets, this one contains links to legal resources and State statutes as well as a broad overview of the laws and municipal considerations relating to sign regulation.

Astute readers will recall that we discussed *Reed v. Town of Gilbert*, the U.S. Supreme Court decision that upended how municipalities have traditionally regulated signs, in one of last year's issues (see "High Court: Discriminatory Sign Code Unconstitutional," *Maine Townsman*, Legal Notes, October 2015).

MMA Legal Services created this new packet to help municipalities better un-

derstand the Court's decision and other constitutional issues affecting sign regulation. Like all of our packets and publications, this one is available free to members at www.memun.org. (By B.N.G.)

State Auditor: Please Don't Send Annual Town Reports

The State Auditor's office has asked that municipalities stop sending them annual town reports. This has been customary for some towns for some time, but it is not legally required, and the State Auditor's office no longer has the storage capacity. (Similarly, the Maine DOT does not want annual town reports.)

We note for the record that municipal auditors *are* required to send their full annual post-audit report to the State Auditor (see 30-A M.R.S.A. § 5823(3)(B)), but this of course is different from the annual town report, which contains only excerpts from the municipal audit.

Annual town reports still should be mailed to: Maine State Library, Collection

Services, State House Station #64, Augusta, ME 04333; Maine Revenue Services, Property Tax Division, P.O. Box 9106, Augusta, ME 04332-9106; The Fogler Library, Special Collections, 5729 Fogler Library, University of Maine, Orono, ME 04469-5729; and Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. (By R.P.F.) ■

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The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine.

MMA's services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs. For more information visit the MMA website: www.memun.org

2016 FALL BOND ISSUE SCHEDULE

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

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

Wednesday, August 3rd
Application Deadline.

Wednesday, August 31st
Application approval (Board Meeting).

Thursday, September 15th
Preliminary opinions and loan agreements due from bond counsel of each borrower.

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

Friday, September 16th
Last date for signing school contracts and rates in place for water districts. PUC approvals due.

Tuesday, October 4th & Wednesday, October 5th
Maine Municipal Bond Bank Pricing.

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

Thursday, October 6th
Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Wednesday, October 19th
Final documents due from bond counsel.

Wednesday, November 2nd
Pre-Closing.

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

Thursday, November 3rd
Closing - Bond Proceeds Available (1:00 PM).

If you would like to participate in or have any questions regarding the 2016 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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