

May 2014

# maine townsman

The Magazine of the Maine Municipal Association



**YEAR OF REPAIR**  
**2014 Session Took Steps,**  
**Recognized Municipal Pressure**

**ALSO IN THIS ISSUE:** \_\_\_\_\_

New Laws | Banking Fees | Ruth Cushman Q&A | Essay Contest Winners

**We've always valued your business.  
Thanks for returning the favor.**



**“Highest Customer Satisfaction with Retail Banking in the New England Region”**

For over 160 years, we've been working to bring you products and services to improve your life. That's why we've built a statewide network of 57 branches and invested in robust online banking technology and security. Bangor Savings Bank was founded to help our neighbors and friends. It's our sole mission and purpose in Maine. Being recognized for our efforts by you, our customers, not only makes us incredibly proud, it inspires us to do even more to help you.

**Bangor Savings Bank**  
**You matter more.**

**1.877.BANGOR1**

**[www.bangor.com](http://www.bangor.com)**

Member FDIC.  Equal Housing Lender

Bangor Savings Bank received the highest numerical score among retail banks in the New England region in the proprietary J.D. Power and Associates 2013 Retail Banking Satisfaction Study<sup>SM</sup>. Study based on 51,563 total responses measuring 14 providers in the New England region (CT, MA, ME, NH, RI & VT) and measures opinions of consumers with their primary banking provider. Proprietary study results are based on experiences and perceptions of consumers surveyed January–February 2013. Your experiences may vary. Visit [jdpower.com](http://jdpower.com).

## EXECUTIVE COMMITTEE

### PRESIDENT

*Peter Nielsen*

Town Manager, Oakland

### VICE PRESIDENT

*Michelle Beal*

City Manager, Ellsworth

### MEMBERS

*Errol (Abe) Additon*

Selectman, Leeds

*John Bubier*

City Manager, Biddeford

*James D. Chaousis II*

Town Manager, Boothbay

*Linda Cohen*

City Councilor, South Portland

*Michael Crooker*

Town Manager, Glenburn

*Marianne Moore*

Mayor, Calais

*Mary Sabins*

Town Manager, Vassalboro

*Laurie Smith*

Town Manager, Kennebunkport

*Patricia Sutherland*

Chair Selectboard, Chapman

### IMMEDIATE PAST PRESIDENT

*Nicholas Mavodones, Jr.*

City Councilor, Portland

## EXECUTIVE DIRECTOR

*Christopher Lockwood*

### MAGAZINE STAFF

*Eric Conrad*, Editor

econrad@memun.org

*Valarie Pomerleau*,

Circulation Manager

*Jaime G. Clark*

Graphic Designer

MMA website: [www.memun.org](http://www.memun.org)

© 2014 Maine Municipal Association.  
All rights reserved.

MAINE TOWNSMAN (ISSN 0025-0791) is published monthly, except in September, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Townsman, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$15 per year.



# Maine Townsman

May 2014 | Volume 76 | Issue 5

The Magazine of the Maine Municipal Association

## COVER STORY | 7 A Time for Repairs



**Maine Municipal Association's Geoffrey Herman recaps the 2014 Legislative session which, from a municipal viewpoint, was a study in rectifying previous overreaches and missteps.**

**The volume of laws enacted** this session fell due to a historically high number of vetoes by the Governor. Many of the laws that stuck will affect municipal governments. Our complete listing begins on [Page 11](#)

**The 2014 elections will shape** the future of state and municipal governments in Maine. MMA Executive Director Christopher Lockwood offers his thoughts on how to influence the debate and what your Association will do to help. [Page 5](#)

**Cover photo:** Ben Thomas, MMA's Website & Social Media Editor, took this shot in April of the Statehouse dome undergoing restoration.

## Analyze Your Banking Fees

**It may be tempting** to stick with your current banking partner – and that may be the wise thing to do. But some towns have seen savings and improved service by shopping around. [Page 23](#)

## As Ruth Sees It...

**Ruth Cushman, recently retired** manager from the Town of Jay, participates in a question-and-answer interview with the Maine Townsman. Among her top suggestions: That managers and elected officials – both – honor their respective roles. [Page 25](#)

## ...And As Seventh-Graders See It

**Winners of MMA's 2014 Essay Contest** hail from Bangor, North Yarmouth and Richmond. The students offer eye-opening takes on how they would change their communities. [Page 32](#)

People	42
News	43
Municipal Bulletin Board	44
Legal	45

### FIND US!



[www.facebook.com/MaineMunicipal](http://www.facebook.com/MaineMunicipal)



@Maine\_Municipal



# Maine Municipal Employees Health Trust

**INNOVATIVE  
PROGRAMS**

**QUALITY  
BENEFITS**

**EXCEPTIONAL  
SERVICE**



**For Over 30 Years...**  
*The Difference is Trust.*



**1-800-852-8300** [www.mmeht.org](http://www.mmeht.org)





# A Message From MMA



by Christopher Lockwood, Executive Director

## Election 2014: Making the Municipal Voice Heard

The last few years have been frustrating and difficult as municipal governments have experienced revenue sharing raids and unfunded mandates imposed by the Governor and Legislature. If there is a bright side, it's that the pendulum seems to be swinging back as respect for municipal government is being restored.

This issue of the Maine Townsman provides a detailed recap of the recently concluded legislative session. A notable accomplishment was the successful reversal of an additional raid on the revenue-sharing fund. The Legislature also rescinded or modified a number of onerous mandates which had been enacted the previous year, including wide-ranging gravesite maintenance requirements. In the closing weeks of the session, a majority of legislators backed away from the imposition of a number of new mandates, including a major disruption to the road discontinuance statute.

These were significant achievements, but much more remains to be done. 2014 is a gubernatorial and legislative election year. This affords an important opportunity to engage candidates as they campaign in communities throughout the state. Do candidates understand and respect the role and responsibilities of your municipal government? Will they honor financial commitments, such as revenue sharing and local road assistance? Will they resist enacting unfunded mandates? Geoff Herman's overview article in this magazine provides a more detailed listing of these issues.

### WHAT MMA WILL DO:

- Prepare and publish a white paper outlining key municipal issues.
- MMA has invited each gubernatorial candidate to participate in an "on the record" interview with our Executive Committee this summer. As was done in 2010, MMA will make available recordings of these interviews.
- Build on the media campaign earlier this year to urge restoration of full funding for the revenue sharing program.
- Still in the planning stages is a gubernatorial candidate forum on Thursday, Oct. 2, during the MMA annual convention in Augusta.
- Assist local officials in organizing regional candidate forums.

### WHAT MUNICIPAL OFFICIALS CAN DO:

- Prepare specific, locally relevant information on such subjects as revenue-sharing declines, education funding, cuts to local road assistance, etc. For example, a number of communities have calculated the impact of the cumulative raids on revenue sharing since 2006 to inform



Maine Municipal Association representatives meet with U.S. Sen. Susan Collins (center). (Submitted photo)

citizens regarding reduced municipal services and/or increased property taxes. MMA's State & Federal Relations Department can assist in gathering this data (contact Geoff Herman, MMA Director of State & Federal Relations; email [gberman@memun.org](mailto:gberman@memun.org) or by phone at 1-800-452-8786.

Communicate with citizens and businesses in your community regarding municipal issues and concerns. Use both traditional "coffee shop" venues as well your websites and social media. Your efforts played a major role in the success of the revenue-sharing campaign last February.

Engage candidates as they visit your community. These visits are great opportunities to put a real face on issues such as revenue sharing, local road assistance, economic development and general assistance.

Organize candidate forums; consider working with nearby communities to conduct a forum for local legislative candidates.

Working together, we have the opportunity to keep the pendulum swinging in the right direction to restore respect for municipal governments and to reinstate commitments to programs such as revenue sharing and local road assistance. Please contact Geoff Herman or me if you have any questions or would like to discuss these election year activities. Thank you. ■

LOCAL GOVERNMENT  
*begins with* **YOU**®

The Maine Chapter  
American Public Works Association

presents...

The Twenty Third Annual  
Highway Congress

SKOWHEGAN FAIR GROUNDS

Thursday — June 5, 2014 — 7:00 a.m. - 3:00 p.m.



**FREE ADMISSION** • Door Prizes • Skid Steer Loaders and Backhoe Contests

**Complimentary LUNCHEON** Sponsored by Maine Chapter APWA



The Lions will serve breakfast from 7:00-9:00 a.m.



**Maine Local Roads Center — “Time Out for Training”**



***Erosion Control and Spill Prevention Training***  
***Sessions Sponsored by Maine DEP and J.E.T.C.C.***



**DEMOS ♦♦♦ DEMOS ♦♦♦ DEMOS**

**WHO SHOULD ATTEND?**

- All Highway Departments
- Solid Waste Departments
- Municipal Officials and Managers
- Water and Sewer Utility Departments
- Parks and Recreation Departments
- YOU!!!

*Maine and New England's Premier Public Works Exposition. There is no better show or deal in the industry!*

**Annual State Snow Plow Rodeo  
Championship and Award Presentation**



Brochure and registration forms will be sent out in mid-April. Registration Deadline is May 23, 2014. For more information call the Affiliate Services Office—Maine Chapter APWA, 1-800-452-8786.

# The 2014 Session: Repairing the Damage

By Geoff Herman, Director of State  
& Federal Relations, MMA

Every year this article begins with the same tired headline, “LEGISLATURE FINALLY ADJOURNS,” with the word “finally” having two meanings.

The formal meaning is that the adjournment was “sine die,” translated from the Latin as “without return,” completed, absolutely over, fuhgetaboutit. If in Italy, the adjournment might be described as definitiva; in German, endlich. The Pig Latin word is eye-nal-fay.

For the second meaning, the translation is more subtle, something like “at long last” or “thank goodness” or “it’s about time.” The Legislature has finally adjourned, so the danger has passed. The Legislature has finally adjourned; let peace be restored to the land.

Either way, the legislative session is over and identifying the major theme of the 2014 legislative session is up for grabs.

For some, the principal focus of 2014 was whether to provide Maine citizens with expanded access to health care services, and how.

For others, the most important theme of the session was welfare reform, a debate characterized by lawmakers arguing past each other, like two ships in the night, over such basic concepts as what the word “welfare” really means and what might constitute meaningful “reform.”

For other State House gadflies, the primary theme of the session was more about election day on Nov. 4 than specific matters of public policy. The tennis player Boris Becker observed that in the fifth set of a match, it is not about tennis anymore. The same could be said of the last days of the second legislative session. The emphasis shifts

from enacting coherent new laws of high quality to generating copy for the palm cards used in door-to-door campaigning, warming up hot zingers for the candidate night forums, or establishing a certain posture for the election debates. During the rut that occurs as the election season approaches, bills get submitted for the express purpose of not being enacted. Crazier than that, the Legislature toys with the idea of enacting them nonetheless.

The towns and cities don’t get wrapped up in the partisan posturing. From the municipal perspective, the theme of the 2014 legislative session was to repair the damage inflicted by the Legislature in 2013, if not entirely, then in certain small ways.

The bill enacted in February blocking an additional \$40 million in revenue sharing raids laid the foundation for this repair-the-damage theme. The Legislature’s enactment (and in some cases non-enactment) of nine additional bills supplemented the effort. A full description of the enacted “repair” legislation is found in the New Laws article in this edition of the *Maine Townsman*. Here’s the short list with brief descriptions of the enacted bills and a little more background for those bills that failed enactment.

**Dig Safe: LD 965, *An Act To Improve Maine’s Underground Facility Damage Prevention Program*.** There is a very long story that leads up to the ultimate death of this carryover bill, which won’t be repeated here. The theme of “repair” in this case is found in the Legislature’s general rejection of new municipal mandates.

The purpose of LD 965 was to require municipalities and quasi-municipal water and waste water utilities to

become members or “participants” within the “Dig Safe” system, exposing well over 200 municipalities to new mandatory requirements, fees, financial penalties (either now or in the future) plus whatever additional obligations the private Dig Safe Board might promulgate in the future. The for-profit utilities and excavation contractors have been allied in trying to mandate municipal membership in Dig Safe over the last four years. Throughout the process, the chief municipal request was that any new requirements being imposed on local government be straightforwardly delineated in statute, as a clean list of new municipal obligations. The approach that MMA opposed would force municipalities to be a contractual member of Dig Safe, allowing the Dig Safe Board to impose its various mandates and membership requirements rather than the Legislature.

Throughout the bill’s tortured history, municipalities also consistently requested examples of safety incidents that would be remedied by mandatory municipal Dig Safe membership. Despite many loud claims of hypothetical catastrophes, the few examples that were provided revealed a general issue of excavator haste and not a single issue with the municipal management of town right of ways.

Municipal participation became voluntary in the bill’s last iteration, due perhaps to a legislative disinclination to list out new municipal mandates in statute or the Dig Safe system’s insistence on open-ended municipal contracts. Since voluntary municipal participation was not enough to appease the for-profit utilities’ and excavators’ demand for mandatory municipal membership, LD 965 was killed in



*Sen. Doug Thomas (Somerset Cty.) easily grasped the municipal concerns with the “Discontinued Roads” bill that was initiated several years ago and finally emerged from the State and Local Government Committee as LD 1177. The lawmaker from Ripley was instrumental on the Senate side in steering the Legislature away from any version of the bill that established new unfunded state mandates on local government.*

Committee.

**Discontinued Roads: LD 1177, An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group.** Like LD 965, this bill has a long story attached to it and caromed around many dark and winding turns before finally being killed in the House by a strong vote for “indefinite postponement.” At one point, the bill proposed to abolish road abandonment law and require municipalities to formally discontinue roadways for which no public maintenance has been required for 30 years and pay damages to the abutters. In three or four separate iterations of the bill, municipalities would have been required to develop extensive road inventories going back 50 years describing the legal status of all maintained, abandoned and discontinued roads and road segments during that half-century. As was the case with LD 965, the “repair” element of this carryover legislation was lawmakers, at least a majority of them, saying ‘no’ to any new municipal mandates.

**CEO Training: LD 1679, An Act To Appropriate Funds for the Maine Criminal Justice Academy, Code Enforcement Officer Training, Increased Enforcement of Tax Collection, Water Quality Control, Clinical Staff and the Maine State Prison, and HIV Prevention Education.** This bill has many components, one of which is focused on the state’s code enforcement officer training program. The full description of this bill is found in the New Laws article under Labor, Commerce, Research and Economic Development. In brief summary, the last several years have



*Rep. Mike Carey of Lewiston was repairing damage on multiple fronts this session. Rep. Carey sponsored the bill to restore municipal authority to implement locally funded property tax relief programs (LD 1607), but he wasn’t the only legislator seeking permission to correct that legislative error of the previous year. Representatives Kathy Chase of Wells, Steve Moriarty of Cumberland and Justin Chenette of Saco also tried to sell the same bill to the Legislative Council, with Rep. Carey getting the nod. At the very tail end of the 2013 legislative session, Rep. Carey advanced a bill that financially recharges the state’s Code Enforcement Officer training and certification program, which suffered from disorientation after the elimination of the State Planning Office (LD 1565). The substance of that bill, a \$30,000 appropriation to the Department of Economic and Community Development to support the CEO training program in FY 2015, was ultimately enacted as part of another bill, LD 1679.*

seen a large-scale and confusing shake-up in the state’s delivery of land use planning and regulatory assistance to the municipalities that are mandated on the state’s behalf to approve all subdivisions, enforce the shoreland zoning law, license all junkyards, manage the state’s plumbing code,

etc. One manifestation of that shake-up is the elimination of the State Planning Office, with the duties of that Office scattered to a number of other state agencies. As a result, the state program to provide training and certification to the municipal Code Enforcement Officers was falling through the cracks. This bill reinforces the state’s commitment to provide a coherent and viable CEO training and certification program.

**Local Option Property Tax Relief: LD 1607, An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs.** When the Legislature enacted the state budget in June 2013, the authority for local government to develop, adopt and implement local property tax relief programs was repealed by mistake. The Legislature consciously terminated the state-level Circuitbreaker property tax relief program. Without meaning to, it simultaneously terminated all locally funded property tax relief programs as well. This bill, which repairs the damage by restoring the authority, is fully described in the New Laws article under Taxation.

**Appraisal Reports: LD 1627, An Act To Amend the Reporting Requirements for the Business Equipment Tax Exemption.** LD 1627 is another example of reversing a significant unfunded state mandate enacted last year as part of



*Sen. Chris Johnson of Lincoln County jumped in as sponsor and shepherded all the way through to enactment LD 1662, a bill that appropriately pulled back and corrected the very costly “veterans’ graves” unfunded mandate enacted by the Legislature in 2013.*

the state budget. Part O of the budget required all municipalities with large industrial or commercial taxpayers in their tax base to prepare expensive “appraisal reports,” beginning this year, for each prominent industrial or commercial property. Failing to do so would result in losing eligibility for: (1) state reimbursement for exempt business personal property under the Business Equipment Tax Exemption program (BETE); and (2) expedited state valuation under the “sudden and severe disruption” program which is designed to help communities when a large taxpayer’s property suddenly drops in value. LD 1627, as more fully described under the Taxation section in the New Laws article, eliminates those new appraisal report mandates with respect to the BETE program. Appraisal reports still need to be prepared, however, to protect eligibility for the “sudden and severe disruption” program.

**Gravesite Maintenance: LD 1662, An Act To Clarify the Law Governing the Maintenance of Veterans’ Grave Sites.** The Grand Poobah of all unfunded mandates enacted in 2013 was the law expanding municipal requirements to maintain veterans’ gravesites. When introduced last year, the bill simply expanded the municipal obligation to maintain the graves of veterans of foreign wars to include all veterans’ graves, whether the military service was

performed during a wartime period or not. After the bill went through the Committee process and was enacted, however, it had municipalities main-

taining the graves of non veterans in cemeteries that were not even municipally owned or managed. It also held municipalities responsible for complete gravestone management of all veterans' graves, down to keeping the inscription readable on stones going back to the nation's earliest days. The Legislature recognized that it went way too far with the 2013 mandate on veterans' graves, and LD 1662 brings the municipal requirements back to the original intention of last year's bill. LD 1662 is described in more detail in the State and Local Government section of the New Laws article.

**Circuitbreaker Program: LD 1751, An Act To Provide Property Tax Relief to Maine Residents.** Municipal officials know only too well that the Circuitbreaker property tax relief and rent rebate program was terminated by the Legislature, making 2013 the first year in the last 30 with no targeted property tax relief program for low income households. The replacement property tax relief program, known as the "property tax fairness credit", kicked-in for 2014, but as only a shell of the Circuitbreaker program it replaced. In addition, the property tax credit was designed in such a way that recipients of the credit's full benefits, although of low income on paper,



Speaker of the House Rep. Mark Eves, shown here with his Chief of Staff Ana Hicks, sponsored the bill that repaired the design of the "property tax fairness credit" (LD 1751). The property tax fairness credit in 2013 was created as a less expensive, more targeted replacement of the Circuitbreaker property tax relief and rent rebate program. In the haste of terminating the Circuitbreaker program and installing a property tax fairness credit into the state's income tax code, the Legislature failed to appropriately calibrate some elements of the credit's design. Rep. Eves' bill, with some valuable assistance from Sen. Richard Woodbury of Yarmouth and others, redesigned the property tax fairness credit to make it – in a word – fairer.

had a far greater capacity to pay their property taxes than many other low income households deemed ineligible for the credit. That imbalance in the property tax credit was righted by LD 1751, which is described more fully in the Taxation section of the New Laws article.

**Municipal Revenue Sharing: LD 1762, An Act Related to the Report of the Tax Expenditure Review Task Force.** This was a big bill for local government. The backstory is well known. The state budget enacted in 2013 straightforwardly lifted \$86 million from the municipal revenue sharing distribution scheduled under law for next year (FY 2015). On top of that, in the budget's fine print, the Legislature also put into motion an additional \$40 million raid on municipal revenue sharing unless a special "Tax Expenditure Review" task force accomplished the politically impossible task of repealing \$40 million worth of tax exemptions. Predictably, the task force failed, but LD 1762 stepped in to stop the additional \$40 million raid from happening. The bill was the brain-

child of certain legislative leaders and the chairs of the Appropriations Committee. Given the political tumult of this legislative session, it was a long-shot, but it succeeded nonetheless. As described in the Taxation section of the New Laws article, it is a simple bill, but that simplicity belies the legislation's importance to Maine's towns and cities. Lawmakers were on the brink of eliminating the municipal revenue sharing program altogether, including the entire state-local partnership that the revenue sharing program represents, but they changed direction with this bill. There is still a long way to go to restore revenue sharing to its statutory promise, but LD 1762 represents a very good start, timely delivered.

**Unified Jail Management System: LD 1824, An Act To Provide Additional Authority to the State Board of Corrections.** This bill represents more of a shoring-up of some neglected law than repairing damage from the 2013 legislative session, but it deserves mention because the jail unification system established six years ago is in a serious state of disrepair. Boiled down to its basics, the law enacted in 2008 was a trade off. Through the establishment of the Board of Corrections, state government was provided significantly more authority to manage the operations of the 15 county jails for the purposes of providing a more coordinated and unified approach to that



Pictured here with a constituent, Rep. Peggy Rotundo (Lewiston) told MMA very early in the legislative session that she would do everything in her power to prevent an additional \$40 million raid on revenue sharing, put into motion by the Legislature in 2013, from happening. As a key sponsor of LD 1762, along with her co-chair on the Appropriations Committee Sen. Dawn Hill (York City.), Rep Rotundo was true to her word.

task. Along with the increased authority came an increased responsibility to cover the operational costs financially. For the operational side of county jails, the property tax contribution was capped at the 2008 level of \$62 million. Any number of implementation issues have cropped up since the law was enacted, and they generally fall into one of two categories: (1)

problems associated with the Board of Corrections lacking adequate authority to fulfill its task; and (2) problems associated with the Legislature failing to adequately fund the state's side of the jail funding ledger, most particularly in the area of the jails' capital improvement program. LD 1824, as described in detail under the Criminal Justice section of the New Laws article, addresses both problems by beefing up the Board of Corrections authority to accomplish the task it is given and appropriating nearly \$1.2 million to deal with an anticipated shortfall in jail funding for the current year.

**Moving on.** This being an even-numbered year, the adjournment of the Legislature marks the advent of the election season. The core issues



*Sen. Tom Saviello (Franklin Cty.) on the right, pictured here wrangling with a constituent who, coincidentally works for MMA, generously sponsored a “repair” bill this session at MMA’s request. The explanation gets complicated, but the bill (LD 1654) attempted to fix a disconnect between property tax relief benefits and the municipal poverty abatement system that appeared to be created when the Legislature “terminated” the Circuitbreaker property tax relief program in 2013. Through no fault of the sponsor, LD 1654 was killed in Committee because it turns out that no substantial disconnect was actually created. In any event, the Senator’s willingness to advance the issue for the Legislature’s consideration is appreciated.*

that the state’s municipal leaders will attempt to inject into the campaign dialogues and candidate debates will reflect the very same core programs and intergovernmental relationships they were trying to protect, without great success, over the last two-year reign of the 126<sup>th</sup> State Legislature:

- Honoring the state’s commitments to local government such as revenue sharing, Local Road Assistance, etc.

- Protecting Maine’s resident property taxpayers from a tax code that relies far too heavily on a person’s home as a governmental funding resource.

- Respecting the state-local partnership by honestly recognizing instead of dismissing the wide variety of state-level services that local governments routinely and efficiently provide.

- And, assisting in the efforts of local government to nurture the state’s fragile and uneven economy, particularly by making needed investments in the infrastructure and technological support systems that the towns and cities, by means of property taxation, are unable to afford individually or even collectively on their own.

The 2014 legislative session is characterized by the much-appreciated efforts of lawmakers to repair or at

least mitigate the damage inflicted on municipal government during the 2013 legislative session. Here’s a toast

to 2015, and the radical notion of not inflicting so much damage on municipal government in the first place. ■

## MMA’s 70-member Legislative Policy Committee Election Process Now Under Way

The time has come to begin the process of electing 70 municipal officials from across the state to Maine Municipal Association’s 2014-2016 Legislative Policy Committee (LPC). Each town or city’s “key official” (“key official” is a term we use at MMA meaning the municipality’s manager, if there is one, or the chair of the board of selectmen if the town has no manager) has received a memo asking for a nomination of a current elected or appointed official from their respective Senate/LPC Districts.

Each municipality may nominate any official from any member municipality within its Senate/LPC District. The nomination form must be signed by both the Chair of the Board of Selectmen or Council of the nominating municipality as well as by the nominee.

The nomination forms must be returned to MMA by end of business on Thursday, June 19 for the nomination to be counted and that person’s name to be placed on the ballot. The official ballots will be sent out for action by the Boards of Selectman/ Town and City Councils on June 23 and due back by end of business on Wednesday, Aug. 6. Results will be announced shortly thereafter.

For more information regarding the LPC or the elections process, please contact MMA’s State & Federal Relations Staff or read the LPC Handbook which is located on the web site: <http://www.memun.org/LegislativeAdvocacy/TheLPCHandbook.aspx>.

## 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**

Call Val or Kimberly: 1-800-452-8786 or 207-623-8428

Email: [PersonifyRequests@memun.org](mailto:PersonifyRequests@memun.org)



Maine Municipal Association

60 Community Drive – Augusta, ME

1-800-452-8786

# NEW LAWS

126th Legislature – Second Session

**Effective dates.** Emergency legislation became effective on the date it was signed by the Governor unless otherwise noted. If the new law was an emergency measure, it is so-noted before the Public Law citation. Non-emergency legislation becomes effective 90 days after adjournment of the legislative session in which it was enacted. The effective date of non-emergency legislation enacted this session will be Aug. 1, 2014.

**Mandate preamble.** Legislation enacted with a “mandate preamble” contains the following language: “This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two-thirds of all of the members elected to each House have determined it necessary to enact this measure.” If the new law was enacted with a mandate preamble, it is so-noted along with the Public Law citation.



**The Municipal Caucus.** Many legislators have deep municipal experience, having served in the past or currently as elected or appointed municipal officials. Selectmen, councilors, planning board members, school board members, firefighters, librarians...the list is a long one. Identifying them all would be a major research project and gathering them altogether for a photo on “veto day” would be a Herculean task. Pictured here is a subset of that universe...the Senator and State Representatives who are simultaneously serving as an elected municipal officer (selectperson or councilor) for their community. Pictured here left to right, standing under the rare portrait of a standing Abraham Lincoln in the Senate, are Rep. Nate Libby, Lewiston City Councilor; Rep. Roger Jackson, Selectman, Town of Oxford; Rep. Catherine Nadeau, Winslow Town Councilor; Rep. Alan Casavant, Mayor, City of Biddeford; Rep. Elizabeth Dickerson; Rockland City Councilor; and Sen. Tom Saviello, Selectman, Town of Wilton. Not pictured: Rep. Christine Powers, Selectwoman, Town of Naples.

## Agriculture, Conservation & Forestry

LD 1808 – An Act To Protect the Public from Mosquito-borne Diseases. (Reported by Rep. Dill of Old Town for the Joint Standing Committee on Agriculture, Conservation & Forestry.) **PL 2013, c. 548**

This Act establishes the Maine Mosquito Control Fund, identifies the Department of Health and Human Services as the lead state agency to monitor for mosquito-borne diseases, and charges the Department of Agriculture, Conservation and Forestry (DACF) to be the lead state agency to manage mosquito control problems using the financial resources available in the Mosquito Control Fund. With those resources, DACF is directed to conduct mosquito surveillance, coordinate plans for mosquito control efforts that may be conducted by various organizations, including municipalities, and arrange for cooperation in these efforts among state departments and federal agencies. That Act also authorizes municipalities to cooperate and engage in these coordinated efforts either individually or by creating multi-municipal mosquito control districts. The Act capitalizes the Maine Mosquito Control Fund for these various mosquito management purposes with \$500 for FY 2015.

## Appropriations & Financial Affairs

LD 1043 – An Act To Improve the Regional Economic Development Revolving Loan Program. (Sponsored by Rep. Berry of Bowdoinham.) **PL 2013, c. 605**

This Act makes changes to the laws regarding the Finance Authority of Maine’s Regional Economic Development Loan Program. The Act: (1) adds “revitalization of downtowns” and “building stronger communities” to the list of program purposes; (2) increases the dollar amount of the maximum loan available to a borrower from \$250,000 to \$350,000; (3) adds businesses engaged in commercial and mixed-use real estate and community facilities to the list of potential borrowers, as well as value-added natural resource enterprises and businesses engaged in serving tourists; and (4) changes the program to allow participation by companies with 100 or fewer employees (up from 50 or fewer employees) and by businesses with annual sales of up to \$10 million (up from \$5 million). This Act does not take effect until at least \$1 million is appropriated or allocated to the Finance Authority of Maine (FAME) by legislative action for the express purpose of initiating this legislation.

LD 1455 – An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities. (Sponsored by Sen. Goodall of Sagadahoc.) **PL 2013, c. 589**

This Act sends out to the voters in the November 2014 election a \$10 million bond proposal for water quality protection programs to be distributed in four ways: (1) \$5.4 million, administered by the Department of Environmental Protection (DEP), to be spent on stream crossing and culvert upgrades; (2) \$400,000 for restoring state wetlands; (3) \$2.4 million, also administered by the DEP, as the state share to leverage federal funds to capitalize the state revolving loan fund program for wastewater treatment facilities; and (4) \$1.8 million, administered by the Department of Health and Human Services, as the state share to leverage federal funds to capitalize the state revolving loan fund program for drinking water facilities. The state share is matched on a 5:1 basis with federal funds. (See the bond package sidebar for a review of all six bond ques-

tions to be presented to the voters in November.)

LD 1762 – An Act Related to the Report of the Tax Expenditure Task Force. (Sponsored by the Appropriations Committee Chairs pursuant to PL 2013, chap. 368, Part S.) **PL 2013, c. 451**

This Act repeals an element of the two-year state budget enacted in 2013 that would have transferred an additional \$40 million out of the municipal revenue sharing fund during FY 2015 and into the state’s General Fund to pay for other state spending priorities. The \$40 million revenue sharing raid, if not repealed by this Act, would have been in addition to an \$86 million revenue sharing reduction (representing 60% of the total distribution) also accomplished for FY 2015 in the state budget. Although modified by subsequent legislation (LD 1807, enacted as PL 2013, c. 487) the Act secures the necessary \$40 million in order to prevent the additional revenue sharing raid by:

- Identifying \$15 million made available by a recent re-projection of state revenue.



*Rep. Sheryl Briggs of Mexico and Sen. Brian Langley (Hancock Cty.) charitably provide their names to sponsor the weekly distribution of MMA’s Legislative Bulletin to all lawmakers in the House and Senate. Their willingness to provide this service almost certainly provides them no benefits or recognition whatsoever and very probably sends a certain amount of colleague consternation their way from time to time, depending on what issues are being given focus in the Bulletin. It is this type of giving with no expectation of return that is the true definition of charity.*

- Sweeping \$4 million out of a special fund created in 2011 that traps a percentage of unappropriated state revenue at the close of each state fiscal year for the purpose of incrementally reducing the state income tax rate.

- Appropriating \$21 million out of the state’s Budget Stabilization (Rainy Day) Fund.

- And, securing a repayment of the \$21 million to the Rainy Day Fund by recalibrating the “cascade” system that automatically fills up various accounts with unappropriated state revenue at the close-out of each state fiscal year.

LD 1806 – An Act To Implement the Recommendations Contained in the State Government Evaluation Act Review of the Maine Public Employees Retirement System. (Reported by Rep. Rotundo of Lewiston for the Joint Standing Committee on Appropriations & Financial Affairs.) **PL 2013, c. 602**

This Act implements three recommendations advanced as a result of the State Government Evaluation Act Review of the Maine Public Employees Retirement System. One recommendation implemented by this Act

## BOND PACKAGE FOR VOTER CONSIDERATION IN NOVEMBER

LD #	Value of Bond	Matching Funds	Purpose
1223	\$3 million	\$5.7 million public and private funds.	<b>Biological research/MDI Biological Laboratory:</b> Modernize and expand infrastructure in specially credentialed biological laboratory specializing in tissue repair and regeneration.
1455	\$10 million	Approximately \$21 million in federal matching funds for the wastewater and drinking water State Revolving Loan programs.	<b>Water quality protection:</b> \$5.4 million for stream crossing and culvert upgrades. \$400,000 for state wetland restoration. \$2.4 million for state share of wastewater facility revolving loan fund. \$1.8 million for state share of drinking water revolving loan fund.
1709	\$7 million	\$7 million in private and other funds.	<b>Marine economy:</b> Facilitate growth of marine businesses and commercial enterprises that improve sustainability of marine economy.
1756	\$10 million	\$11 million in private and other funds.	<b>Biological research/Jackson Laboratories:</b> Expand research capabilities in area of mammalian genetics and mice-related biometric analytics.
1827	\$12 million		<b>Small business loans:</b> \$4 million to insure small business loans. \$8 million to allow state, regional and local financial intermediaries to provide small business loans to create jobs, revitalize downtowns and strengthen the rural economy.
1861 and 1865	\$8 million		<b>Agricultural research:</b> Create an animal and plant disease and insect control laboratory to be administered by the University of Maine Cooperative Extension Service.

adds emergency medical services personnel to the category of participating local district employees for which Special Retirement Plan #3 is available.

**LD 1827 – An Act To Authorize a General Fund Bond Issue To Support Maine Small Business and Job Creation.** (Reported by Sen. Valentino of York for the Joint Select Committee on Maine’s Workforce and Economic Future.) **PL 2013, c. 596**

This Act sends out to the voters a \$12 million bond proposal to be considered in the November 2014 election, with \$4 million of the bond proceeds dedicated to insure loans to small businesses by financial institutions, and \$8 million to provide funds for state, regional and local financial intermediaries to make flexible loans to small businesses to create jobs, revitalize downtowns and strengthen the rural economy. (See the bond package sidebar for a review of all six bond questions to be presented to the voters in November.)

**LD 1855 – An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach.** (Sponsored by Sen. Valentino of York Cty.) **Emergency Enacted; P & SL 2013, c. 28 (4/26/14)**

This Act validates the votes taken by referendum in Old Orchard Beach on November 8, 2011 affirming a \$2 million bond issue for a library expansion. The purpose of the Act is to ensure the integrity of the bond approval despite a technical flaw in the posted notice of the referendum, which used a specimen ballot rather than a formal warrant.

**LD 1858 – An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015.** (Reported by Rep. Rotundo of Lewiston for the Joint Standing Committee on Appropriations & Financial Affairs.) **Emergency Enacted; PL 2013, c. 595 (5/1/14)**

This Act is a supplemental state budget designed to rebalance the FY 2014-2015 state budget as originally enacted in June 2013. That budget was supplementally adjusted previously in the legislative session with a focus on the first year of the biennium, but with very limited content related to municipal government (LD 1843, enacted as PL 2013, chapter 502). This supplemental budget focuses on the second year of the budget, FY 2015. The elements of this supplemental budget of municipal interest include:

- **GPA appropriation.** Setting the General Purpose Aid for Local Schools appropriation for FY 2015 at \$943,846,108, which represents 45.8% of the total Essential Programs and Services (EPS) allocation for that year of \$2,058,863,183. For comparison purposes, the GPA appropriation for the current year (FY 2014) is \$942.3 million. The EPS allocation now includes the “normal cost” of the teachers’ retirement premium.

- **Disaster financing.** An appropriation of \$611,000 to cover the state share of clean-up costs associated with previously declared disasters.

- **Water/Wastewater revolving loan fund.** An appropriation of \$500,000 as the state-share which leverages federal funds to capitalize the revolving loan fund program for wastewater treatment facility upgrades and a parallel \$500,000 for the same purpose for drinking water facility upgrades.

- **Pine Tree Zones.** Reversing an action taken in the previously enacted supplemental budget regarding the income tax credit provided to businesses qualifying for Pine Tree Zone benefits. The previous supplemental budget (LD 1843) reduced the credit for qualifying businesses by 50% but this supplemental budget reverses that action.

- **Mandate recommendations.** The repeal or redesign of

several unfunded state mandates as recommended by a working group established by the Legislature in Part WW of the state budget enacted in June 2013. From approximately 20 specific recommendations advanced by the working group, this budget Act accomplishes the following:

- Clarifies that a municipality may impose fees necessary and appropriate to finance the cost of animal control services.

- Repeals the law requiring the local appointment of an inspector of weights and measures.

- Repeals the laws requiring municipal licensing of bowling alleys, shooting galleries, pool or billiard halls, pinball machines, puppet shows, circuses, and travelling shows, and expressly authorizes municipalities to license these activities pursuant to home rule authority.

- Converts the mandatory municipal permitting of going-out-of-business sales to a local-option permitting system for those municipalities that choose to adopt an ordinance governing the activity.

- Repeals the statute that compels schools and municipalities to annually certify the inspection of their hot water heating boilers, along with an \$80 certification filing fee for each boiler, to the Director of Boilers and Pressure Vessels within the Department of Professional Regulation, thereby treating the schools and the municipalities in the same way that all other owners of these types of boilers are treated under law.

- Establishes the State-Local Intergovernmental Working Group. The Working Group is made up of the Commissioner of the Department of Administrative and Financial Services, the various commissioners of state agencies that are involved with the enforcement of state mandates, and no more than 6 municipal officials recommended by the Maine Municipal Association. The purpose of the Working Group is to establish a two-way communication system between the state agencies responsible for oversight of municipally performed state-mandated activities and the municipalities that perform the mandated activities with the goal of establishing more efficient, effective and cost-effective approaches to the implementation and administration of mandated activities. The Working Group is sunsetted on January 1, 2019.

- Finally, the budget directs the State and Local Government Committee to report out legislation in 2015 regarding the remaining dozen recommendations that were advanced in the final report of the Mandate Working Group in 2013 but not included in this supplemental budget.

## Criminal Justice & Public Safety

**LD 1589 – Resolve, To Ensure Notification to the Public**



*Formerly the assessor for her home town of Wells, Rep. Kathy Chase has been close to several municipal issues throughout her legislative career, which has included extensive service on both the Taxation and Appropriations Committees. Rep. Chase has worked for years on the issue of tax exempt institutions and how they might be held responsible for some financial contribution toward the municipal services they receive. Another issue Rep. Chase has persistently tried to address is the problem of unfunded state mandates. There is no doubt that the creation of the Mandate Working Group in the 2013 state budget was accomplished at the insistence of Rep. Chase, along with the advancement of some of the recommendations of that Working Group in the final supplemental state budget of the session, LD 1858.*

of the Location in Maine of Persons Convicted in Foreign Countries of Certain Crimes. (Sponsored by Rep. Maker of Calais.) **Resolves 2013, c. 97**

This Resolve directs the Commissioner of the Department of Public Safety (DPS) to convene a task force to develop a procedure for notifying affected members of the public about the location in a community of a person who was convicted in a foreign country of a crime that, if committed in Maine, would subject the person to inclusion on the state's sex offender registry. The 8-member task force must include 3 members of the Maine's Sheriffs' Association, 3 members of the Maine Chiefs of Police Association, a representative from the Attorney General's Office and the Commissioner of DPS or the Commissioner's designee. The task force report must be submitted to the Legislature by Dec. 3, 2014.

**LD 1672 – An Act To Amend Maine's Emergency Management Laws.** (Sponsored by Sen. Plummer of Cumberland Cty.) **PL 2013, c. 462**

This Act sweeps through the law governing the state's emergency management system to upgrade references, provide definitions, and otherwise update the law in non-substantive ways. One substantive amendment in the Act allows disbursements from the Emergency Response Commission Fund to be made for equipment and supplies related to a hazardous materials incident response.

**LD 1824 – An Act To Provide Additional Authority to the State Board of Corrections.** (Sponsored by Sen. Gerzofsky of Cumberland Cty.) **Emergency Enacted; PL 2013, c. 598 (5/1/14)**

This Act provides a number of significantly expanded authorities to the State Board of Corrections (BOC) with respect to the Board's oversight and management responsibilities over the county jails system. Specifically, the Act: (1) establishes a growth factor to the budget governing the operation of Maine's jail system as the same growth factor allowed for county budget growth, generally, under the "LD 1" county assessment growth factor system, and also authorizes the BOC to establish an alternative growth factor as may be more applicable to the jail system; (2) identifies as a central purpose of the BOC the establishment of a unified, efficient jail system that encourages collaboration among the counties, the Department of Corrections and the judicial branch; (3) adds 8 new specific goals for the BOC to develop, including increased standardization of practices, increased economies of scale, the establishment of regional authorities to further the unification effort, the establishment of common accounting practices, and the establishment of a common, prioritized capital improvement budget; (4) directs the BOC to identify for the Governor a recommendation of funding 10% of the value of the projected 10-year capital improvement plan; (5) reduces the size of the BOC from 9 members to 5 members, eliminating the single municipal representative, one of the two county commissioner representatives, one of the two sheriff representatives and one of the two representatives of the general public; (6) authorizes the BOC to enter into contracts on behalf of the county jails and limits the authority of the county to competitively contract for the same goods or services; (7) authorizes the BOC to manage inmate bed space throughout the coordinated correctional system; (8) directs the BOC to adopt and enforce standards to improve efficiency with regard to management information systems and infrastructure, security equipment, inmate classification, pretrial services, staffing qualifications, and personnel ratios; (9) authorizes the BOC to establish parameters for county corrections labor contracts and staffing levels; (10) expands the listed duties and authorities of the executive director of the BOC; (11) directs the BOC to establish a plan, policies

and procedures to govern the collection of financial data from the counties as well as the individual county jail budget submissions; (12) directs the BOC to create a common budget format for all county jails, including a single chart of accounts and the presentation of a "baseline" budget that is advanced separately from all "new funding initiatives"; (13) establishes that a county holding debt for jail construction on or before July 1, 2008 may apply 75% of any federal inmate boarding revenues received to the retirement of that debt and transfer the remaining 25% to the County Corrections Capital Improvement Fund, and that a county not holding any such pre-2008 jail construction debt must transfer 75% of federal inmate boarding revenues to the County Corrections Capital Improvement Fund; and (14) authorizes the BOC to enforce its authority to manage the county jail corrections system by escrowing, suspending, or denying state funding to the counties, ordering a county to transfer funds as may be statutorily required, or making the county ineligible for certain programs or suspending the license of the county to operate a jail. In addition to beefing up the authority of the State Board of Corrections, this Act also begins to deal with the issue of inadequate state funding for jail support by appropriating \$1.2 million to address an anticipated shortfall in state funding for the county jails during the current fiscal year (FY 2014).

## Education & Cultural Affairs

**LD 783 – An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit.** (Sponsored by Rep. Malaby of Hancock.) **Emergency Enacted; PL 2013, c. 461 (3/3/14)**

This Act establishes the voting requirements for a municipality to withdraw from a regional school unit (RSU) as follows: for municipalities that are members of a school administrative unit that was reformulated as an RSU pursuant to the school consolidation law of 2007, the vote to withdraw must be accomplished by a 2/3 vote of those voting on the question at referendum. For municipalities that are members of an RSU that does not meet the "reformulated" definition, the vote to withdraw must be accomplished by a simple majority vote provided the total number of votes cast for and against withdrawal equals or exceeds 50% of the of the total number of votes cast in the municipality at the most recent gubernatorial election. The Act also amends the two-year cooling off period by disallowing subsequent petitions for a municipality within a "reformulated" RSU to withdraw during the two-year period if the municipal vote on a petition to withdraw receives less than 45% of the votes cast or a municipal vote on a withdrawal agreement receives less than 60% of the votes cast.

**LD 906 – An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities.** (Sponsored by Rep. Moonen of Portland.) **(Mandate) PI 2013, c. 601**

This Act provides to the superintendent of a public school that is not a public charter school limited discretion to determine if the students in a public charter school are eligible to participate in the interscholastic leagues and competitions sponsored by the non-charter public schools in the area of the students' residency. The superintendents may withhold approval only if the public charter school provides the same extracurricular or interscholastic activities or if the noncharter public school does not have the capacity to allow for the participation of the charter school students.

**LD 1530 – An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Pro-**

grams for Children 4 Years of Age. (Sponsored by Sen. Goodall of Sagadahoc Cty.) **PL 2013, c. 581**

This Act authorizes the Department of Education (DOE) to provide start-up grants to the public school systems in Maine to establish or expand pre-Kindergarten educational programs for students four years of age. The Act further authorizes but does not require the public schools to establish pre-K programming to the extent the state's start-up funding is made available. The grant programming is provided its core capitalization through the dedication of \$4 million annually from the revenues the DOE receives under current law from casino slot machine and table gaming revenue. In order to apply for start-up funding, the public school system must submit to the DOE an implementation plan. The priority in the distribution of start-up funding is to schools with a higher proportion of economically disadvantaged students. Schools that are proposing to start a pre-K program are given a first preference for grant funding and schools that are proposing to expand existing pre-K programs are given second preference.

**LD 1805 – An Act To Implement the Recommendations of the Review Committee Established To Examine the Impact of Unfunded Education Mandates and Other Regulatory Burdens.** (Reported by Sen. Millett of Cumberland County for the Department of Education.) **PL 2013, c. 506**

This Act implements the recommendations of a task force that was established by legislation enacted in 2013 (Resolves 2013, chapter 74) creating a task force to review the impact of unfunded education mandates and evaluate the efficacy of current education laws. As directed by the Resolve, the task force process required the Department of Education to develop a list of education-based mandates and then review the list with representatives from all the school-based associations (e.g., School Boards Association, School Superintendents Association, Principals Association, etc.) for the purpose of developing recommendations. Because the task force membership ultimately supported the need for the various unfunded mandates, the legislative recommendations that came out of that task force process focus on removing mandates that fall on the Department of Education (DOE) rather than any educational mandates that fall on the school systems. Specifically, "mandates" repealed by this Act include:

- Sections of education law that are now inapplicable because they were enacted to apply only for discreet periods of time now gone by.

- Archaic requirements falling on the DOE, enacted in the 1980s and 1990s, for example to create a clearinghouse for information on nuclear weaponry or provide periodic reports to the Legislature on national trends related to educating the blind.

- Similarly outdated provisions of law enacted in the early 1990s establishing requirements for the DOE to monitor the number of women employed in the profession of school administration, provide information for biennial legislative hearings on that subject and otherwise ensure against discriminatory hiring practices.

- And, obligations placed on the DOE to (a) employ staff and make office space available to support school volunteer programs and (b) provide detailed types of assistance to school systems regarding school facility maintenance and capital improvement plans.

**LD 1850 – Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula.** (Reported by Rep. MacDonald of Boothbay.) **Resolves 2013, c. 114**

This Resolve establishes the 14 member Commission to Strengthen the Adequacy and Equity of Certain Cost Com-

ponents of the School Funding Formula. The Commission consists of 5 legislators, the Commissioner of the Department of Education, the Chair of the State Board of Education, and seven members representing various associations of public school management and public school personnel. The Commission is charged with reviewing six elements of the Essential Programs and Services school funding model for their adequacy and equity, including the components related to: (1) preschool programs; (2) support for economically disadvantaged students; (3) support for professional development and the collaborative time needed to implement "proficiency-based learning"; (4) the regional cost adjustment factors for teacher salaries; (5) whether debt service for locally-approved school construction should be considered part of a school system's required local share; and (6) the special education allocation that is distributed to minimum subsidy receivers. The Commission is also charged with reviewing whether the calculation of the state share percentage of the total cost of funding public education (i.e., the "55%" standard) should continue to include the state contributions to fund the cost of the unfunded actuarial liability for retired teachers. The Commission's report and recommendations must be submitted to the Legislature by December 9, 2014.

## **Energy, Utilities & Technology**

**LD 1532 – An Act To Provide Model Language for Standard Sewer District Charters.** (Reported by Sen. Cleveland of Androscoggin Cty. for the Joint Standing Committee on Energy, Utilities & Technology.) **PL 2013, c. 555**

This Act repeals and replaces the current chapter in the state's environmental laws governing sewer districts and creates a new model standard sewer district charter in statute, the Standard Sewer District Enabling Act, which appears in Title 38 of Maine Revised Statutes and parallels the Standard Sanitary District Enabling Act. The model sewer district charter includes standard language for the common provisions included in sewer district charters and all the mandatory requirements of current law, which under the model would be adopted by reference. Under the model charter's governance provisions, all elections of sewer district trustees organized pursuant to the model charter would be conducted by secret ballot, and the model charter also includes referendum procedures to create or reorganize the district, as well as procedures to govern the recall of trustees for reasons of misfeasance, malfeasance or nonfeasance.

**LD 1618 – An Act To Enhance the Sustainability of the Corinna Water District.** (Sponsored by Rep. Fredette of Newport.) **P & SL 2013, c.26**

This Act amends the charter of the Corinna Water District.

**LD 1621 – An Act To Include Natural Gas Expansion in the State Energy Plan.** (Sponsored by Rep. Fredette of Newport.) **PL 2013, c. 541**

This Act amends the statute requiring the state to develop a comprehensive energy plan by further requiring that, beginning in 2015, the plan include a description of the state's activities relating to the expansion of natural gas service, any actions taken by the Governor's Energy Office to expand access to natural gas in the state, and any recommendation for action by the Legislature to expand access to natural gas.

**LD 1647 – An Act To Make Changes to the So-called Dig Safe Law.** (Sponsored by Sen. Cleveland of Androscoggin Cty.) **PL 2013, c. 557**

This Act makes two amendments to the underground facility damage prevention system, or "Dig Safe" law, by: (1)

requiring excavators to re-notify the Dig Safe system whenever a proposed excavation or blasting commences or continues 60 calendar days after the initial notification, and for each successive 60-day period; and (2) limiting to just single family residences the current authority to commence excavation without liability for damages on underground facilities located on private property after 3 days of notification when the owner does not mark the facilities within the three-day period. The Act also directs the Public Utilities Commission (PUC) to review the Dig Safe regulations and identify ways to decrease the number of Dig Safe notices of excavation that do not necessitate marking. The PUC report and recommendations must be submitted to the Legislature by Jan. 10, 2015.

**LD 1693 – An Act To Amend the Anson and Madison Water District Charter.** (Sponsored by Rep. Dunphy of Embden.) **P & SL 2013, c. 21**

This Act amends the charter of the Anson and Madison Water District.

**LD 1784 – An Act To Reform Regulation of Consumer-owned Water Utilities.** (Reported by Sen. Cleveland of Androscoggin for the Joint Standing Committee on Energy, Utilities & Technology pursuant to Resolve 2013, chapter 47, section 1.) **PL 2013, c. 573**

This Act directs the PUC to adopt rules establishing standards and procedures that consumer-owned water utilities may follow in order to become exempt from significant elements of regulatory oversight by the PUC. The Act establishes the general standards governing the grant of exemption, including certain findings by the PUC that the exemption will not result in unjust or unreasonable rates and will not have a negative impact on the provision of safe and reliable service. In addition, the water utility must demonstrate adequate technical, financial and administrative capacity to perform all waived functions or requirements. The process to obtain an exemption begins upon request of the water utility, and the Act lists 15 specific provisions of utility regulatory law that may not be exempted or waived under the terms of the Act (e.g., reasonable rates, adherence to schedules, uniform system of accounts, etc.). The Act includes provisions authorizing the PUC to rescind a previously granted exemption and allowing an exempt utility's customers to petition the PUC to rescind the exemption.

## Environment & Natural Resources

**LD 1483 – An Act To Implement the Solid Waste Management Hierarchy.** (Sponsored by Sen. Cain of Penobscot Cty.) **PL 2013, c. 458**

This Act adds to the waste facility licensing criteria administered by Maine's Department of Environmental Protection the requirement that waste facilities' practices be consistent with Maine's solid waste management hierarchy, which prioritizes disposal in the following order: reduce, reuse, recycle, compost, incinerate, landfill. The Act also contains a directive to the Department to promulgate routine technical rules in furtherance of this hierarchy.

**LD 1644 – An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River.** (Sponsored by Sen. Valentino of York Cty.) **P & SL 2013, c. 24**

This Act allows the City of Saco to undertake certain shoreland area property and municipal infrastructure protection measures without a Natural Resources Protection Act permit in order to prevent shoreland damage associated with a harbor dredging project. The Act also authorizes the issuance of a permit for the City of Saco to undertake annual maintenance

dredging of the Saco River channel and harbor and use the dredged materials as a beach nutrient.

**LD 1755 – An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems, Geothermal Heat Exchange Wells and Wells or Water Wells from the Definition of "Structure."** (Sponsored by Sen. Saviello of Franklin Cty.) **PL 2013, c. 489**

This Act amends the shoreland zoning law to exclude subsurface waste disposal systems, geothermal heat exchange wells, or water wells (as those three terms are defined in statute) from being included under the term "structure," particularly as that term is used in the system of calculating the degree to which a nonconforming structure of record can be expanded.

## Health & Human Services

**LD 1597 – An Act To Clarify Provisions of the Maine Medical Use of Marijuana Act.** (Sponsored by Rep. Gattineo of Westbrook.) **Emergency Enacted; PL 2013, c. 501 (4/02/14)**

This Act amends the law that limits access to the area of marijuana cultivation maintained by either a primary caregiver or a medical marijuana dispensary. Current law limits all access to only the primary caregiver or dispensary, respectively. Under the terms of this Act, an exception to the limitation is established for an elected official invited by the primary caregiver or dispensary, as applicable, for the purpose of providing education to the elected official on cultivation.

## Inland Fisheries & Wildlife

**LD 1626 – An Act To Fund Invasive Species Prevention and Control.** (Sponsored by Rep. McClellan of Raymond.) **Emergency Enacted; PL 2013, c. 580 (4/29/14)**

This Act restructures the use of the \$10 lake protection "invasive species prevention" fees that are embedded within all watercraft registration fees for freshwater operation. Under current law 60% of the collected fee revenue is dedicated to the Invasive Aquatic Plant and Nuisance Species Fund and 40% of the collected revenue is dedicated to the Lake and River Protection Fund, both of which are administered by the Department of Environmental Protection (DEP). This Act changes the prioritization so that 80% of the collected fees are dedicated to the Invasive Aquatic Plant and Nuisance Species Fund and 20% to the Lake and River Protection Fund, and further directs the DEP to dedicate 20% of the funds provided to the Invasive Aquatic Plant and Nuisance Species Fund to be used for invasive plant eradication purposes (rather than just identification and monitoring). The Act also replaces the funds lost to the Lake and River Protection Fund because of this funding shift during the FY 2014-2015 biennium by allocating the replacement revenues from the Department of Inland Fisheries and Wildlife's "carrying account."

## Judiciary

**LD 1194 – Resolve, Directing a Study of Social Media Privacy in School and the Workplace.** (Sponsored by Rep. McClellan of Raymond.) **Emergency Passed; Resolves 2013, c. 112 (5/1/14)**

This Resolve directs the Judiciary Committee to meet up to four times between the adjournment of the legislative session and November 2014 for the purpose of studying issues involved in social media and personal email privacy in education and employment environments. Among other specific charges, the Committee is required to study the concerns of

employees, applicants for employment and employers (both public and private) about privacy rights, protection of proprietary information, workplace needs and workplace safety as those concerns pertain to employees' use of social media. The Committee is also charged with reviewing the concerns of students and educational institutions regarding the use of social media and cloud computing services that process and store student data. As part of its study, the Committee is directed to review the relevant laws on the subject from other states and the federal government. The Committee's report and recommendations are due to be filed by Nov. 5, 2014.

**LD 1389 – An Act To Expedite the Foreclosure Process.** (Sponsored by Rep. Crockett of Bethel) **PL 2013, c. 521**

This Act is designed to expedite the mortgage foreclosure process, particularly in those circumstances where a bank foreclosure has commenced but neither the mortgagor nor the mortgagee are making any efforts to maintain or provide upkeep to the subject property prior to the foreclosure's completion. Among the elements of the Act of municipal interest: (1) a list of indicators of property abandonment is provided in statute (e.g., trash accumulation, boarded windows, property deterioration, acts of trespassing and vandalism, a determination of abandonment by a local code enforcement officers, etc.) to facilitate a court's finding of abandonment and subsequent judgment of foreclosure; (2) financial institutions prevailing in a foreclosure action where a court issues a finding of abandonment are required to notify the municipality where the property is located and record the order of abandonment in the registry of deeds; and (3) the amount of time a person can challenge the validity of a municipality's taking of property for nonpayment of taxes is reduced from 15 years following the period of redemption to five years.

### Labor, Commerce, Research & Economic Development

**LD 1622 – An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response.** (Sponsored by Rep. Parry of Arundel.) **Emergency Enacted; PL 2013, c. 477 (3/16/14)**

Current law prohibits an employer from discharging or otherwise disciplining an employee for absence if that employee is a volunteer firefighter responding to an emergency in his or her capacity as a volunteer firefighter. This Act applies the same policy to full time, part time, and on-call firefighters.

**LD 1679 – An Act To Appropriate Funds for the Maine Criminal Justice Academy, Code Enforcement Officer Train-**



*Sen. John Tuttle (York Cty.) on the left reviews legislation with Rep. Mike Beaulieu of Auburn, both of whom serve on the Judiciary Committee. Sen. Tuttle broke ranks with the rest of that Committee by recommending "ought not to pass" on a poorly crafted bill amending the state's Right to Know law in a way that broadly prohibits the meetings of most public entities from using any form of "remote access" technology, such as Skype, for any board members (LD 1809). Enacted by the Legislature over Sen. Tuttle's objections, the bill was successfully vetoed by Governor LePage. Sen. Tuttle recognized from the outset the shortsightedness of a broad prohibition on the use of modern technology that can allow governments to function when a board member is caught "off island" or otherwise unexpectedly displaced.*

ing, Increased Enforcement of Tax Collection, Water Quality Control, Clinical Staff at the Maine State Prison and HIV Prevention Education. (Sponsored by Rep. Dion of Portland.) **PL 2013, c. 591**

This Act began as a bill to appropriate funds for the Maine Criminal Justice Academy and became a vehicle to appropriate funds for several unrelated legislative initiatives using residual state funds that were available after the final supplemental state budget was enacted. Among other appropriations, this Act appropriates to the Department of Economic and Community Development \$30,000 in FY 2015 for the purpose of providing a training and certification program for code enforcement officers. This Act also appropriates \$71,500 to be administered by the Department of Environmental Protection, with \$46,500 dedicated to the Maine Lakes Society in its implementation of the Lake Smart program, \$15,000 dedicated to the Maine Volunteer Lake Monitoring Program, and \$10,000 dedicated to supporting the Maine Joint Environmental Training Coordinating Committee in the development and implementation of water pollution control, water quality protection and other environmental training programs.

**LD 1832 – An Act To Increase Employment Opportunities for Veterans.** (Sponsored by Sen. Tuttle of York Cty.) **PL 2013, c. 576**

This Act allows private but not public employers to implement a veteran-preference employment policy. The policy must be in writing and be applied uniformly to employment decisions regarding hiring, promotion, and retention during a reduction in workforce.

### Marine Resources

**LD 1452 – An Act to Protect Areas in Which Shellfish Conservation Gear Has Been Placed for Predator Control and Habitat Enhancement Purposes and Establish a Municipal Predator Control Pilot Program.** (Sponsored by Sen. Gerzofsky of Cumberland Cty.) **Emergency Enacted; PL 2013, c. 517 (4/05/14)**

This Act authorizes a municipality with a municipal shellfish conservation program to apply to the Department of Marine Resources to implement as a pilot program a predator control program to protect the shellfish beds in areas up to 10% of the total area of the intertidal zone containing shellfish beds within the municipal jurisdiction. The Act further authorizes designated municipalities to place netting, fencing, traps or other protective systems within the intertidal zone to protect the shellfish from predators. The netting or protective materials must be clearly marked. The act of disturbing, altering or destroying the netting or protective materials is established as a civil violation, as is the fishing for or taking of any marine organisms within the predator control area, with either violation incurring financial penalties from \$300 to \$1,000. The predator control pilot program established by this Act is sunsetted on Feb. 28, 2015.

**LD 1723 – An Act To Improve Enforcement of Marine Resources Laws.** (Sponsored by Rep. Doak of Columbia Falls.) **Emergency Enacted; PL 2013, c. 468 (3/13/14)**

The primary focus of this Act is a comprehensive rewriting of the laws governing the harvesting of elvers, although the Act makes other changes to marine resources enforcement laws. One section of the Act that affects local government lowers the maximum financial penalty that can be assessed by a court for harvesting shellfish without a municipal shellfish license from a maximum of \$1,500 to \$1,000.



*Rep. Terry Hayes of Buckfield, speaking here with a constituent, came to recognize the deep municipal concerns with the “Discontinued Roads” bill as developed by the legislative committee on which she serves (LD 1177). The legislative process doesn’t always make it easy to act on that kind of “Now-I-get-it” recognition, but Rep. Hayes was successful in moving the bill off a fast track in the House to give lawmakers time to hear the concerns of their municipal constituents.*

## State & Local Government

**LD 1662 – An Act To Clarify the Law Governing the maintenance of Veterans’ Grave Sites.** (Sponsored by Sen. Johnson of Lincoln Cty.) **PL 2013, c. 524**

This Act scales back the very expensive cemetery maintenance mandates enacted by the Legislature in 2013 (LD 274, PL 2013, chap. 421). That legislation required municipalities to maintain “in good condition and repair” the

graves, headstones, monuments and markers of all veterans buried in public cemeteries and “ancient burying grounds,” whether municipal or private, according to state prescribed standards that included full-scale stone management. Municipal responsibilities under the 2013 law also included keeping the grass, weeds, and brush suitably cut and trimmed on all graves located in ancient burying grounds (e.g., grass within 1.5 and 2.5 inches in height), whether municipal cemeteries or not, and whether the graves are veterans’ graves or not. Prior to the enactment of this law, the maintenance mandate applied only to the graves of wartime veterans buried in private ancient burying grounds and public cemeteries. Specifically, this Act amends the municipal obligations with respect to veterans’ graves as follows:

- **Veterans’ Graves in Ancient Burying Grounds.** Requires municipalities, working in collaboration with veterans’ organizations, cemetery associations, civic and fraternal organizations and other interested persons, to keep in “good condition and repair” the graves, headstones, monuments and markers designating the burial places of veterans in ancient burying grounds, and to the best of their ability to keep the grass, weeds, and brush suitably cut and trimmed on those graves from May 1 to Sept. 30 of each year.

- **Non-veterans’ Graves in Ancient Burying Grounds.** Allows, but does not require, municipalities to maintain non-veteran graves in ancient burying grounds. Municipalities are also authorized to designate a caretaker to provide the maintenance functions on non-veterans graves in ancient burying grounds.

- **Veterans Graves in Public Burying Grounds.** Requires the owner of a public cemetery (e.g., municipality, cemetery corporation, or cemetery association), working in collaboration with veterans’ organizations, cemetery associations, civic and fraternal organizations and other interested persons, to keep in “good condition and repair” the graves, headstones, monuments and markers designating the burial places of veterans buried in public burying grounds. The Act also provides minimum maintenance standards to keep the grass suitably trimmed, flat grave markers free of grass and debris, and burial places free of fallen trees, branches, vines and weeds. Municipalities are authorized to establish additional cemetery maintenance standards.

- **Public Burying Ground.** Defines a “public burying

ground” as a cemetery owned and operated by a municipality, cemetery corporation or cemetery association, thereby clarifying the entity responsible for the proper maintenance of veterans’ graves in public burying grounds.

**LD 1711 – An Act To Amend the Territory of the Bayville Village Corporation.** (Sponsored by Sen. Katz of Kennebec Cty.) **P & SL 2013, c. 19**

This Act amends the geographical territory of the Bayville Village Corporation, located in the Boothbay/Boothbay Harbor area.

**LD 1753 – An Act To Redistrict the Knox County Budget Committee Districts.** (Reported by Rep. Graham of North Yarmouth for the Secretary of State.) **Emergency Enacted; PL 2013, c. 481 (3/16/14)**

This Act implements the redistricting plan for the Knox County budget committee districts as adopted by the Knox County Commissioners.

## Taxation

**LD 1463 – Resolve, To Develop a Process for Tax Expenditure Review.** (Sponsored by Rep. Rotundo of Lewiston.) **Resolves 2013, c. 115**

This Resolve directs the Office of Program Evaluation and Government Accountability (OPEGA) to develop a proposal that would engage the Legislature in an ongoing review of all state “tax expenditures,” which includes all forms of tax breaks provided by statute (exemptions, credits, exclusions, etc.) in order to determine their effectiveness and accountability. The OPEGA proposal must include various recommended classifications or categories of tax expenditures subject to review, various evaluation parameters that define the purposes, goals, beneficiaries and performance measures of each expenditure, and various criteria that will be applied as part of the review process. Examples of those criteria include the underlying tax policy supporting the tax expenditure and its consistency with other tax policies, fiscal impacts, effectiveness of the exemption to advance the policy, and the identification of reasons to discontinue or amend the tax expenditure. The OPEGA report must be submitted to the Legislature by Mar. 1, 2015.

**LD 1607 – An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs.** (Sponsored by Rep. Carey of Lewiston.) **Emergency Enacted; PL 2013, c. 455 (3/09/14)**

The biennial state budget enacted in 2013 “terminated” the state-level Circuitbreaker property tax and rent relief program. An apparently inadvertent element of that legislation also terminated all local property tax relief programs designed, adopted, implemented and financed by any municipal government. This Act restores the municipal authority to implement locally-funded property tax relief programs. Because of the termination of the state-level Circuitbreaker program, the wording and design of any local property tax relief ordinances that “piggy-backed” on the state’s Circuitbreaker program may have to be amended.

**LD 1627 – An Act To Amend the Reporting Requirements for the Business Equipment Tax Exemption.** (Sponsored by Sen. Haskell of Cumberland Cty.) **Emergency Enacted; PL 2013, c. 644 (4/15/14)**

This Act significantly amends and reduces the municipal and business impacts associated with Part O of the state budget enacted in 2013.

The requirements established by Part O effectively compelled municipal assessors to prepare appraisal reports for

properties owned by a single taxpayer that are valued at 2% or more of the total municipal valuation, with those reports calculating value according to all three approaches (cost less depreciation, comparable sales, and the income approach to value). The Part O enactments also required the owner of any such business to provide income and expense information to the municipal assessor every year when applying for the Business Equipment Tax Exemption benefits (BETE), and further required the municipal assessor to certify to the state that the business owner has provided that information. If the business failed to provide the information, it would not be eligible for the BETE exemption for that year, and if the municipality failed to certify that the business provided the information, the municipality would lose eligibility for any “enhanced” BETE reimbursement. Also, if the municipality failed to prepare an appraisal report, it would become ineligible for the benefits of the “sudden and severe disruption” program, which expedites downward adjustments in state valuation when large industrial or commercial properties suddenly lose significant amounts of value.

This Act repeals all requirements that were in Part O that related to the BETE program, including the municipal obligations to prepare appraisal reports to ensure eligibility for enhanced BETE reimbursements, as well as the requirements that businesses provide income and expense information when submitting their annual BETE applications. The Act retains the municipal requirement to prepare appraisal reports in order to apply for “sudden and severe” benefits. In order to ensure that the municipal assessor has adequate information to prepare those reports, the Act updates and modernizes the “discovery” statute in property tax law (36 MRSA, section 706) to expressly allow the assessor to ask for and receive various types of income and expense data from the businesses. The Act also provides a time frame within which the businesses must respond with the requested data (30 days, with a 30-day extension) and creates strict confidentiality protection for any proprietary information that the business may have to file with the assessor to respond to income-related information requests.

**LD 1696 – An Act To Clarify That Veterans Who Served in Iraq and Afghanistan Qualify for the Veterans’ Property Tax Exemption.** (Sponsored by Rep. Fowle of Vassalboro.) **PL 2013, c. 471**

The veterans’ exemption provides a \$6,000 homestead-type property tax exemption to veterans over the age of 62 who served during specified periods of war. The last wartime period specifically identified in statute is the Persian Gulf War, which began in August, 1990. The federal government has not identified an end date to that war so eligibility for the exemption is currently provided to otherwise qualifying veterans from more recent conflicts, but the names of those conflicts are not identified in statute. This Act would clarify that the exemption is also available to veterans of recent wars in Iraq and Afghanistan, including Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn.

**LD 1707 – An Act To Amend the State’s Tax Laws.** (Sponsored by Sen. Haskell of Cumberland Cty.) **PL 2013, c. 546**

This Act implements a number of corrective and minor substantive changes to the state’s tax code. Among the several amendments, the Act amends the blanket confidentiality of all application materials submitted to the municipal assessors by persons applying for the veterans’ property tax exemption to provide that the application and proof of entitlement must be made available to the State Tax Assessor upon request.

**LD 1733 – An Act Regarding the Registration of Motor Vehicles of Deployed Members of the National Guard or**

**Reserves of the United States Armed Forces.** (Sponsored by Rep. Crockett of Bethel.) **PL 2013, c. 532**

This Act amends the statute governing the motor vehicle excise tax exemption provided to persons on active duty serving in the Armed Forces of the United States. The amendment provides that the motor vehicle excise tax exemption is available when the motor vehicle is jointly owned by the service member and the service member’s spouse, and the joint ownership is recorded in the motor vehicle’s title documentation.

**LD 1751 – An Act To Provide Property Tax Relief to Maine Residents.** (Sponsored by Rep. Eves of North Berwick.) **PL 2013, c. 551**

This Act completely restructures the “property tax fairness credit,” which is now part of the state’s income tax code, without changing the amount of General Fund resources dedicated to supporting the credit (approximately \$35 million a year). The property tax fairness credit has replaced the Circuitbreaker property tax relief and rent rebate program, which was terminated by the Legislature with the enactment of the state budget in June 2013.

Under current law, for tax returns filed for the 2013 calendar year, the data input to calculate a person’s eligibility for the credit includes the property taxes the person paid on his or her homestead property during the previous calendar year as a percentage of adjusted gross income (AGI). The “property tax” value assumed for renters is 25% of the rent actually paid. Eligibility is not provided to any tax filer with an AGI over \$40,000. The property tax fairness credit is calculated as 40% of the property taxes exceeding 10% of income, up to a maximum benefit of \$300 for a non-elderly household and \$400 for a homestead owned by a person 70 years of age or older.

Under the terms of this Act, beginning with tax returns filed for the 2014 calendar year, the data input to calculate a person’s eligibility for the credit includes the property taxes the person paid on his or her homestead property during the previous calendar year as a percentage of a special definition of income that includes AGI plus several types of income that are otherwise exempt from taxation, such as Social Security benefits, various categories of exempt investment income, and various categories of business or investment expenses that can be deducted from income for regular income tax purposes. The maximum value of property taxes paid for the calculation of benefits (the “benefit base”) is \$2,000 for single filers, \$2,600 for joint filers with two or fewer personal exemptions, and \$3,200 for joint filers with three or more personal exemptions. The property tax value for renters is 15% of the rent actually paid. By applying the benefit base, a phase-out system is developed to gradually reduce the value of benefits rather than creating a benefit “cliff.” The phase-out system ultimately



*Sen. Richard Woodbury (Cumberland Cty.), right, is getting a crash preparatory course from the Secretary of the Senate, Darek Grant, to preside over the Senate as President Pro Tempore. If the Legislature had a cerebral caucus, Sen. Woodbury would be guaranteed membership. Among other accomplishments this session, he redesigned the “property tax fairness credit” to more equitably deliver its benefits across the spectrum of low income homeowners and renters (LD 1751).*

ends all benefits for single tax filers with a household income over \$33,500, two-person households with an income over \$43,500 and multi-family households with dependents with an income over \$53,500. The property tax fairness credit is calculated as 50% of the taxes exceeding 6% of income, up to a \$600 maximum for non-elderly households and \$900 for a homestead owned by a person 65 years of age or older.

## Transportation

**LD 1076 – An Act To Provide a Mechanism To Allow Certain Commercial Motor Vehicle Weight Limits and Vehicle Dimension Standards To Be Exceeded in Order To Promote Economic Development while Ensuring Public Safety.** (Sponsored by Rep. Willette of Mapleton.) **PL 2013, c. 565**

This Act authorizes the Commissioner of the Department of Transportation (DOT) to allow trucks that exceed the statutory weight limits (operational, gross vehicle, axle, or tire) or vehicle dimension limits on designated roads provided certain steps have been taken, including: (1) DOT has been asked for the special allowance by an interested business entity; (2) DOT's chief engineer finds the proposed vehicle configuration and weight can be safely operated on the designated roadway; (3) the designated road and bridge infrastructure can withstand the extra weight and dimensions; and (4) at least 50% of the cost of any necessary assessments and infrastructure improvements to the designated road is paid for by the entity seeking the special allowance. DOT is directed to adopt rules implementing this authority, and the rules must include a system to allow any municipality and unorganized territory affected by a proposal to exempt the weight and dimension limits to provide either input or approval. DOT must provide biennial reports to the Legislature regarding the implementation of this authority, and by Jan. 15, 2015, the Department must provide the Legislature with a progress report on the rulemaking effort.

**LD 1721 – An Act To Make Changes to and Clarify Maine Traveler Information Services Laws.** (Sponsored by Rep. Theriault of Madawaska.) **PL 2013, c. 529**

This Act makes a number of changes to the law governing the placement of directional and advertising signs in the public right of way and on business premises, including: (1) allowing not more than four business signs of a purely directional nature for the locations of producers selling farm and food products to be placed in the right of way provided each sign is not more than 8 square feet in size and the sign is not for a facility that is actually located on the numbered state highway; (2) allowing up to four and potentially six purely directional signs for farmers' markets to be placed in the right of way, and further allowing a farmers' market banner to be installed over a public way if such placement is approved by the municipality; (3) allowing the Department of Transportation to issue a license that allows the placement of on-premise signage within the right of way or immediately proximate to the right of way without reference to the specific waiver standards allowing such placements found in current law; (4) allowing more than one changeable sign for each lot of record if the business has more than one public way that provides direct vehicular access; (5) removing the requirement that the display on a changeable sign comprise no more than 50% the sign's total surface; and (6) expanding the potential placement of on-premise signs from 1,000 feet from the businesses' principal building to 1,000 feet from the businesses' principle building or parking lot or processing or storage structure or other structure customary to the conduct of the business or activity.

**LD 1758 – An Act To Clarify the Use of the Term "Civil Violation" in the Motor Vehicle Statutes.** (Reported by Rep.

Theriault of Madawaska for the Criminal Law Advisory Commission.) **PL 2013, c. 482**

This Act amends various sections of law in Title 29-A governing motor vehicle operations to sort out which type of violations constitute "traffic infractions" and which type constitute "civil violations." Specifically, certain motor vehicle operational offenses involving bicycles, toy vehicles, roller skis and placement of stickers on illegally parked vehicles, which under current law are identified as "civil violations" are redefined as "traffic infractions."

**LD 1788 – An Act To Make Supplemental Allocations from the Highway Fund and Other funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015.** (Presented by Rep. Theriault of Madawaska.)

**Emergency Enacted; PL 2013, c. 586 (4/30/14)**

This Act is the supplemental Highway Fund budget designed to rebalance the two-year Highway Fund budget enacted in 2013. Elements of this supplemental budget of interest to municipal government include: (1) modest increases to the amounts distributed to the municipalities under the Local Road Assistance Program (\$417,000 in FY 2014 and \$223,000 in FY 2015) reflecting slight increases in the revenue projected for the state's Highway Fund; (2) a \$1.8 million increase to the state's light capital paving program for the current fiscal year; and (3) the sale of a 1.9 mile segment of Interstate 95, running from the southerly end of the Maine Turnpike to the approach to the Piscataqua River Bridge, from the Department of Transportation to the Maine Turnpike for \$30 million, and the appropriation of that sum for capital improvements to, or replacement of, the Sarah Mildred Long Bridge between Kittery and Portsmouth.

**LD 1817 – An Act To Amend the Law Concerning the State Cost-share Program for Salt and Sand Storage Facilities.** (Reported by Rep. Theriault of Madawaska for the Joint Standing Committee on Transportation.) **Emergency Enacted; PL 2013, c. 523 (4/05/14)**

This Act amends the law governing the state program that provides funding for the construction of municipal and county sand-salt facilities. The Act repeals all references to Priority 1, Priority 2 and Priority 4 facilities because all statutory timeframes for their funding and construction have expired. For the remaining Priority 3 facility project sites, the Act requires that a municipality or a county respond with a preliminary notice of construction within two months of receiving a certified letter from the Department of Transportation (DOT) giving notice that funding is available. Final plans for the project must be submitted by the municipality or county within 14 months of receiving the certified notification-of-funds letter and the construction project must be completed within 26 months of receipt of the notification. The Act directs the DOT to provide a report to the Legislature by Jan. 1, 2017 on the status of the Priority 3 construction and reimbursement program and the Priority 5 reimbursement program.

**LD 1831 – An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System.** (Reported by Rep. Theriault of Madawaska for the Joint Standing Committee on Transportation.) **PL 2013, c. 549**

This Act repeals and replaces the standards for the "supplemental guide" signs that may be placed on the Interstate highway system directing travelers to destinations of local, regional or statewide interest, including secondary destinations, such as municipalities that are located nearby or actually host the principal destination. The Act creates a category of supplemental destinations that may be eligible for signage, including: (1) a

municipality with the largest population within five miles of the exit that has a highway that is classified as an arterial or major collector running directly from the exit to the municipality's population center or business district; (2) a municipality through which the Interstate highway passes with a population of at least 2,000 that is located within five miles of the exit that has an arterial or major collector running from the exit to the municipality's population or business district; (3) a municipality with a population of at least 10,000 that is located within 10 miles of the exit that has an arterial or major collector running from the exit to the municipality's population or business district; or (4) a municipality that qualifies for but has not been included on an interchange guide sign.

## Veterans & Legal Affairs

LD 1613 – An Act To Clarify Disclosure Requirements for Political Statements Broadcast by Radio. (Sponsored by Rep. Luchini of Ellsworth.) **PL 2013, c. 494**

Of interest to those municipalities and election officials obliged to monitor municipal election campaign contributions, this Act clarifies and reorganizes current law with respect to the disclosures required on broadcast communications when the communication is about a political candidate and is financed by someone other than the candidate or the candidate's political committee.

LD 1615 – An Act To Amend the Election Laws. (Spon-

sored by Rep. Luchini of Ellsworth.) **Emergency Enacted; PL 2013, c. 457 (3/11/14)**

This Act makes several changes to elections laws, including: (1) changing the deadline by which a municipality must inform the Secretary of State that it intends to process absentee ballots prior to election day from 30 days prior to an election to 60 days prior to an election; (2) clarifying that the municipal elections clerk must keep the record of receipts for ballots issued and received; and (3) removing the requirement that a list of absentee voters include a place for the registrar to certify the registration status of the absentee voters.

LD 1713 – An Act To Permit the Sharing of Revenue from the Sale of Alcoholic Beverages at Sporting Events. (Sponsored by Sen. Alfond of Cumberland Cty.) **Emergency Enacted; PL 2013, c. 446 (2/18/14)**

To address an issue at the center of the negotiation breakdown between the Portland Pirates hockey team and the Cumberland County Civic Center, this Act creates an exception to the law that prohibits a liquor license from being sold, assigned or subjected to the control of a person other than the licensee. The Act allows a civic auditorium or outdoor stadium that has the capacity to seat at least 3,000 people and that holds a liquor license and serves as the designated host facility for a professional sports team to enter into an agreement to share with the professional sports team the proceeds from the sale of alcoholic beverages sold in conjunction with the professional team's sporting events. ■

**EASY  
WEB DEVELOPMENT  
AHEAD  
WWW.GOVOFFICE.COM**

**gov office**

Serving over 1,000 local governments | Sponsored by the Maine Municipal Association  
**The Easy - Affordable Municipal Web Development System**

# Welcome to the Maine Resource Recovery Association

MRRA was formed with the intent to foster professional solid waste management practices in the recycling and solid waste arena.

MRRA is committed to the development of environmentally sound solid waste practices and other forms of resource recovery that will benefit Maine communities.

Some of the goals of the organization are as follows:

- Facilitate communication between Association members, recycling markets, equipment suppliers, State and Federal government, and national associations, as well as information exchange among members.
- Assist with the marketing of recyclable and reusable materials.
- Compiling information relevant to the education and technical needs of Maine recycling programs.
- Promoting market development and providing cooperative marketing opportunities.

*A number of the presentations from the 2014 Maine Resource Recovery Association Recycling & Solid Waste conference are now available for download:*

***<http://www.mrra.net/publications/>***

## Our Mission

**The Purpose of Maine Resource Recovery Association is:**

- To foster professional solid waste management practices;
- To further the development of recycling and other forms of resource recovery as cost-effective components of environmentally sound solid waste management in Maine communities; and
- To assist with the marketing of recyclable and reusable materials.

**The Goals of the Association**

- Promoting communication and information exchange between Association members and markets, equipment suppliers, State and Federal Government, and other State and national associations, as well as information exchange among members.
- Compiling and development of other information relevant to the education and technical assistance of Maine solid waste management and recovery programs.
- Promoting market development and providing cooperative marketing opportunities.

**To Join our mailing list, go to [www.mrra.net](http://www.mrra.net) and enter your email address and hit Join.**

**Telephone: (207)942-6772**

**Email: [victor.horton@mrra.net](mailto:victor.horton@mrra.net)**

# In Dealing with Banks, Towns Can Shop Around

By Douglas Rooks

In the wake of lower interest rates, many municipalities are finding a need to re-examine their relationships with banks that have provided them services for years. Since banks aren't earning the same returns on deposits they once did, they no longer offer the same terms to customers.

For some towns, the news arrives in the form of fees on services that were once provided for free. That's what happened in Leeds, where Selectman Errol "Abe" Additon realized things were changing when the fee notices arrived.

"We had no problem with service at our existing bank. But by the time we added up the new fees, it was clear we'd be paying a lot more," he said.

Town Administrative Assistant Joyce Pratt said that, at first, the fees didn't seem too onerous. But the town realized they would quickly add up. There would be a transaction fee for every check deposited beyond a set number, for instance. There was a new, hefty charge for returned checks. Collectively, the new arrangement would likely cost the town thousands of dollars a year.

"I couldn't justify that to the townspeople," she said.

So Leeds requested proposals from a number of banks, and ended up choosing Androscoggin Bank, based in Lewiston, which offered better terms and service, Additon said.

"It was close between them and another bank, but they already served a lot of towns and school districts in our area, and they told us good things about the bank."

Pratt said that the new arrange-

ment took time and effort to implement, but was worth it. For the first time, Leeds, which has about a dozen employees, was able to offer direct deposit for them, which all but one has accepted.

Bob Stone, senior vice president at Androscoggin Bank, said there have been major shifts in which banks are most likely to fit the needs of municipalities. Some large "money center" banks have retreated from municipal business, and regional banks have increased their market share, he said.

Stone said account fees are more typical with the big banks, which depend on them for more of their income, while Maine banks rely more on "spread" – the difference between interest paid on deposits and that collected on loans – to earn a profit.

Over the last seven years, Androscoggin Bank has increased its municipal clients from a handful to about 55, he said.

## SOME CITIES NEED LARGE BANKS

Some of the largest cities in Maine will likely continue to seek service from large banks, Stone said, because the scale of their finances, and the fluctuations in their balances, are also large. Mid-size communities with balances between \$1 million and \$5 million, however, will most likely find a good fit with a Maine-based bank, he said.

And the sheer number of municipalities – some 492, all with "full-time banking needs" – means that there are a lot of accounts out there. As Stone put it: "Plenty of business for us all."

The fit between towns and cities and their banking business cannot be reduced to a simple formula, bankers and municipal officials agree. There



Errol "Abe" Additon

are too many individual factors to make decisions without a detailed request for proposal.

That's what Gail Pelotte, the elected town clerk/treasurer in Skowhegan, found when she took office in 2009. "The selectmen and town manager wanted to unify our accounts and make things simpler," she said.

Skowhegan then had one bank handling its substantial trust accounts and another for day-to-day business. There were three different general fund accounts, which made monthly reconciliation and annual audits more complex.

Achieving simplicity turned out to be, well, complicated. Writing an RFP was one of the more challenging parts, Pelotte said. But by the summer of 2012, the requests went out.

There were several attractive proposals from banks without a local presence, and ultimately Skowhegan decided against accepting one of them.

"They offered us check scanning services, but the lack of a way to get funds deposited daily was a problem,"

*Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the Townsman, [drooks@tds.net](mailto:drooks@tds.net)*

Pelotte said. Even in 2014, “There are a lot of people who don’t have checking accounts, and they pay in cash,” she said.

Ultimately, the town decided to go with Bangor Savings Bank, which was already managing the trust accounts and “made us a very attractive offer,” which allowed the single-bank solution Skowhegan was looking for, she said.

Some towns avoid doing RFPs because they worry about the amount of work involved in transitioning to a new bank, Pelotte said. She confirmed that it did take a lot of time and effort to get everything transferred. “There are so many details to take care of, and it’s easy to overlook things,” she said.

She has no doubt the effort was worth it: “Now that we see the results, I asked myself why we didn’t do it sooner.”

At Bangor Savings, municipal banking has long been part of its core services, Executive Vice President Yellow Light Breen said. The bank now has more than 100 municipal accounts and a statewide presence. Bangor Savings recently designated a transition specialist to help in just the kind of situation that Skowhegan encountered.

## GETTING TO KNOW YOU

Erin Hurley, senior vice president for treasury and payment services, said that understanding the needs of each potential municipal client is critical.

“Even before an RFP goes out, we like to get to know them in advance,” she said. “Does a client need little more than a checking account and an overnight delivery drop? Or would courier pickup and check capture also be involved?”

John Morris, senior vice president for community development, said banks sometimes can offer a good alternative for capital projects smaller than those typically covered by Municipal Bond Bank financing.

“A new fire truck, a building addition, may not require that level of bonding,” Morris said. Banks like Bangor Savings can offer assistance in preparing warrant articles, and avoid the inflexibility that comes when there’s a pre-payment penalty. “You can refinance if that’s what makes sense for you,” he said.

As municipalities realize that their return on investment is no longer likely to provide significant income, con-

cerns have shifted not only to service, but to security, in several dimensions.

Security at the bank level is something customers often look for, said Yellow Light Breen at Bangor Savings. The bank has invested in advanced malware detection software, for instance, as a defense against unauthorized access to accounts.

“There’s no question that this is a higher priority for customers than it was just a few years ago,” said Breen.

Security also needs to be stressed at the municipal end of the transaction. Banks can provide advice and several conduct seminars on the subject.

If a municipality decides to do online banking, it should have a dedicated computer that doesn’t connect to other networks. Just as with home computers, suspicious e-mails with attachments are still frequent sources of trouble. When it doubt, don’t open one.

Another popular option is to require multiple safeguards to make sure only authorized users are accessing the system. Some software requires a token to gain access to the computer, and may also require the equivalent of dual signatures for a transaction to go through. This is especially important in busy offices where computers may be unattended for at least part of the day.

## ‘EXTRA STAFF PERSON’

Another way of looking at bank services is how well they mesh with a

town’s financial department. Robert Boschen, who became the Town of Falmouth’s finance director in 2010, said of banks: “I want them to be like an extra staff person in the office.”

When Falmouth put together an RFP in 2012 – which Boschen had done before, as Waterville’s finance director – his biggest concern wasn’t fees or interest rates, but how easy it was for employees to access the system and resolve issues.

“I don’t want to have someone calling five different offices around the country to find out the answer to a problem,” he said. The town’s new banking arrangement with Bangor Savings has accomplished that aim, he said.

“It intuitively fits with the way we work,” he said. “That wasn’t necessarily true in the past.”

Another way of looking at it, he said, is weighing actual and opportunity costs. “It might look good to save \$5,000,” he said, “but if it takes 200 hours of staff time, what have you gained?”

For that reason, he agrees with recommendations that towns consider writing new RFPs every three to five years.

But once things are going well, it may make sense to stick to it longer. “With interest rates so low, there’s really not a great variation in terms of costs,” Boschen said. “Finding a relationship that fits well is probably the most important thing.” ■

## AndroscogginBank is proud to announce Lena Hann’s promotion to BGS Officer II.



After a distinguished career in retail banking, Lena joined Androscoggin’s Government Services Team in 2011 as AVP, BGS Officer I. She brings smart, results-driven, innovative banking solutions to all of her municipal clients.

**Join us in congratulating Lena!**

207-376-3571      AndroGov.com  
lhann@androscogginbank.com

Member  
FDIC

# Cushman: Chain of Command Is Important

By Liz Chapman Mockler

Ruth Cushman was working in a nursing home in the 1980s when she was elected selectman in the Town of Strong and got hooked on local government. After three terms, she was hired as the first Anson administrative assistant and the rest is municipal history.

The Maine Townsman asked Cushman, who retired in February, to look back over her career in local government and share some of her experiences, opinions and any advice she might offer young or new managers.

**Q:** *What attracted you to town management and was the job what you thought it would be?*

**A:** Originally I ran for selectman in the Town of Strong because I didn't like the way it was being run and felt there was too much family involved, (people) who were influencing the decisions that impacted all of us. When the first administrative assistant position opened in Anson it sounded very much like what I was doing and I felt the job would be a good fit. Previous to that I was working in a nursing home as a medical tech and felt (municipal government) was more the path I would like.

**Q:** *What was the most challenging issue for you to solve during your tenure as a manager?*

**A:** One would think it would be a major issue such as a huge legal issue, such as the ones we had over the valuation of co-generation power plants, or personnel issues or budgets. But, actually, it has been impressing upon the select boards that they are policy-makers and that the manager is the

one who carries out those policies. I have been fortunate that during the last few years this has not been as much of an issue, but there have been times when board members have interfered in the daily operations of the town. Some just can't seem to help themselves. It is destructive to the whole town when the (policy making and management) line is stepped over.

**Q:** *What was the favorite part of your job?*

**A:** Without question, it was helping people. I always have had an open-door policy and it has been very satisfying watching either an individual or group make changes that are positive and will make a long-time impact on their lives or the lives of others.

**Q:** *What was the funniest thing you can remember happening to you as a manager?*

**A:** When I was town manager of Livermore Falls, we had a joint meeting with the Jay selectmen to discuss some issues that would impact both towns. We were sitting there and I didn't hear the whole conversation and they asked me a question which I had the answer to, but it wasn't even close to what they needed to know. I was embarrassed and apologized and one of the Jay selectmen spoke up and thanked me for being human. It was less than a year later that I was chosen to be the next town manager of Jay. Who knew?! They told me that they liked the fact that I was "human."

**Q:** *If you could change anything about how local government works, what would it be?*

**A:** I think I really like the way local government works. It is the form of government closest to the people and

usually we are the first in the process of helping people. People also know who to call and how to get to them, day or night.

**Q:** *What was the strangest thing some-*



## ABOUT RUTH CUSHMAN

Ruth is a widow with two adult children and two grandchildren who lives in Wilton. She served as a Strong selectman for three terms, beginning in the mid-1980s, and later was hired as the first town administrative assistant for Anson. She then served as Livermore Falls town manager for four years. She ended her municipal career as Jay town manager, where she had served since 2001. She retired in February. Ruth served twice as president of the Maine Town, City and County Management Association, which awarded her the Leadership Award in 2006 and the Linc Stackpole Manager of the Year award in 2008. A certified Maine municipal manager, Cushman also is certified as an assessor and was a former certified code enforcement officer. She also served on the Executive Board and the Legislative Policy Committee for the Maine Municipal Association and is a member of the Western Maine Transportation Board of Directors and the Northstar Ambulance Board. She enjoys her pets, fishing, quilting, reading and walking.

*Liz Mockler is a freelance writer from Augusta and a regular contributor to the Maine Townsman, lizmockler@hotmail.com*

one asked you?

**A:** It's people like these that can really taint your outlook on welfare. I have always remembered this, but can laugh about it now. In the 1980s, I was a Strong selectman. The phone rang in the middle of the night and a highly intoxicated person asked for assistance buying his children Christmas presents. I woke up enough to ask him the questions that were necessary and told him I would meet him in the morning. He was very insistent to get an answer. If he had to use his money to buy the kids presents he would not be able to party that night. He didn't get assistance, but the kids did get presents.

**Q:** Do you support the town meeting form of government and, if so, what is the hardest aspect of holding a successful annual meeting?

**A:** Every town has its activists who think they are doing a good job for the town by being negative about everything. If they did their homework or asked questions in advance, it would be a much easier meeting. They have a right to express their feelings, but it is difficult to be the one who has to correct misinformation at

the meetings. It puts (residents) in a bad light and sometimes it looks like you are picking on someone. It is so hard to get information out so that the public can then make a clear judgment on what is in the best interest of the town.

**Q:** Who do you think has the toughest municipal job?

**A:** Selfishly, I believe it is the town manager of a small town where managers are involved in every aspect of government. They know about every issue and have to deal with it every day

– even at church, the grocery store, eating dinner out or at a fundraiser. There is no time off from these issues and it makes going to community events very difficult sometimes.

**Q:** If you could identify one issue, which would be the most controversial for residents/taxpayers?

**A:** Have you ever been to a town meeting and have the taxpayers argue over a \$200 appropriation and vote without discussion on a \$250,000 appropriation? I have found that the smallest details seem to be the things

**Pittsburg Tank**

- Inspections
- Repainting
- Routine Repair
- Leasing
- Extended Warranty
- Service Agreements

270-826-9000 Ext. 228  
**EMERGENCY SERVICE:**  
270-748-1343



**YOU supply great WATER**

**WE supply great SERVICE**

[www.watertank.com](http://www.watertank.com)



# ONE NAME STANDS BEHIND ALL THE OTHERS.

Milton 

[www.miltoncat.com](http://www.miltoncat.com)

Scarborough, ME • 207-883-9586  
Brewer, ME • 207-989-1890

that bother people the most. Putting that aside, I believe that Maine taxpayers want to preserve their identity and keep their towns operating on their own.

**Q:** Any final thoughts or advice for young managers?

**A:** Stay true to yourself and don't be afraid to ask for help. There are a lot of people out there who are more than willing to give you a hand when you need it. Always listen, listen, listen and then investigate before you give your opinion. There are two sides to every story and what might sound very reasonable might well not be the whole story. There are some amazing stories of service in every town by both town officials and residents and it is an honor to associate with them. Those who are out to do harm or dishonor are in the minority; they may just talk louder. I think it is really important to become a member of the MTCMA so that you will always have someone to whom you can ask the questions. Don't ever feel odd about asking. We have all been there. Finally, make time for yourself. ■



**It's what's underneath that counts**

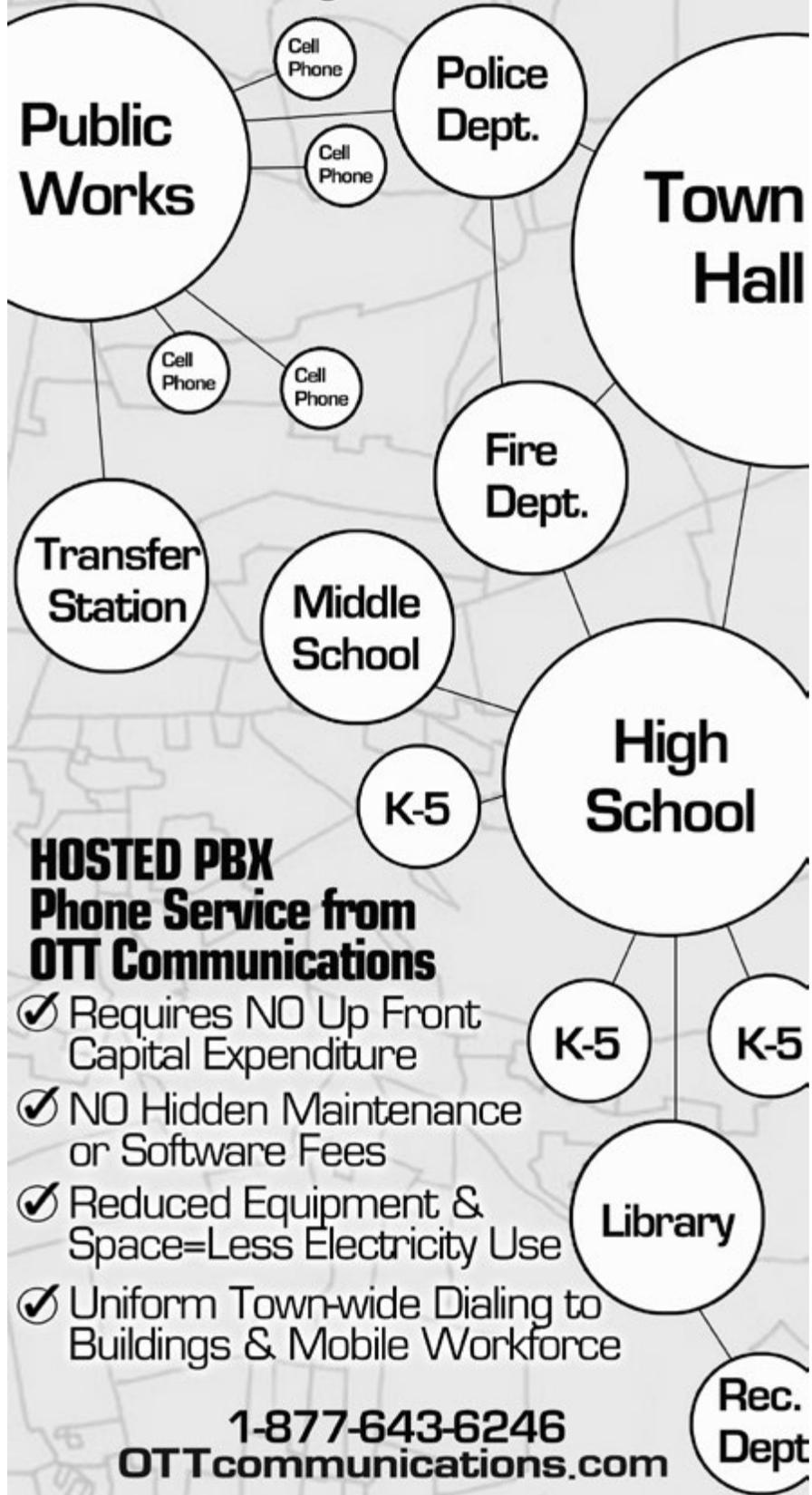
wastewater, water, stormwater  
roads, solid waste, planning  
design, construction services  
funding, municipal services

civil &  
environmental  
engineering



Concord, NH 603.230.9898  
Portsmouth, NH 603.436.6192  
www.underwoodengineers.com

# OTT Communications knows Community Communication



## HOSTED PBX Phone Service from OTT Communications

- ✓ Requires NO Up Front Capital Expenditure
- ✓ NO Hidden Maintenance or Software Fees
- ✓ Reduced Equipment & Space=Less Electricity Use
- ✓ Uniform Town-wide Dialing to Buildings & Mobile Workforce

**1-877-643-6246**  
**OTTcommunications.com**

# – 2014 –

## Elected Officials Training Opportunities

### ELECTED OFFICIALS WORKSHOPS

#### Who Should Attend:

This workshop is a “must” for newly elected and veteran officials-councilors & selectpersons-as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state.

- What are our rights and duties as officials?
- 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 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 Sunrise County Economic Council in Machias. 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 SCEC, simply fill out the registration form and select the Machias 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.

**Course meet state FOAA training requirements (Right to Know)**

### ROLES OF ELECTED OFFICIALS & MUNICIPAL MANAGERS

#### Who Should Attend:

Councilors, selectmen, managers and administrators: this workshop will focus on the differing roles and responsibilities of elected officials (selectpersons/councilors) and appointed officials (managers and administrators), including key responsibilities, legal requirements, personnel issues, communication and goal setting. It will help elected and appointed officials run an effective hiring process and understand their respective roles, their differing needs and how to work smoothly together. It will provide insight and understanding as well as specific ideas and tools to bring back to your municipality.

### Managing Freedom of Access Requests

#### Who Should Attend:

This timely workshop is aimed at helping municipal staffs, newly designated “Public Access Officers” and elected and appointed officials understand Maine’s Freedom of Access Act, why FOAA requests are filed and how to handle them properly. (Qualifies as Maine-required FOAA Training.)

### Elected Officials:

#### Dates & Locations:

#### Presque Isle – 5/29/2014

Northeastland Hotel  
436 Main St.  
Presque Isle, ME 04769

#### West Kennebunk – 6/12/2014

West Kennebunk Fire Station  
80 Thompson Rd.  
West Kennebunk, ME 04094

#### Northport – 6/18/2014

Point Lookout - 67 Atlantic Hwy  
Northport, ME 04849

#### Augusta – 8/28/2014

MMA - 60 Community Dr.,  
Augusta, ME 04330

#### Machias – 8/28/2014

#### (Live Video Conference)

Sunrise County Economic Council  
53 Prescott Dr., Machias, ME 04654

### Roles of Elected Officials & Municipal Managers

#### Date & Location:

#### Augusta – 12/2/2014

MMA - 60 Community Dr.,  
Augusta, ME 04330

### Managing Freedom of Access Requests

#### Dates & Locations:

#### Pittsfield – 7/23/2014

Town Office - 112 Somerset Ave.,  
Pittsfield, ME 04967



Maine Municipal Association

60 Community Drive – Augusta, ME  
1-800-452-8786

[www.memun.org](http://www.memun.org)

**Online registration is easy!**

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

# Can Worms Enter Drinking Water Tanks?

By Erika Henderson,  
Director of Research, Pittsburg Tank & Tower

On Aug. 26, 2013, residents in a small Oklahoma town were advised not to use tap water for cooking or drinking because red worms had been found in the town's drinking water supply. The Oklahoma Department of Environmental Quality (DEQ) conducted an investigation and determined that midge flies entered the system through sand filters at the water treatment plant. The flies laid eggs in the filters and when the eggs hatched, the red worms simply swam into the water supply.

Fortunately, these worms were not parasitic, but several parasitic worms could get into drinking water systems: roundworms, flukes and tapeworms.

These parasitic worms are transmitted by direct contact with their eggs, consuming a host that has the parasitic eggs or consuming the feces of hosts that contain their parasitic eggs.

## HOST AND ENVIRONMENTS

Hosts can include: aquatic life, insects, birds, rodents and other animals. They can gain access to drinking water through openings on tanks. Aquatic hosts can travel through the inlet or outlet pipes depending on the tank's source of water. Aquatic life is often found in tanks that receive their water from lakes, streams, rivers or other waterways. A few years ago, more than 50,000 gallons of mud and aquatic life were removed from a two million gallon tank in New York, and in Georgia, a fish swam past the camera during an inspection. These are all

potential parasitic worm hosts.

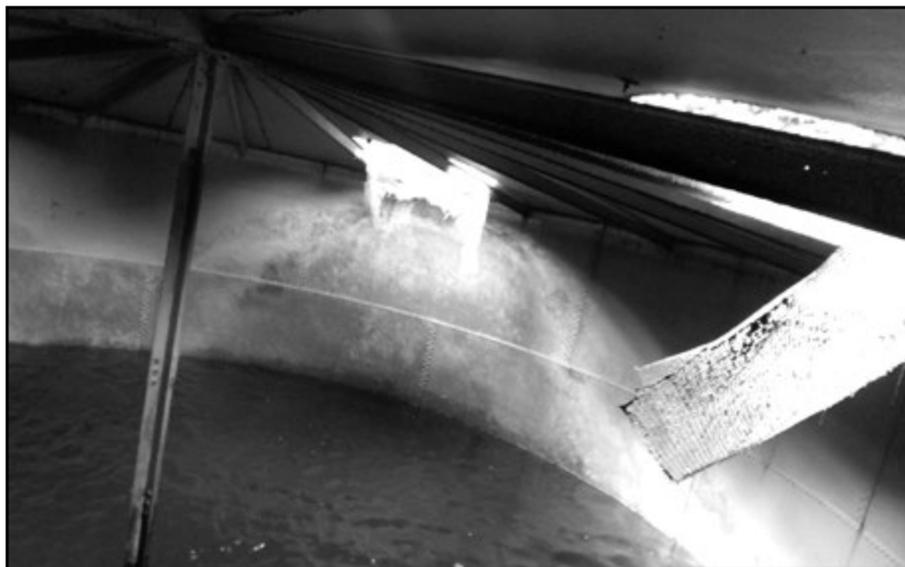
Other hosts can gain access by holes in the roof, shell or floor. Gaps between the roof and shell, vents or overflows with torn or missing screens can allow insects, birds, and other small animals into the tank. If birds and insects are in the tank, then their feces and the possibility of parasitic eggs are also in the tank. Human beings that consume the contaminated water become the next host, where the parasitic worm can grow for years. Another disturbing fact is that these tank openings can go unnoticed until an inspection is performed, which means this potential risk could go unnoticed for years.

Stagnant water also contributes to contaminated water. Stagnant water creates a list of microscopic organisms and bacteria that lures potential hosts into the tanks. Stagnation occurs when water is separated into layers arranged by density; the least dense and warmer

water sitting above denser, cooler layers of water coming in. The layers are caused by differences in temperature, pressure and pH. These unmixed layers cause water quality to deteriorate and age, increasing bacterial growth. Flies, mosquitoes, water fleas and other insects and crustaceans are attracted to the bacterium and birds are attracted to the insects.

## MEET THE PARASITES

**Roundworms:** Water fleas are possible hosts to the *Dracunculus* larva, a type of roundworm that causes a horrific disease known as guinea worm disease (GWD). Once the infected water fleas are ingested, stomach acid dissolves the water flea, but not the *Dracunculus* larva that hatches and travels to connective tissues. Often, no symptoms are noticed until approximately one year later, when the disease and worm present themselves with a painful, burning sensation, as a blister



This water tank has a breached roof. (Submitted photo)

*Erika N. Henderson has a bachelor's degree from the University of Southern Indiana. She has been published in numerous water publications, and may be contacted at 270-826-9000 ext. 228.*

on the skin forms. About a week later, the blister ruptures exposing one end of the worm.

Sometimes an infected person immerses the affected area in water to relieve the pain, but then hundreds of thousands of larvae contaminate the water, allowing the cycle to repeat again. To extract the worm, a person must wrap the live worm around a piece of gauze or stick. The process can take hours to months and pain accompanies it.

Other parasitic roundworms include: pinworms, hookworms, *Ascaris*, *Baylisascaris* and *Strongyloides Stercoralis*. Pinworms are said to be the No. 1 parasite in North America and the eggs can become airborne, living for days without a host. Hookworm eggs can live without a host for weeks, and *Strongyloides Stercoralis* can live with or without a host. *Baylisascaris* and *Dracunculus Insignis* are found in dogs, raccoons, minks, foxes, otters, skunks and other small animals of North America. Just last year, a decomposing raccoon was found in a Virginia ground storage tank and a dead squirrel was pulled from a Missouri ground storage tank.

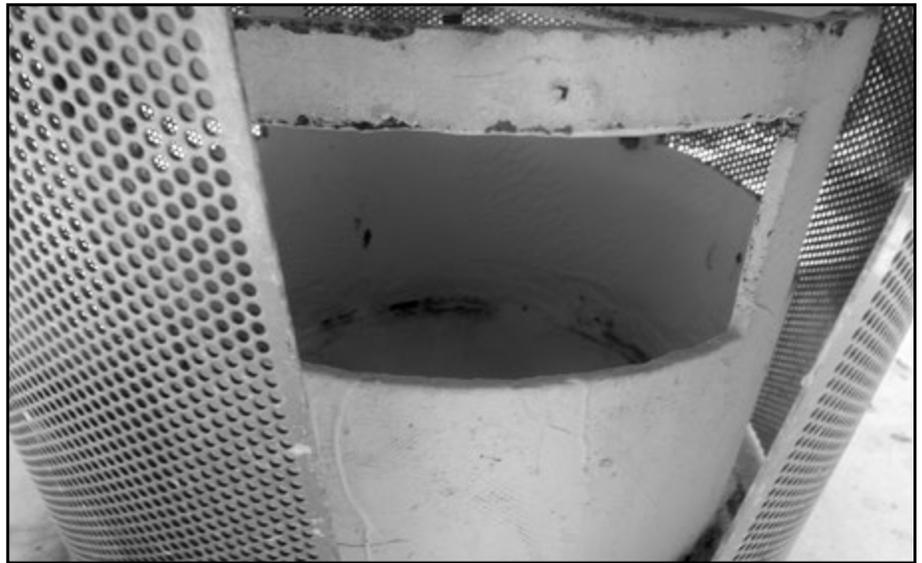
On May 24, 2013, the Center for Disease Control and Prevention (CDC) reported in its Morbidity and Mortality Weekly Report that, "During April 2010 to March 2013, the Maine Department of Health and Human Services investigated multiple cases of ascariasis that have been reported by health-care providers, veterinarians

and patients. After investigation, 14 persons on seven farms in Maine were identified with *Ascaris* infection."

**Flatworms:** The Trematodes (flukes) are found worldwide, and their common hosts are fish, snails, water plants and fish-eating animals. These potential hosts are found and removed from water tanks yearly. Flukes are flatworms that live in the intestines, tissue, lungs or blood depending on what kind has infected the body. The *Fasciolopsis Buski* (intestinal fluke) infects the small intestines, and the *Fasciola Hepatica* (liver fluke) infects the biliary ducts and gall bladder. The *Paragonimus Westermani* (lung fluke) is found in the lungs and is sometimes mistaken for lung cancer.

The *Schistosoma* (blood flukes) are found in the blood and travel all over the body causing damage to red blood cells and organs. People infected with blood flukes get sick, weak and can die.

**Tapeworms:** The Cestodes (tapeworms) include: *Taenia Solium* (pork tapeworm), *Taenia Saginata* (beef tapeworm), *Diphyllobothrium Latum* (fish tapeworm), *Hymenolpis Diminuta* (rat tapeworm), and *Hymenolepis Nana* (dwarf tapeworm). The pork tapeworm can cause Neurocysticercosis (NCC), an infection of the brain or spinal cord. According to the American Academy of Neurology, "Neurocysticercosis is typically considered a disease of the developing world."



*This is a vent screen with missing panel. (Submitted photo)*

## This is Our Playground

Permitting.  
Site Development.  
Infrastructure.

**This is what we do. Call us to learn more.**

**CES INC**

Engineers ♦ Environmental Scientists ♦ Surveyors  
Six Locations in Maine | 207.989.4824 | [www.ces-maine.com](http://www.ces-maine.com)

Nonetheless, NCC is also diagnosed in the developed world. The disease now is on the rise in developed countries such as the United States, Canada and the United Kingdom.”

On Jan. 15, 2013, a NewRX editor of Life Science Weekly reported that, “Baylor University College of Medicine stated, ‘The rise in the number of cases of NCC in developed countries, especially in the United States of America, has largely been driven by influx of immigrants from endemic to non-endemic regions and the widespread access to neuro-imaging. Cases of local transmission have also been documented particularly in the setting of a tapeworm carrier present in the household, with highlights the relevance of NCC as a public health problem in the USA. We estimate that between 1,320 and 5,050 new cases of NCC occur every year in the USA.’ ”

The beef tapeworm eggs can survive for months in the environment, and the fish tapeworm eggs mature in the water within three weeks. Tapeworms of wild animals can cause Alveolar Echniococcosis disease that mimics liver cancer and cirrhosis of the liver. Rat tapeworms and dwarf tapeworms are found in the feces of rats. Beetles and fleas eat the feces and become the new host. Several years ago, 24 dead rats were pulled from a Maryland water tank, and every day insects and beetles are found in tanks.

Prevent the potential hosts from entering tank by getting tanks inspected for openings that could lead to unauthorized access. Screens, free from rips or tears, should cover all pipe openings. Holes and gaps should be sealed or welded. Roof manways and hatches should seal tightly and a lock should be placed on them. Ladders should have appropriate ladder guards and locks to prevent people from entering the tank or placing potential hosts into the tank.

### DISINFECT TANKS

Clean and disinfect water tanks regularly. America Water Works Association (AWWA) states that, “Tanks should be washed out and inspected at least once every three years, and where water supplies have sediment problems, annual washouts are recommended.” Biannual inspections and cleanouts are probably more desirable. Water tanks can be taken out-of-service and a trained professional can physically enter the tanks to inspect and clean them, or a robotic inspection and cleanout can be performed. A robotic inspection does not require draining the tank and there is no downtime, liability or water loss.

Lockout/tag out procedures and confined space permits are not needed, because no one enters the tank. The robot is equipped with lights and a color camera and live viewing of

the inspection takes place through a ground monitor. A DVD of the inspection is provided and both forms of inspections come with a written report that includes a detailed evaluation, photographs (hopefully, none with potential parasitic hosts), recommendations of needed repairs, code updates and a cost estimate for each item.

After an inspection has been performed and the condition of the tank has been determined, please address the issues. If the tank needs to be cleaned, then please clean it. If the water temperature during the inspection indicated possible stratification, then please take necessary steps to eliminate it. A mixing system may need to be installed to prevent the stratified water and the water may need to be tested and treated more often.

Everyone deserves clean and healthy drinking water. Please take all necessary precautions to prevent potential hosts from getting into drinking water tanks and spreading diseases that result. ■



## SIMPLE. CONVENIENT. COST-EFFECTIVE.

Offering Maine business and municipal customers a range of fixed rate leasing programs for both new and used equipment.

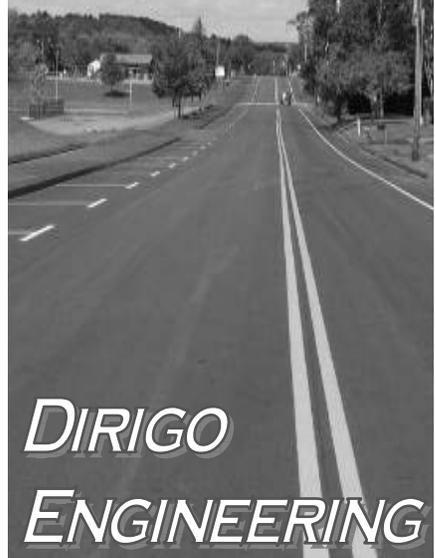
**Gorham**  
LEASING GROUP  
Gorham Savings Leasing Group, LLC

**Toby Cook, President**  
207-222-1486 • tcook@gorhamsavingsbank.com  
63 Marginal Way • Portland, ME 04103

Gorham Savings Leasing Group LLC is an affiliate of Gorham Savings Bank. Member FDIC Equal Housing Lender

## PROFESSIONAL ENGINEERING FOR MAINE

- PLANNING
- DESIGN
- CONSTRUCTION SERVICES
- OPERATIONS SUPPORT



**DIRIGO**  
**ENGINEERING**

FAIRFIELD, MAINE 207-453-2401

Water · Wastewater · Roads  
Stormwater · Development

# If I led my community...

## Maine Municipal Association 7th Grade Essay Contest **Winners**

**CJ Bates**

Greely Middle School

If I led my community, I would lead the Town of North Yarmouth. These are the ways I would lead it and make sure that all residents are safe.

If I led my community, one important thing I would have would be emergency services. Under emergency services, I would have a volunteer fire department because my town isn't big enough to have a non-voluntary fire department. Another emergency service I would have would be two full-time EMTs and volunteer first responders so that they can take care of a really bad scene quickly. For emergency equipment, I would have one fully equipped ambulance and two fire trucks. I would have one ambulance because after the first responders get there and the people need to be treated at the hospital, something that has equipment and machines that are able to keep someone alive, that vehicle needs to be used for transportation. Lastly, I would have a 24-hour police patrol team and liaison to Maine Game Wardens to keep the town safe and safe from poachers. I think that these things are very important for the safety of our town. In order to receive money for these things, I would apply to the federal government for a grant. I also would collect property taxes and excise taxes from vehicles.

Another category would be schools. Under school, I would have K-12 education with the neighboring town. I also feel that it would be very important to have school sports and after-school activities. I think that after-school sports and activities are important because kids get chances to try new things or show their talent. I would get funds for this by doing fundraisers for sports, and taxes for the rest of the money needed.

Another important aspect would be the town hall. The town hall would have to be able to register vehicles so people of the town can renew their registration stickers each year. The town hall would also have to have a food pantry for the people of the town that need a little help when it comes to food. The food pantry would accept donations from Hannaford and other supermarkets. It also would accept donations from any school drive or non-perishable food drive.

My town would also have a disaster plan in the case of a natural or man-made disaster. The plan would include a shelter in which all town inhabitants would be invited to in case of a disaster.

I would run a well-organized town that provides services to all residents no matter how wealthy or poor. I would make sure that no one goes hungry, and that all kids would have the chance to play sports. I would also make sure that all emergency operations would be running to keep the town safe.

### CONTEST JUDGING

More than 100 essays were submitted by teachers from around the state as part of Maine Municipal Association's third annual middle school essay contest, part of our Citizen Education program. Essays were judged based on clarity of writing, quality of writing and showing an understanding of municipal government.

MMA wants to recognize and thank the contest judges: Peter Nielsen, Manager, Town of Oakland and President, MMA; Kate Dufour, Senior Legislative Advocate, MMA State & Federal Relations Department; and, Doug Eugley, Selectman, Town of Sidney and Accountant, MMA Finance Department.

**LOCAL GOVERNMENT**  
*begins with* **YOU**

# If I led my community...



## Maine Municipal Association 7th Grade Essay Contest **Winners**

**Nathan Curtis**

Richmond Middle School

If I led my community, I would lower taxes so it would be easier for people to save their money and times wouldn't be so hard for the residents of the town. I'd put the tax money that I did collect and devote it to helping the soup kitchen. Or, for making ways for the town to get more revenue, such as building some stores or a restaurant or two so the property value will go up.

I would bulldoze the part of the town that is abandoned and all boarded up, put in more housing and a fitness center so the community could stay in shape and if they needed it, a new place to live. I'd fix up the schools and upgrade their equipment to make it easier to teach the kids and help them understand the material better, repave the roads on Main Street and in the parking lots of the school. Remodel the soup kitchen so they had more space to store food and more efficient ways to distribute the food. Then give the soup kitchen better food so the needy aren't eating canned green beans all the time. I would improve the town forest so everyone could enjoy its trails and the town park. We could clean that up and replace the gazebo because it looks like it's getting old and worn out.

As a fisherman, I would improve the docks and make the waterways safer by putting up signs like "rocks ahead" or "weeds ahead." I would start a breeding program and let the fish population grow. That way more fishermen will come to town and spend money and the town would have another food supply that won't go bad. The fish could be sold, like the label on the package be "Fresh Kennebec Fish," and that's what the town would be known for. Having the best fish, we could build the brand name and make a ton of money, money that can and will be put to good use.

As a kid I would make an arcade with all the best games, that way people would come from miles around just to spend a ton of money on the entry fee and don't forget all the games because they cost money too. I would try to put it right on Main Street, that way it would be so easy to find that you can't find a reason not to go in. So all in all it would be a great source of revenue for the town and a fun way to spend your time in the downtown area.

LOCAL GOVERNMENT  
*begins with* **YOU**

# If I led my community...

## Maine Municipal Association 7th Grade Essay Contest **Winners**

### Hailey Hutchinson

William S. Cohen School, Bangor

If I led my community, the City of Bangor would not be like it is now. I know that it would change and I think that I could make it even better. The ways that I would change it would be making parks, roads and buildings nicer, spending our money on important things and enforcing more laws on abuse. That is how I would make our community better.

First off, one of the things that I would address is making Bangor nicer and safer. What I mean by that is replacing some of our parks. Let's face it, some of the parks that we are allowing children to play on are rusted, have swears written all over them and are, in my opinion, unacceptable. I would also fix some of the roads. Have you ever driven down a road in Bangor and, while you are trying to swerve away from potholes, are like, "Come on. These people have enough money to fix this road." Well, I think that incident is much too realistic. The same thing goes for some buildings. No one wants to be cooking something in their apartment or house and then have a piece of their ceiling fall on them.

Next we have the debate on what is important, that we should be spending our money on different things other than what we are right now. I think that the public should be able to help the people who run Bangor decide on what we need most. In my opinion, how can you complain when you're one of the ones deciding on it? Also, it is a great way to bring a community closer together. I think if we just let people decide on some things then we could make Bangor a better place to live.

Finally, one of the most important things to me is the fact that we need to enforce more laws on abuse. I know I'm only 12 years old and every day can't be a superman show, but why do bad guys get away? Why can't we help the good guys? Why can't we all be superman or superwoman? We can. Look at some of the Americans that have done great things for us. Albert Einstein once said, "Peace cannot be kept by force; it can only be achieved by understanding." Maybe if we enforce more laws on violence and put more awareness in our schools, then people might be more apt to listen.

Hopefully by now you're somewhat convinced that this city wouldn't completely collapse if I led it. Also, maybe you even think that I could make it better. We often try to think that we are not doing something good enough. What we need to realize is there are a billion other people who are thinking the same thing. Whether I would be a good leader or not will remain a mystery. Although, I will remember that I don't need to lead a community to make a difference.

LOCAL GOVERNMENT  
*begins with* **YOU**

# Budgets Remain Lean; Some Loosen Strings

By Liz Chapman Mockler

Municipal budgets declined or tax rates remained stable in most Maine towns during annual town meetings in March and April. But after a series of lean years, voters in a dozen communities approved large projects that had been put off.

Nearly all of the meetings, some as long as five or six hours, were rudimentary and noncontroversial. Most town meetings, however, lasted two or three hours.

Peter Nielsen, Oakland town manager and president of Maine Municipal Association, offered several factors he thinks influences turnout. He urged municipal officials across the state to speak to students at every opportunity to help build a new generation of civic leaders and explain how local services are provided – through town meeting votes.

“I think of it as an analogy,” Nielsen said. “Some people are very supportive of Baxter State Park even if they’ve never been there or used it.” But if the state tried to take the park away, “people would come out of the woodwork and I think town meeting is something like that.”

Nielsen said if town officials propose a project or policy change that upsets residents, they will attend town meeting “to set you straight.” In some way, low turnout signals that residents are satisfied with how the town is being run and the cost of services.

He thinks voters like to keep the option of town meeting open, even if they often don’t attend.

The core of faithful town meeting goers seems to be declining as people age.

“People are not in the least reluctant to call 911; the same urgency should apply to town meeting,” Nielsen said. “Younger residents don’t always realize it is at town meeting where voters make possible all the services they like and use.”

The next round of town meetings will be held in June, generally among larger towns that have changed their fiscal years to line up with the school and county budgets, which operate on a July 1 to June 30 fiscal year. There was talk in some small towns in March about following the trend since budgeting can be so difficult.

## FOLLOWING THE MONEY

In all, thousands of municipal spending articles were decided by residents across the state. The issues varied from moratoriums to collaborative proposals to ordinances. And, as

always, there were votes on fire trucks and road projects.

Without exception, the cost of education was easily the largest part of local budgets, although voters in many towns did not have solid school and county tax costs when they endorsed the municipal budget.

With some major exceptions, municipal spending seemed to stagnate this year, perhaps a sign that local officials have indeed cut their budgets to the marrow over the past several, difficult years.

Although voters in some towns wanted to spend more than selectmen or budget committees, dozens of town budgets actually declined or were stable. Even when spending was increased, voters might have had questions, but were willing to spend more.

In New Sharon, for example, the budget totaled \$769,000, a 2.8 per-



Warren Town Manager Elaine Clark and Selectmen Edmund LaFlamme and Douglas Pope, from left, make last-minute preparations before the start of the annual meeting. Pope is the outgoing selectman chair. He did not seek re-election. (Photo by Liz Mockler)

*Liz Mockler is a freelance writer from Augusta and a regular contributor to the Maine Townsman, lizmockler@hotmail.com*

cent decrease, yet voters spent six hours talking over spending items. In Embden, the \$836,000 budget was 7 percent less than last year. Ripley officials presented a slightly decreased \$267,000 budget and anticipated a stable tax rate. Yet, voters endorsed the plan without knowing state revenue or school and county costs.

Mercer voters approved a \$298,000 budget, up 4 percent. Most of the additional money will be covered by fund balance. Meanwhile, in Island Falls, a floor amendment to use \$148,000 from fund balance was rejected by voters after selectmen said they were worried about using surplus money every year. The budget is up \$77,000, but selectmen said using surplus money – known also as emergency or contingency funds – showed poor financial management.

In New Portland, the budget remained at about \$641,000, but the amount to be raised by property taxes was down 3 percent. Canaan voters were not long approving a \$1 million

spending plan, \$10,000 less than last year.

### READY TO SPEND

Some voters, however, decided

Responsive, quality engineering services.  
Working with communities like yours since 1974.

**HEB**  
*Engineers*  
CIVIL • STRUCTURAL • SURVEY

An employee-owned company in North Conway, NH • [www.hebengineers.com](http://www.hebengineers.com)



*David and Marge Grant look over the town meeting warrant while other Warren residents cast their ballots during the March 25 meeting, which lasted about one hour. Grant is the director of the town's transfer station. (Photo by Liz Mockler)*

## TOWN MEETING ELECTION RESULTS

Following are results of municipal elections held as part of March and April town meetings. Uncontested races are not listed.

**Belgrade:** Michael Barrett, immediate past chairman of the town's library board of trustees, was uncontested to replace Selectman Melanie Jewell, who did not seek re-election after serving nine years.

**Bristol:** Voters elected Chad Hanna with 129 votes to replace outgoing Selectman Bill Benner, who was honored during the town meeting for 10 years of service on the board over five decades.

**Columbia Falls:** Todd Emerson held off a challenger by a vote of 46-43 to take the seat of Bernard Ward, who did not seek re-election.

**Corinna:** Kerbon Littlefield and Francis Lee Kaughman won two open selectmen seats with 99 and 79 votes, respectively. Incumbent Corinna Caron collected 43 votes and a fourth candidate picked up 57 votes.

**Farmington:** Former Selectman Stephan Bunker and newcomer Andrew Buckland captured 253 and 242 votes, respectively, to replace incumbent Dennis Pike, who received 159 votes, and Jessica Berry, who did not seek re-election.

**Harpwell:** Kevin Johnson defeated incumbent Selectman Alison Hawkes, 362-228, while a third candidate garnered 42 votes. Hawkes served one 3-year term.

**New Sharon:** Lorna Nichols defeated incumbent Selectman Russell Gardner, 64-32. A third candidate received 28 votes.

**Orono:** Incumbent selectmen Geoffrey Gordon and Cynthia Mehnert received 366 and 387 votes, respectively, crushing two opponents to win new terms.

**Sangerville:** Incumbent Selectman Melissa Randall was re-elected after defeating Planning Board member Irving McNaughton by one vote.

**South Thomaston:** In a rare occurrence, voters overwhelmingly elected former Selectman Cheryl Waterman as a write-in candidate over two official candidates. Waterman received 78 votes, 30 votes more than the closest candidate.

**Stonington:** Benjamin Barrows and incumbent Selectman Richard Larrabee Sr. received 93 and 76 votes, respectively, to fill two open seats. Incumbent George Stevens collected 64 votes.

**Vienna:** Incumbent Selectman Christopher Smith defeated one challenger to win re-election by a vote of 126-100.

**Warren:** Budget Committee Chairman William Lufkin was elected with 169 votes to replace former Selectman Chairman Douglas Pope, who did not seek re-election. Lufkin defeated former Selectman Marianne Pellicani, who received 124 votes. Former Selectman Wayne Luce was unopposed to take the seat of Selectman Daniel Davey, who also did not seek re-election. Luce collected 181 votes.

**Whitefield:** Incumbent Dennis Merrill was re-elected with 198 votes and former Selectman Sue McKeen garnered 170 votes to replace Chairman Steven McCormick, who has served 15 years and did not seek re-election. There were two other candidates in the 4-way race for two seats.

## MMA Personnel Services and On-site Consulting Services

MMA Personnel Services offers a wide range of specialized on-site consulting services for our members. Personnel management and labor relations expertise is available for direct assistance or general inquiries through a toll-free telephone line. Direct on-site assistance is available in the following areas:

### Labor Relations

Representation of the municipality in labor negotiations, mediation, arbitration and grievance processes.

### Executive Search

Assistance with the recruitment of a new city or town manager or department head.

### Training

On-site training in a variety of topics.

### Testing

Entry level police and fire testing.

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

For more information visit the MMA website: [www.memun.org](http://www.memun.org)



60 Community Dr.,  
Augusta, ME 04330

this year to go big or go home.

Solon voters agreed to borrow \$380,000 to repave several roads, to be paid for over two years. It will be added to \$148,000 in reserve, money from the state road assistance program and \$271,000 from property taxes. Even so, the town-side of the budget of \$315,000 was down \$6,000 and would not change the tax rate.

In Easton, voters approved a \$1 million budget, an increase of less than \$20,000. Voters decided to buy a new \$203,000 road grader to replace the 1983 version the town now owns that lasted 30 years. The money will come from reserve.

Bremen residents approved a 60 percent increase in the fire department budget, or \$24,000, for recruitment of new volunteers and to pay for their training – an issue being faced by municipalities across the state. Still, the \$831,000 town budget was down \$95,000, or 10 percent, thanks to a drop in highway spending.

Smithfield voters accepted a gift of a Boston Whaler boat for the fire and rescue department and \$9,000 as matching money for a federal fire-

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](http://www.memun.org)



60 Community Dr., Augusta, ME 04330 • 207-623-8428

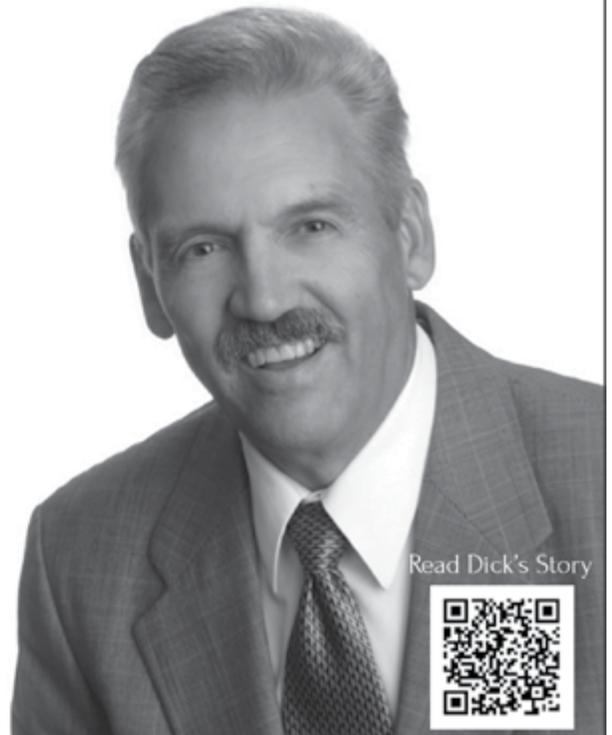
## Meet our Consultants Dick Metivier

Dick Metivier, a recognized expert in the field of local financial management. He was the Director of Finance for the City of Lewiston for over 30 years. During his 40 years in municipal finance, he served as the Director of the New England States Government Finance Officers Association and was Charter President of the Maine Government Finance Officers Association. Dick provides assistance to communities who are in need of financial or organization guidance.

**Eaton  
Peabody**  
Consulting Group

1-800-564-0111 | [eatonpeabody.com](http://eatonpeabody.com)

Augusta | Bangor | Brunswick | Ellsworth | Portland



Read Dick's Story



fighters' grant for a tanker the town applied for last December.

Newport residents authorized \$4.7 million for two new major facilities, one for public safety and another for public works. Both existing buildings date to the 1950s and voters agreed the projects were overdue. The estimated cost will be borrowed over 30 years and the projects will take two years to complete.

"My message to voters was these buildings are not for employees; they are significant infrastructure improvements for the community," said Newport Town Manager James Ricker.

Ricker credited public meetings and a tour of the buildings with helping the proposals pass with literally no opposition at the March 8 town meeting.

Some of the few residents to take the tour spoke at the meeting in favor of the projects and testified to the poor buildings' conditions in encouraging a "yes" vote.

According to Ricker, only one resident out of the 70 who attended the meeting voted against the projects.

"We are working at providing the most functional buildings possible, with the least impact to the property taxpayer," Ricker said.

## DIVERSE ISSUES

Other highlights from the March/April meetings include:

Anson residents refused to pay \$35,000 for town office improvements, but rather asked selectmen to develop a plan for new town office quarters within the next six months. The 100-year-old building has been infested with rodents, is likely moldy in places and the air quality has sometimes forced town staff to temporary offices over the past eight months.

After a long, uncomfortable silence at the New Vineyard meeting, Lindsey Jackson volunteered to serve one of the town's two planning board open seats, which drew no nominations from the floor. Tony Nile, who had lost his bid for road commissioner against incumbent Earl Luce by a vote of 43-29, then offered to fill the second seat.

Columbia voters approved a wind power moratorium as a Virginia-based firm eyes the town and nearby Cherryfield for a potential 30-turbine

project.

Brighton Plantation residents voted to move the municipal budget year to align with the school's July 1 to June 30 fiscal year. They also decided to partner with Somerset County and Kingsbury Plantation to share the cost and operation of a new salt and sand shed at an estimated cost of \$265,000. After state reimbursement, the town's share will be \$28,000.

## AND IN ROME...

Voters in Rome spent three hours discussing and debating spending \$300,000 for new fire and rescue vehicles. They rejected using \$131,000 in fund balance and instead voted to take \$166,000 from reserve and raise \$140,000 in taxes to buy the truck.

The Norridgewock budget included \$2,000 for sand to be kept at the town office for residents' use. Public works was low on sand this year, and residents were turned away deep into the winter. Now the sand piles will be separated.

Cornville voters agreed to exempt

businesses that use equipment with a value of less than \$50,000. Proponents said someone using an old skidder to work in the woods should not be taxed when a \$25,000 tractor owned by a homeowner is not.

Whitefield residents by secret ballot voted 208-152 to spend \$269,000 for a new pumper tanker. The new tanker will replace two old trucks and be financed over 15 years. Residents also voted to increase the road maintenance budget by \$100,000, with most of the money coming from fund balance.

In Nobleboro, residents rejected a proposed property maintenance ordinance. Townspeople decided to table the issue until the June primary election. Although the budget was down \$19,000, voters agreed to use \$275,000 from fund balance to hold down taxes.

Columbia Falls voters indefinitely postponed a proposed ordinance to enable the recall of locally elected officials. The show-of-hands vote was 2-to-1. ■

Helping your employees  
save for their futures  
is one of the best moves  
you can make!

Simple ✓  
Convenient ✓  
High Quality ✓  
Low-Cost ✓

**MAINE  
START**

MaineSTART is the Defined  
Contribution program from Maine  
Public Employees Retirement  
System (MainePERS).

Contact: Stephanie Fecteau  
tel: 207-512-3305 e-mail: Stephanie.Fecteau@mainepers.org  
www.mainestart.org

**Engineering a Sustainable Environment**

WATER | WASTEWATER | INFRASTRUCTURE

U.S. GREEN BUILDING COUNCIL  
MEMBER

**WRIGHT-PIERCE**  
Engineering a Better Environment

Offices Throughout New England  
888.621.8156  
www.wright-pierce.com



# Scenes from the 2014 Municipal Technology Conference May 1, 2014 • DoubleTree by Hilton, South Portland



**Sponsored by:** Maine Municipal Association and the Maine GIS User Group  
**In cooperation with:** ConnectME Authority

*Photos by Ben Thomas*



# Scenes from the 2014 Municipal Technology Conference May 1, 2014 • DoubleTree by Hilton, South Portland



Sponsored by: **Maine Municipal Association** and the **Maine GIS User Group**  
In cooperation with: **ConnectME Authority**

*Photos by Ben Thomas*

# PEOPLE

Rockland councilors in April honored **Raymond Athearn** as the longest-serving city employee in the history of the city. Athearn has worked for more than 50 years for the Public Works Department. Athearn, 83, said he was hired off the street – literally – by a public works supervisor in 1963. Councilors described Athearn’s dedication and work ethic as “remarkable” in presenting him a framed certificate and a plaque during their April 14 meeting. Athearn has no plans to retire.



**Derik Goodine**

Windham’s fire chief and police chief announced in April that they will retire after years of service to the city. Fire-Rescue Chief **Charles Hammond** plans to retire at year’s end; **Rick Lewsen Jr.** will work until April 2015. Hammond has more than 40 years’ service to the department, the past 29 as chief. Lewsen will retire after a 40-year career in law enforcement, the past 26 as chief.

Winslow town councilors named **Shawn O’Leary** as police chief, effective in mid-May, relieving Town Manager Michael Heavener, who served as acting chief since Jeffrey Fenlason resigned in February. O’Leary has more than 20 years’ experience in law enforcement. He joined the Brunswick Police Department in 1988, achieving the rank of lieutenant before leaving for the Cumberland County Sheriff’s Office in 2008. O’Leary said his career goal was to become a chief and he looks forward to working in Winslow.

**Thomas Pelletier**, a retired Maine State Police sergeant, has been named to replace Fort Kent Police Chief Kenneth “Doody” Michaud, who will retire this month. Pelletier, a Navy veteran, is

a graduate of the University of Maine at Fort Kent; he worked for more than 20 years for the State Police and retired in June 2012. Pelletier was chosen from a field of 48 candidates.

**Luke Pennington** was chosen by his peers as South Portland Firefighter of the Year and **Ludger Perreault** was named Call Company Firefighter of the Year for exceptional service to the community. City officials will honor the award winners, as well as other employees, in May.

Fairfield Town Manager **Josh Reny** was named Rising Star of the Year by the Mid-Maine Chamber of Commerce. Reny, 33, said the award reflected many people’s efforts to improve the town of 6,700. But since taking the job in 2011, his town has received four major grants, one which provided \$6.5 million for restoration of a hotel into senior housing. The town also has held taxes steady the three years and restored a needy fund balance under Reny’s management.



**David Cyr**

Mars Hill selectmen hired **David Cyr** as their new manager, effective April 21. Hill was among 18 applicants for the job. He has been working as an engineer, but previously worked nine years for Aroostook County government as administrator of unorganized territories. As well as his administration experience, selectmen liked Cyr’s knowledge of roads and highways and his engineer credentials. Cyr lives in Woodland, but has agreed to move to Mars Hill.

**Ken Eaton** was sworn in as Deer Isle road commissioner April 23 after a recount and run-off election. Mark Cormier, the only other candidate, had been declared the winner at the March town meeting by a one-vote margin. Eaton asked for a recount, which ended in a tie and led to the run-off election on April 22. Eaton defeated Cormier 254-169. Former road commissioner Paul Ray served as acting commissioner until after the election.

**Richard Fowler Jr.** was hired as Skowhegan fire chief, effective May 13. He has served as a firefighter since the age of 18 for the Farmington, N.H., Fire Department – the past 10 as chief. Fowler said he’s looking for a new challenge and that he and his wife want to move closer to her family, which lives in Houlton.

Naples Town Manager **Derik Goodine** accepted the manager’s job in Bucksport. Officials said they liked that Goodine



**Peter Vogell**

Castine Assistant Fire Chief and Selectman **Peter Vogell** was honored with a legislative sentiment in April for his more than 50 years of public service. Vogell joined the Castine Fire Rescue Department in 1962 and, except for a stint in the Navy, has served the department ever since. He also is a selectman with 30 years of service. ■

**OLVER ASSOCIATES INC.**  
**ENVIRONMENTAL ENGINEERS**

- Wastewater Process Engineering
- Treatment Facility Upgrades
- Sewer Infrastructure Design
- Stormwater Management
- Operations Assistance & Training
- Municipal & Civil Engineering

P.O. Box 679  
290 Main Street  
Winterport, Maine 04496

Telephone: (207) 223-2232  
Fax: (207) 223-5448

If your municipality submits a news item for the Townsman, consider sending a corresponding photo to:  
**Eric Conrad or Jaime Clark (econrad@memun.org or jclark@memun.org)**

## STATEWIDE

Maine's snowmobile industry, worth about \$350 million a year to the state economy, enjoyed its best winter in 20 years, officials say. While the long, frigid winter caused havoc on the roads, for municipal and state highway budgets, and shut down business and government several times, snowmobile riders couldn't get enough of the cold and snow. The state has built a network of 14,000 miles of trails; people in northern and northeastern Maine were still sledding in late April. Snowmobile registrations increased from 71,474 to 73,904 this winter.

## BENTON

Municipal officials in Benton and Fairfield officially merged fire departments into the Fairfield-Benton Fire Rescue service. Under the new inter-local agreement, Benton is more of a partner in the operation, assuming some responsibilities and oversight of the new service. Previously, Benton paid an annual fee for service to the Fairfield Fire Department. The collaboration is likely to reduce mounting fiscal pressures on both towns' firefighting efforts. Selectmen from both towns will set the annual joint firefighting budget. Fairfield's population is about 6,800; Benton's is about 2,700.

## BROWNVILLE

A federal district court jury found a Vermont man guilty in April of scheming and falsifying information to win a \$300,000 Community Development Block Grant. Craig Sanborn was convicted of wire fraud in defrauding the town of the CDBG money obtained in 2005 for a bullet-making plant he said he would build and employ at least 10 people. Sanborn faces a prison term of up to 20 years and a fine as high as \$250,000. He also could be ordered to pay restitution.

## DAMARISCOTTA

Selectmen decided in early April that they will not place a temporary ban on construction of low-income housing. A proposal by a nonprofit to build housing for the homeless drew concern from neighbors and led to talks about whether to impose a temporary moratorium. One resident asked whether the town should allow itself to be "overrun by affordable-housing people" or remain a tourism destination. Opponents of the project

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

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

**Workplace Survey.** The Maine Development Foundation and Maine State Chamber of Commerce ask employers across the state to complete a survey about workplace and training needs

**Information Technology Survey.** Maine Municipal Association has questions, too. What do municipalities need and want in terms of support and training for computer use and purchasing?

**Innovations in Government.** A \$100,000 award will go to the winning federal, state, municipal or tribal government that demonstrates creative and effective governance. The Harvard Kennedy School in Massachusetts makes this award.

have the option of pursuing a moratorium through the petition process. However, Town Manager Matt Lutkus urged the board to vote that a moratorium is not necessary, according to published reports. Lutkus said a local moratorium is allowed under state law if a project presents an undue burden on local infrastructure and facilities, or when local ordinances are not in place to protect public safety. The housing project will be reviewed by the planning board.

## ELLSWORTH

A municipal group filed a lawsuit against the Minnesota-based company that owns the Penobscot Energy Recovery Co., which is trying to get the group's 180 member municipalities to help pay for lobbying efforts they expressly told the company they opposed. Maine officials said the company gave the Municipal Review Committee, which represents the towns, several assurances it would not lobby for LD 1483, which passed and will affect tipping fees beyond the expiration of the towns' agreement with PERC. The lobbying costs total about \$275,000 and, while the firm has said it plans to use some of the group's funds toward the lobbying bill, the agreement gives the review committee, based in Ellsworth, final say over how the towns' money is spent. The case was transferred to federal court in Bangor in late April.

## FRYE ISLAND

The town has filed an appeal of the Raymond Planning Board's rejection of its application to build a parking lot on Raymond Cape. After almost two years of study, planners ruled in mid-March that

the parking lot was too small and the four-way intersection near where the lot would be sited is dangerous. Frye Island residents paid \$260,000 to buy 25 acres for the project. The appeal asks the Cumberland County Superior Court to vacate the ruling and direct the board to approve Frye Island's site plan and shoreland zoning applications.

## SOUTH PORTLAND

The city council is considering asking for voter approval for a local \$3.5 million bond to continue work on storm water separation and improvements to the Main Street streetscape. The aim is to use future sewer fees and funds from tax increment financing districts to repay the bond. The council is expected to decide by August whether to put the bond question to voters in November.

## VAN BUREN

The town will receive a \$200,000 grant and a \$662,000 loan from the U.S. Department of Agriculture to replace the town's wastewater collection system and storm drain system on several streets. Funded under USDA's Water and Environmental Program, the project, will help preserve the St. John River Watershed. The award was announced on Earth Day, April 22. ■

## CORRECTIONS

An article in the March 2014 *Maine Townsman* misstated the population of the Town of Mexico. The correct population figure is 2,680.

# MUNICIPAL BULLETIN BOARD

**MAY 21**

## **Title 21-A: Augusta**

Kim McLaughlin, Town Clerk in Old Orchard Beach, and Julie Flynn, Deputy Secretary of State for the State of Maine, will hold a workshop on Title 21-A at the MMA Conference Center in Augusta on May 21. Clerks who have never conducted an election before are strongly encouraged to attend.

Topics to be covered include: all aspects of administering state and federal elections; how to open the voting area; use of the Central Voter Registration system; absentee voting; closing the voting place; and, tabulating results. The session starts with registration at 8:30 a.m. and concludes at 4 p.m. Cost is \$55 for MTCCA members and \$75 for non-members. The fee includes refreshments, lunch and handout materials.

**MAY 29**

## **Elected Officials: Presque Isle**

Attorneys from MMA's Legal Services Department will lead a workshop for Elected Officials on May 29 at the Northeastland Hotel in Presque Isle. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

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

**JUNE 3**

## **Planning Boards/BOA: Machias**

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 June 3 at the University of Maine at Machias Science Building.

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; con-

flicts 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.

**JUNE 4**

## **Social Media Dos & Don'ts**

Ellsworth City Police Department Detective Dorothy Small and two officials from MMA will hold a workshop on social media – Facebook and Twitter, primarily – at the Lucerne Inn in Dedham on June 4. The workshop begins with registration at 1:30 p.m. and will conclude at 4 p.m.

It is designed for elected and appointed officials involved in the use, implementation or planning of social media as a tool to communicate municipal news and events. This is an ever-changing field and it's important to keep up with changing laws and best practices. Joining Det. Small will be Amanda Meader, an attorney with MMA's Legal Services Department, and Communication & Educational Services Director Eric Conrad. Cost is \$35. This session is open to MMA members only.

**JUNE 5**

## **Highway Congress**

One of the best municipal events of the year is the Annual Highway Congress put on by the Maine Chapter of the American Public Works Association. This year's Congress will be held on June 5, starting at 7 a.m. at the Skowhegan Fairgrounds, its usual site.

The event, held rain or shine, features snow plow and skid-steer rodeos and demonstrations on paving, equipment tryouts, seat belt convincers, welding, cutting and the use of heavy equipment. Many vendors will be on hand. Prizes will be awarded. There is no cost, although the chicken barbecue lunch will cost \$10 for people who do not pre-register.

**JUNE 12**

## **Elected Officials: West Kennebunk**

Attorneys and staff from MMA's Legal Services and Communications departments will lead a workshop for Elected

Officials on June 12 at the West Kennebunk Fire Station. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

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

**JUNE 17**

## **Cash Management: Bangor**

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a workshop on Cash Management on June 17 at the Spectacular Event Center in Bangor, starting at 8:30 a.m. and concluding at 3:30 p.m. The workshop will be led by John Eldridge, Finance Director for the Town of Brunswick.

The workshop will explore: receipts and receivables; disbursements and payables; budgeting; cash flow forecasts; deposits and investments; and, banking relations. Cost for the workshop is \$50 for members and \$60 for non-members, which includes coffee and lunch. Please bring a calculator if you plan to attend.

**JUNE 18**

## **Elected Officials: Northport**

Attorneys and staff from MMA's Legal Services and Communications departments will lead a workshop for Elected Officials on June 18 at Point Lookout in Northport. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

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; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members. ■

All of the upcoming workshops can be found on the MMA website. Use the following link:  
<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

# LEGAL NOTES

## Prayer @ Public Meetings

**Question:** Is it permissible to open or close a public meeting, such as a board meeting or a town meeting, with a prayer?

**Answer:** Yes, for the time being, provided the prayer is non-denominational and does not seek to endorse one religion over another or, for that matter, religion over no religion.

We say “for the time being” because this area of law – the First Amendment’s separation of church and state – seems always to be evolving. In fact, the U.S. Supreme Court took up a case last fall (*Town of Greece v. Galloway*) where the issue is precisely whether a town council may constitutionally begin its meetings with prayer (in this case, essentially Christian prayers in which the audience is often invited to participate). A decision is due sometime this summer.

For now, though, the test is the one laid down by the Court in *Marsh v. Chambers*, 463 U.S. 783 (1983): A prayer at a meeting of a public body does not violate the First Amendment’s “Establishment Clause” (prohibiting government from promoting or endorsing religion) as long as it does not exploit the occasion “to proselytize or advance any one, or to disparage any other, faith or belief.” Many public bodies, including Congress, state legislatures and the Court itself, have historically invoked Divine guidance in this non-sectarian manner, and it remains, for now, a constitutionally permissible practice.

For related discussions, see “Religious Use of Municipal Facilities,” *Maine Townsman*, “Legal Notes,” March 2001 and “Holiday Displays on Municipal Property,” *Maine Townsman*, “Legal Notes,” November 2009. (By R.P.F.)

## What are the Duties of Our Budget Committee?

A town clerk asked us this recently, but we were hard-pressed to answer since State law neither requires local budget committees nor prescribes their duties. We explained this and told her the committee’s duties would be as prescribed by the charter provision, ordinance or town meeting warrant article that created it, but she wasn’t even sure there was one.

We’ve found this to be a fairly common problem. Budget committees are a

purely local creation, whether by charter, ordinance, warrant article or... whatever. Unless their role in the budget process is spelled out somewhere in a local governing document, budget committees have no specific role except what the budget planners (municipal officers, managers, et al.) are willing to concede to them.

A sample budget committee ordinance is part of our “Information Packet” on budget committees, which is available free to members at [www.memun.org](http://www.memun.org). This ordinance, with or without local modifications, can be adopted by the municipal legislative body (town meeting or town or city council) to give some clarity to a budget committee’s composition, powers and duties, etc. If a budget committee already exists, however, a new ordinance should not be adopted without first consulting with an attorney.

We also suggest giving some consideration to allowing other municipal officials to serve on a budget committee (our sample ordinance does not do so but may be modified to permit it). Not only is it not a conflict of interest, it may actually be advantageous to have other municipal officials or employees on the committee (see “Who Can Serve on a Budget Committee,” *Maine Townsman*, “Legal Notes,” June 2013).

As noted, State law neither requires nor prescribes the duties of local budget committees. But it does provide that if a budget committee has been established, its recommendations, along with those of the municipal officers, must appear on the warrant and on the ballot for any secret ballot vote on an appropriation of money (see 30-A M.R.S.A. § 2528(5)). (By R.P.F.)

## Evicting Occupants of Tax-Acquired Property

Several local officials have told us recently they were under the impression they either should or must evict the occupants of tax-acquired property before it’s offered for sale. As this is neither legally required nor, in most cases, advisable, let’s repeat what we’ve said here before:

There is generally no good reason – legal or otherwise – to forcibly vacate tax-acquired property unless someone is committing “waste” (substantial damage). The property should be sold “as is,”

## MUNICIPAL CALENDAR

**ON OR BEFORE JUNE 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).

**JUNE 30** — Pinball machine licenses expire on this date (8 MRSA §443). ■

with the duty of dealing with the occupants falling to the buyer.

There are in fact some very good reasons *not* to forcibly vacate tax-acquired property (not least, it can actually increase the risk of liability). But we don’t recommend collecting rent either (that too can raise this risk). For details, see “Tax-Acquired Property: Eviction Not Necessary,” *Maine Townsman*, “Legal Notes,” March 2009. (By R.P.F.)

## The ‘Pothole Law’ Redux

Since our nutshell summary of Maine’s “Pothole Law” last month (see “The ‘Pothole Law,’” *Maine Townsman*, “Legal Notes,” April 2014), a sharp-eyed reader has asked whether the requirement for 24 hours’ prior notice of a highway defect before potential liability arises includes weekends and holidays. We’ve never been asked, but it’s a fair question.

We’re not aware of any Maine court decision on point, but we’re quite confident the answer is yes, the notice includes any 24-hour period, including weekends and holidays.

The general rule for statutory time periods of less than seven days is that intermediate Saturdays, Sundays and legal holidays don’t count (see 1 M.R.S.A. § 71(12), incorporating Rule 6(a), Maine Rules of Civil Procedure). We don’t think this rule applies to the 24-hour notice under the Pothole Law, however, for a couple of reasons. For one, the Pothole Law’s notice is specified in hours, not days. This was likely deliberate – to differentiate it from the customary rule for counting days.

Also, unlike most other statutory notices, which relate to official proceedings when of course government offices are open, the Pothole Law’s 24-hour notice

# LEGAL NOTES

is about the condition of the highways, which never close (and which are often busier on weekends and holidays). The Pothole Law is, in short, about mitigating imminent public safety hazards, not matters that can wait until the next business day.

As we noted here last month, the reason for the 24 hours' prior notice requirement is to give municipal authorities a reasonable opportunity to repair the defect or warn motorists of it before potential liability arises. So if municipal staff or officials get actual notice, whether oral or written, of a highway defect, they should act immediately, no matter what day of the week it is. (By R.P.F.)

## Are Charters Required?

**Question:** Are municipalities in Maine required to have a charter?

**Answer:** No, not unless they want to govern themselves differently than as provided by general statutory law.

Under Title 30-A of the Maine statutes, the selectmen-town meeting form of government is the "default" (our term) model for municipal government. Most municipalities in Maine are small towns (more than half have a population of less than 1,500), and most of them are perfectly content to operate under this basic plan. But major deviations from the selectmen-town meeting model may be accomplished only by charter.

For example, transferring legislative and/or budgetary authority from the town meeting to a council, or mandating referendum voting on all town meeting matters, or adding to the legal qualifications or disqualifications for holding office (for further details, see "Why a Municipal Charter?" *Maine Townsman*, "Legal Notes," April 2009).

However, other modifications to the selectmen-town meeting model, such as adopting a town manager plan, or the secret ballot method of voting for officials, or a budget development process, may be implemented by ordinance or simply a town meeting vote (though such matters are often dealt with by charter too).

About a hundred municipalities in Maine (out of 492) have charters in the modern sense of the term (a document specifying the form of government, the distribution of powers and the proce-

dures for exercising them). Unfortunately, "charter" is sometimes used in another, archaic sense to refer to a municipality's act of incorporation by the Maine (or before statehood in 1820, the Massachusetts) Legislature. This type of charter simply establishes a municipality as a legal entity and describes its boundaries – it is not a charter as the term is commonly used today.

If you don't know whether your munic-

ipality has a charter, see "Got a Charter?" *Maine Townsman*, "Legal Notes," May 2010 or contact MMA Legal Services (we have copies of them all).

For more on municipal charters, including the process for adopting a charter as well as a detailed comparative analysis of charters in Maine, see our "Information Packet" on the subject, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.) ■

Are municipal demands weighing you down?

We've helped our clients secure over half a billion dollars in grant and loan funding during the past 5 years.

Your Municipal Consultant for over 30 years

800.426.4262 | woodardcurran.com

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](http://www.memun.org)

# PROFESSIONAL DIRECTORY

**A. E. HODSDON  
ENGINEERS**  
10 Common Street  
Waterville, ME 04901

[www.aehodsdon.com](http://www.aehodsdon.com)  
207-873-5164

**ARCHITECTS ~ ENGINEERS  
BUILDING SCIENTISTS**

**The Turner Group is  
Celebrating 20 Years of Success!**

26 Pinewood Lane, Harrison, ME 04040  
(207) 583-4571 ~ [www.htturner.com](http://www.htturner.com)

**Proven Value**  
Through Best-in-Class Codification

**GENERAL  
CODE**  
Codification Division

Toll Free: 855.GEN.CODE  
[www.generalcode.com](http://www.generalcode.com)

**ROAD SALT RESOLUTIONS, LLC**  
*Investigation and Remediation of Salt Impacted Water Supplies*

**Joshua Katz**  
(207) 837-4945  
[joshua@roadsaltresolutions.com](mailto:joshua@roadsaltresolutions.com)  
[www.roadsaltresolutions.com](http://www.roadsaltresolutions.com)  
49 Bunganuc Road, Brunswick, Maine 04011

*Making a Difference for Maine's Communities*

# MAINE MUNICIPAL BOND BANK



*Call us when you need capital financing for your next project. Let us put our Strong Credit Rating to work for you.*

Since 1972, the Maine Municipal Bond Bank has provided a successful, simple, and cost-effective borrowing program for Maine's municipalities. The Bond Bank's long-term loans provide Maine's communities access to low cost funds for all their capital needs through the sale of our highly rated tax-exempt bonds. Let us save money for you too on your next capital acquisition or improvement project.

**COMPETITIVE FINANCING**

**LONG-TERM BORROWING**

**COST-EFFECTIVE FINANCING**

**LOWER COSTS OF ISSUANCE**

P.O. Box 2268  
127 Community Drive  
Augusta, ME 04338  
PH: (207) 622-9386 • FX: (207) 623-5359  
[www.mmbb.com](http://www.mmbb.com)



# ***Public Finance Team***

**Serving Maine Municipalities Since 1930**

Virtually all major municipal projects require some sort of public financing. We assist municipalities through the entire financing process from start to finish. Bernstein Shur has been recognized as one of the top 100 bond counsel in the United States by the Bond Buyer's Municipal Marketplace Red Book.

Our public finance team has handled countless bond financing projects across the state, including:

- Public sales on the national market
- Negotiated bond issues
- General obligation bonds
- Tax anticipation notes
- Grant anticipation notes
- Revenue bonds
- Maine Municipal Bond Bank issues
- USDA/Rural Development bond issues
- Utility financing
- Lease financing
- Current and advance refunding issues
- Bond anticipation notes
- Arbitrage rebate compliance



Lee Bragg



Geoff Hole



Shana Cook Mueller



Nelson Toner

Portland, ME | Augusta, ME | Manchester, NH  
207 774-1200 | [bernsteinshur.com](http://bernsteinshur.com)

**BERNSTEIN SHUR**

**COUNSELORS AT LAW**

