

August-September 2010

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The Magazine of the Maine Municipal Association



2010

MMA Convention

embracing challenges & change

OCTOBER 12 & 13, 2010
Augusta Civic Center, Augusta, Maine

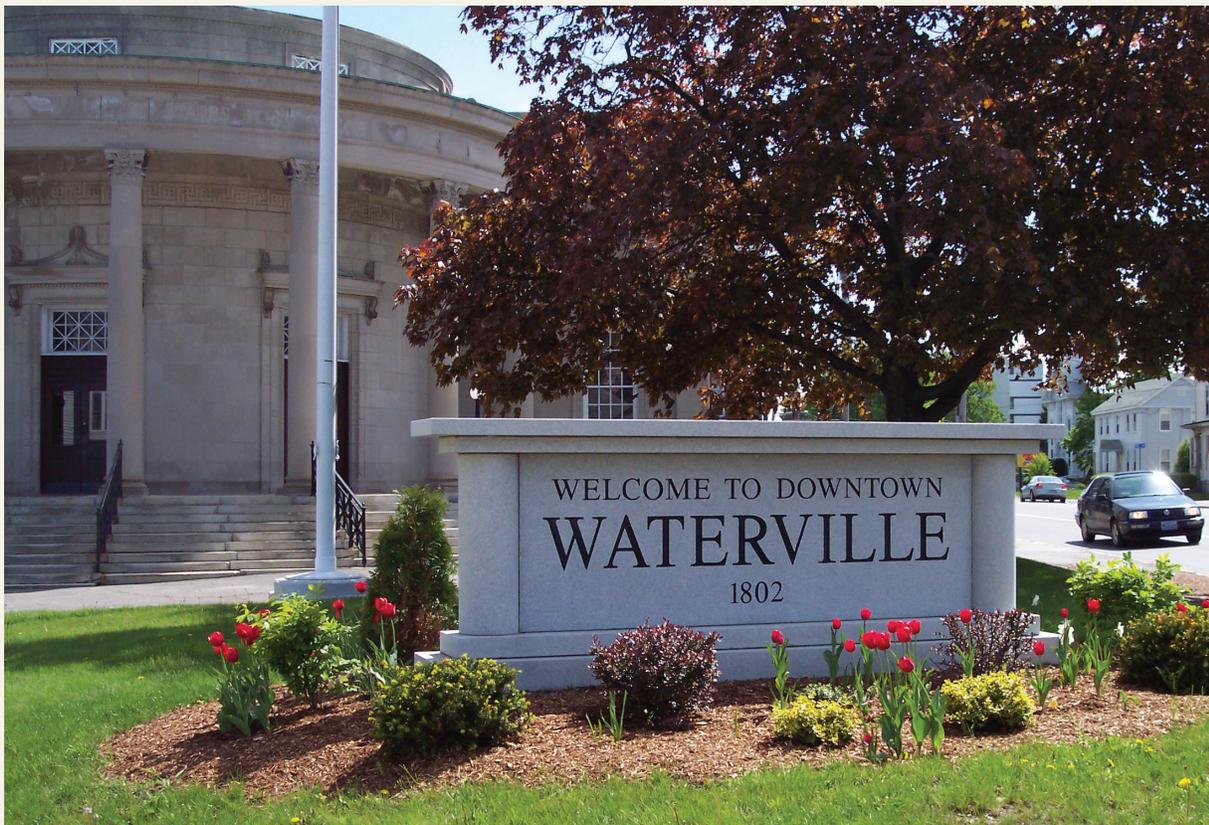


MEET THE KEYNOTER
Travis Roy, Pg. 5

ALSO IN THIS ISSUE: _____

Candidates For Governor | Clerks Talk Elections | Statewide Building Code

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August/September, 2010
Vol. 72, No. 8



recycled paper

From the Editor

5

Travis Roy, who will deliver the keynote speech at the Maine Municipal Association Convention this fall, opens up in an interview with the Maine Townsman. Roy says his message of overcoming challenges often resonates with audiences.

Meet the Candidates

7

All five candidates for governor met recently with the MMA Executive Committee and staff for a series of questions and answers on municipal issues. Here is your chance to learn where they stand on topics ranging from municipal revenue sharing to road funding to tax exemptions.

Municipal Clerks Talk Elections

17

Candidates for governor might grab the headlines but municipal clerks make elections happen. The Townsman recently interviewed three prominent clerks about election issues and anecdotes. Trust us: You'll be rewarded if you read this Q&A article to the very end.

Overlooked: Statewide Building Code

21

A sweeping and historic action taken this year in Maine has received little media attention. The state is moving to enact a statewide building code that will affect municipalities, businesses and consumers alike. We didn't miss the story. MMA Legislative Advocate Jeffrey Austin shares the details.

What a Convention!

27

The biggest challenge for people attending the 2010 MMA Convention on Oct. 12-13 may be deciding which quality session to attend – and that's a good dilemma to have. Complete workshop details, speaker lists and Affiliate Group programs are here. Don't forget to register soon!

People

34

News

35

Municipal Bulletin Board

36

Legal

37



Maine Municipal Employees Health Trust

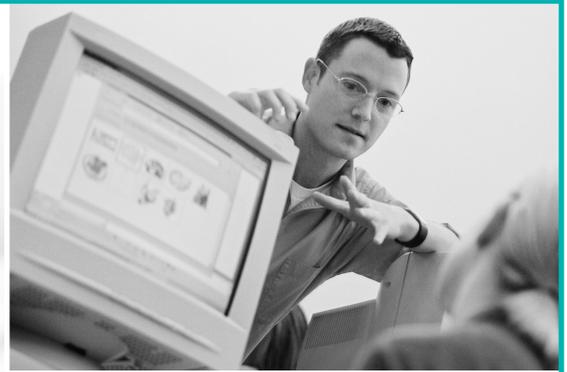
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A Message From MMA



by Eric Conrad, Editor

Counting His Blessings

“I was so blessed.”

Those aren't words you expect from someone who, during a freak sports accident, was paralyzed from the neck down at the age of 20.

Then again, Travis Roy isn't typical.

Many Mainers already know his story. A star hockey player at North Yarmouth Academy, he achieved his dream of playing Division I college hockey at Boston University. During his first game as a Terrier – his 11th second on the ice, to be exact – Roy crashed into the boards. His injuries left him paralyzed from the neck down.

That was 15 years ago, in 1995. Since then, Roy's accomplishments have only grown. He wrote a best-selling book. He has done commentary for ESPN. He basically holds two full-time jobs: Making 30 or so appearances a year as an inspirational speaker; and, running a non-profit foundation that raises \$500,000 annually to fund research into spinal cord injuries, and to help eligible families buy wheelchairs, lifts, special mattresses and other medical equipment.

His desire to overcome adversity, to be the best that he can be, remains as strong as ever. That is why – during challenging times for municipal leaders all across Maine – Roy was chosen as the keynote speaker at the Maine Municipal Association Convention, Oct. 12-13 in the Augusta Civic Center.

On the topic of medical research, Roy sounds both dispirited and hopeful.

“When we started,” he said, during a recent interview, “I thought the foundation would be out of business in 10 years. I thought we'd have found the answers. It's disappointing that we haven't but, at the same time, it's still the same battle that we wage, and research has come a long way.”

The research arm of Roy's foundation works with the Christopher Reeve Foundation in deciding which medical projects to support. The late actor's Foundation has a peer-review process that is top-notch, Roy explained, so why not pair up? That alliance allowed Roy to meet the actor, most famous for his role in the Superman movies of the late 1970s and '80s, on several occasions.

“I'm not sure he was ever in good health after his accident,” Roy said. “It was amazing what he was able to accomplish.”

On the topic of helping families deal with injuries such as his, Roy is simply buoyed.

Each quarter, his foundation receives 50 to 70 appli-

cations for assistance. Roy reviews each one himself and finds them very moving.

“There are so many stories,” Roy said. “So many families struggle after an accident like mine. I was so blessed with the personal support and certainly the financial support I received. You read through these stories and it doesn't take you long to realize how blessed I am and my family is.”

One of the biggest pieces to the puzzle is having quality health-insurance coverage, which his father, Lee, fortunately had provided. To this day, Travis' medical requirements include round-the-clock attendant care, which is very costly.

The key for people who suffer spinal cord injuries is maintaining their independence, Roy said. That's why financial support from his foundation can make such a difference.

Roy is frequently on the speaking circuit, “mostly in the Northeast,” he said, but also in North Dakota, Mississippi and other locales.

He often speaks to large audiences, such as the MMA convention crowd, but sometimes finds himself in front of smaller and even unusual groups. Last year, for example, he spoke at a female pre-release detention facility and to a group of married and widowed women who were part of the Catholic Church.

“We receive a lot of feedback about how my message affects people,” Roy said.

He works at his craft and views the speaking part of his career as a professional challenge.

“It's like the athletic world. The better you get at it, the higher you can climb the ladder,” Roy said.

In his personal life, Roy splits time between Boston and Vermont, spending nine months a year in Boston and summers in Vermont. During the Townsman interview, Roy was on the deck at his family's Vermont home, watching his father do landscaping work.

“It's beautiful here,” he said.

Maine also is special to Roy, and that's one reason why he looks forward to the MMA Convention.

“I really enjoy coming back to Maine,” he said. “I'll always be a Mainer.”

SUPPORTING THE FOUNDATION

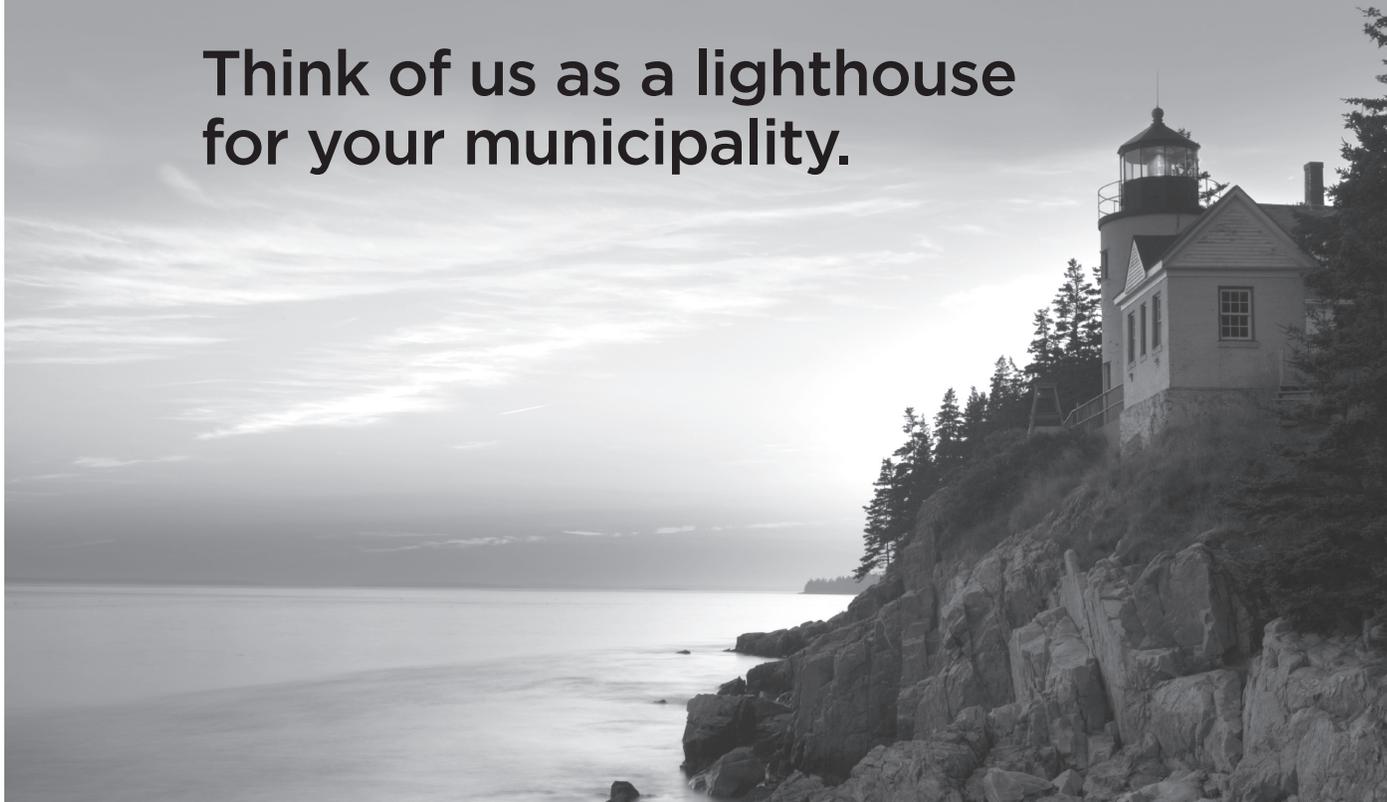
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MMA Questions the Candidates For Governor

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

All 12 members of the Maine Municipal Association's Executive Committee took turns questioning four of the candidates for governor during a day-long forum on July 14.

State Senate President Libby Mitchell, Waterville Mayor Paul LePage, Eliot Cutler of Cape Elizabeth and Shawn Moody of Gorham visited separately and answered questions for 60 minutes each.

The questions concentrated on municipal issues, primarily. For example, the candidates were asked about: raids on the municipal revenue-sharing fund; the appropriate level of state education subsidies; the adequacy of transportation financing; and, blanket property-tax exemptions.

However, candidates freely expressed themselves during introduction and conclusive remarks, talked about their motivation to run for governor and discussed the economic and financial challenges faced by the state.

MMA, which does not endorse or support political candidates, views discussions such as these as part of an ongoing effort to reach out to state leaders, share municipal concerns and advocate on behalf of its members.

Many gubernatorial candidates had visited with Executive Director Chris Lockwood and MMA State & Federal Relations staff prior to the June primary election. Also, a more debate-like forum is planned at the 2010 MMA Convention, Oct. 13 at the Augusta Civic Center. Former WMTW-TV/Channel 8 Anchor Tory Ryden has agreed to host that event.

Here is a look at what the candidates who visited July 14 said to the Executive Committee. Independent candidate Kevin Scott took questions from MMA separately, on Aug. 2. His answers are

included here as well.

LIBBY MITCHELL, DEMOCRAT

The Senate leader and former Vassalboro Selectwoman stressed her leadership experience, bipartisanship and municipal background.

Mitchell said that she knows municipal officials feel that some issues – school consolidation and cuts to municipal revenue sharing, to name two – were not handled well by the Legislature. She apologized and said her tone as governor would be more inclusive.

"I don't want municipal leaders to feel that they are not equal partners at the table," she said. "That doesn't mean we'll always agree."

Mitchell said much about her experience and accomplishments should buoy municipal support of her candidacy. For example, she helped pass state budgets in bipartisan fashion. She is the first female legislator in the country to serve both as Speaker of the House and Senate President.

Mitchell has a long history and voting record in Maine and her opponents have used that against her. But, before the MMA Executive Committee, she defended many of the positions for which she is criticized.

Tax reform is one example. Mitchell said she is proud that a tax-reform proposal passed the Legislature and was signed by the governor last session. The current state sales tax is too volatile and depends too much on major purchases, such as cars and appliances. That kind of consumer spending drops dramati-



cally during trying economic times and the state budget is affected profoundly.

"The minus is voters rejected it," Mitchell said, referring to a successful "people's veto" drive that repealed the tax-reform law before it could take effect. "That doesn't mean the problem is going away. That means we have to continue looking at ways to modernize the code."

Revenue-sharing was an area in which the senator can see both sides. Municipal officials count on that money to manage their towns and cities, so when the state cuts the funding as significantly as it has – and, in some cases, imposed unfunded municipal mandates – it really hurts. As municipal leaders know, revenue-sharing funds drop naturally during a negative economy.

However, she said, state revenues have been dropping overall in recent years.

"It is 'revenue sharing'," Mitchell said. "When the state gets into trouble, we're all in trouble."

Mitchell, an attorney by training, also noted that she opposed the Taxpayer Bill of Rights (TABOR) and TABOR II tax-cap initiatives, both of which were opposed by MMA. Voters rejected both proposals.

PAUL LEPAGE, REPUBLICAN

The Waterville mayor, currently in his second term, emphasized his municipal experience. He has been mayor of the "Elm City" for six years and was a councilor for four.

His background is in business, and LePage said he "never dreamed" he'd become a politician. But what LePage considered to be questionable actions by a former mayor caused him to run for council 10 years ago – and now he's a major party nominee for Governor.



Waterville has kept its tax rate down, lowered municipal spending and improved its bond rating during his time in office, LePage said. He would take that experience and the same priorities to the Statehouse, if elected.

While LePage is known as a fiscal conservative, his spending criticism before the MMA was aimed at the state Education and Health & Human Services agencies, primarily. He said state employees pay too little toward their own health-care coverage and state retirement packages are too generous.

LePage also said state spending on K-12 education is too high. The state has reneged on its pledge – and a citizen-approved mandate – to subsidize K-12 education costs, LePage agreed.

“I believe 55 percent is adequate but I will tell you that, as governor, 55 percent will be earmarked and will be concentrated to the classrooms,” he said. “I will be tough on administration and special education.”

LePage strongly criticized unfunded mandates that the state places on municipalities, without funding.

“Unfunded mandates that cross my desk (as governor) will go right into the trash can,” he said. “Unfunded mandates are devastating and I can pledge, not only to the Maine Municipal Association but to the citizens of Maine, that unfunded mandates will never make it across my desk. Period.”

LePage said he did not support the recent tax-reform legislation because state spending is the problem, not state revenues.

On leave from his job as General Manager of the Marden’s discount-store chain, LePage said he has worked for nearly 40 years in Maine’s private sector. The state is adversarial to business, he asserted.

“The problem with that is that wealth goes where it is welcomed and stays where it is appreciated,” the candidate said.

He suggested that making Maine more pro-business in terms of both the tax structure and regulatory environment would be a centerpiece of his approach to economic development.

LePage made it clear that the state has enough money to properly main-

tain its roads and bridges, but the money isn’t spent wisely.

ELIOT CUTLER, INDEPENDENT

Mr. Cutler, a Cape Elizabeth resident, said the state needs to consider whether a gasoline-tax increase may be in order.

The question was about transportation funding. Cutler said the state has a “terrible time” finding \$35 million each year to maintain state roads. He said there is a backlog in bridges and roads that need to be repaired or replaced.

“I think, No. 1, that we have to take a look at raising the gasoline tax in Maine,” he said. “We have to take a very serious look at it. It’s either that or a VMT (Vehicle Miles Traveled) charge, or something.”

Cutler echoed Sen. Mitchell in saying that the gasoline tax, which largely is used to maintain the state’s transportation system, is challenged because people are driving more fuel-efficient cars. Thus, they are buying less gasoline – even though total miles driven are going up.

On other issues, Cutler said his three years as a deputy budget director in Washington, D.C., during President Jimmy Carter’s term in office, provided great experience.

Cutler echoed Sen. Mitchell in saying that the gasoline tax, which largely is used to maintain the state’s transportation system, is challenged because people are driving more fuel-efficient cars. Thus, they are buying less gasoline – even though total miles driven are going up.

On other issues, Cutler said his three years as a deputy budget director in Washington, D.C., during President Jimmy Carter’s term in office, provided great experience.

“I spent three years saying ‘no’ and learned there is life after ‘no,’” said Cutler, a Harvard College graduate who practiced law in China for a time. Cutler said he would not be afraid to say “no” in Augusta.

One area in which he pledged to do that is with unfunded mandates that the state places on municipalities. He called unfunded mandates “a coward’s way out” and said they’re just another sign



that the government system is broken in Maine.

On the campaign trail, he hears that all the time.

“There is a sense, I think, from everyone I speak with across the state that we’ve got to start doing things very, very differently,” Cutler said.

Like LePage, Cutler was blunt and emphatic about state raids on municipal revenue-sharing funds.

“I pledge not to raid municipal revenue sharing. I won’t do it,” he said.

Cutler said his position to fully fund revenue sharing is “an ante” to municipalities. He said several times that state and local governments must work together and try new approaches in addressing Maine’s fiscal challenges.

“To create (unfunded) mandates, and then to take away municipal revenue sharing and not provide the money to complete the specific tasks mandated by the directives, it’s irresponsible,” Cutler said.

SHAWN MOODY, INDEPENDENT

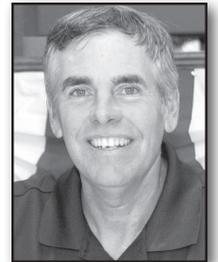
Mr. Moody views himself as a pro-business candidate who also has compassion and understands that the safety net that government services provide helps people when they’re down.

After the June 8 primary election, he said, neither of the two successful major party candidates combines friendliness to business with a compassion for people in need. That’s when Moody affirmed his decision to run for governor.

Moody, of Gorham, has built an auto-parts and collision-repair company into one that has five locations and employs 75 people. He has no college degree and little government experience, but countered that the knowledge he’s picked up founding, running and growing a business is what Maine needs now.

Moody’s primary service in the public sector came as a member of a committee that worked with the state Department of Transportation in building a Route 25 bypass around downtown Gorham.

He got a taste of what government leaders go through during that process, Moody said. A Gorham citizen, whom Moody holds in very high esteem, ap-



proached Moody after a meeting and his wife asked how Moody would like the bypass if it was splitting his property in two.

Still, Moody said, the bypass project “was successful and we’re driving on it today. We got the job done.”

Moody responded to many questions about municipal issues by citing his business background and the importance of bringing a business-like approach to state government.

He was respectful and even complimentary about municipal government, calling it “nimble” and “quick.”

“I’m a big proponent of local control,” he said.

Moody said he would not rule out a tax increase at the state level and suggested the income tax is the place to do it.

The candidate also was critical of unfunded mandates imposed on municipalities by the state and he said that having the state subsidize K-12 education at the 55 percent level is “unrealistic.”

He suggested that a better approach would be to take the average state subsidy over the past five years and add “a percent or two” to that to determine the appropriate level.

“To me, that is a realistic goal,” Moody said. “Fifty-five percent is not realistic.”

KEVIN SCOTT, INDEPENDENT

Mr. Scott portrayed himself as a governor who would come into office not with a personal agenda, but with the agendas of others in mind.

An agenda that he favors, Scott said, is the municipal one: he would not balance the state budget with cuts to municipal revenue-sharing; he opposes unfunded mandates pushed down by the state; he would support a bill to assess agreed-to fees for tax-exempt entities such as hospitals and colleges.



Married to the Chair of Selectmen in Andover, Susan Merrow, Scott spoke highly of the work that local officials do.

“Local government is the most challenging,” he said. “As a result, it is the most successful.”

Though he does not hold elected office, Scott has been active at Andover

Town Meetings, is Chair of the Andover Water District’s Board of Trustees and helps direct an ambulance company that serves 11 communities.

Scott runs an employment agency that specializes in finding “niche engineers” with special skills for companies such as Lockheed-Martin and Texas Instruments. He graduated from George Mason University in Virginia with a bachelor’s degree in Government & Politics.

Scott attributed many of the state’s problems to poor communication skills by Maine leaders and to weak decision-making.

One example is how the state backed away from the voter-enacted requirement to fund K-12 education costs at 55 percent. The current subsidy is about 43 percent, he said, putting great pressure on local property taxes.

Getting to 55 percent would be difficult, the candidate said, but “it’s just not acceptable to turn away from daunting challenges.”

Two other examples were the recent Taxpayer Bill of Rights (TABOR) and TABOR II initiatives, both of which

failed at the ballot booth and were opposed by the MMA.

Scott described those as “innovative,” grassroots movements that spoke to the failure of the Democrat and Republican parties in Maine. Legislators from those parties hold all but a handful of legislative seats, he said, yet taxpayer frustration is pretty widespread.

Asked about municipal consolidation, the candidate favors a when-it-makes sense approach. Scott said he became active in Andover municipal issues when there was a movement to close the town transfer station.

Scott was part of a group that looked into the issue and decided it didn’t make sense for town residents to drive “25 miles, one way” to another transfer station with gas prices being what they are. Instead, Andover kept its transfer station and cut spending on it by \$30,000 a year.

Scott cited the ambulance company that he helps direct as a case in which a regional provider does make sense, rather than having his small town and others nearby take separate approaches. [mci](#)

CANDIDATES ON THE WEB

You can view edited versions of the appearances that all five candidates for governor made before the Maine Municipal Association by visiting our website: www.memun.org. Also, DVD copies of the edited and unedited appearances are for sale. The charge for members is \$5 for each DVD (there are up to seven); the charge is \$10 per DVD for non-members. That includes shipping and handling. Details are available at the website or by calling the Communication & Educational Services staff at: 1-800-452-8786.

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ON THE ISSUES



Cuts to Municipal Revenue Sharing

Libby Mitchell

"We, collectively, have to look at how we spend the money."

"It is 'revenue sharing.' When the state gets into trouble, we're all in trouble."

Sen. Mitchell acknowledged the Legislature has, at times, overlooked how strong local identities are in Maine. School consolidation, she said, was a recent example of that. But, she said, citizens are not confident in all state and municipal spending taken as a whole. They may be confident in their town's spending, but not overall.

Paul LePage

The mayor tied revenue-sharing reductions to poor spending decisions made at the state level.

"My goal in Augusta is to reform education, to bring it to at least the national average in spending."

He said reforming spending at the state Education and Health & Human Services departments will "allow a return to revenue sharing the way we're used to it."

"I don't believe there's a shortage of money. I think there's a lack of priorities in spending."

Eliot Cutler

"I pledge not to raid municipal revenue sharing. I won't do it."

Mr. Cutler talked about forging a state-local "partnership" so that revenues and resources are seen in the bigger picture.

"Part of my job as governor is going to be making state government as effective and efficient as most local governments are in the state of Maine."

Shawn Moody

Mr. Moody addressed this question by comparing municipalities to small businesses.

"I view all the towns in Maine as small businesses. We all know what small business is: It's nimble, it's quick and you can get things done."

"I'm a big proponent of local con-

trol. If something doesn't go right, you're going to hear about it at the coffee shop the next day. And, you can adjust it within 30 to 60 days instead of three to six years."

Kevin Scott

"The process of shifting (obligations) is not a solution, it's not helping folks out, and towns are overburdened."

"I will be a strong advocate for looking at an innovative approach, putting our collective heads together, and including the folks who are most impacted."



55 percent State Subsidy of K-12 Education

Libby Mitchell

"It's not 55 percent of your local (education) budget, and many people think that it is. It's 55 percent of the whole cost of education."

"Yes, we need to work toward that goal. I'm not in favor of repealing that."

Sen. Mitchell said pushing for the 55 percent subsidy now threatens municipal revenue sharing even further.

Paul LePage

"I believe 55 percent is adequate but I will tell you that, as the governor, 55 percent will be earmarked and will be concentrated to the classrooms."

"I think the law was to educate children ... It was not intended to have a 500 percent variance between school districts and how you qualify children for special education. I will be tough on administration and special education."

Eliot Cutler

"The goals of education in the state of Maine need to be quality, cost-effective performance and equity."

"We are, I believe, at 42 percent of our (K-12) commitment and we're heading below 40 percent, to be blunt."

Shawn Moody

Mr. Moody said 55 percent funding is too high. He suggested taking the average state subsidy over the past five years and adding "a percent or two" to that. "To me, that is a realistic goal. Fifty-

five percent is not realistic."

"When you set an unrealistic goal you can almost dispirit an organization."

Kevin Scott

Mr. Scott estimated the state is subsidizing K-12 education at about 43 percent. "Forty-three percent does not equal 55 percent so, in my mind, we need to look at where our priorities are in government."

"We're going to have to find a way to meet these obligations."



Unfunded Mandates Pushed onto Municipalities

Libby Mitchell

"I would not avoid public policies that I think are good but I would like to work with you in terms of what the real costs are and make sure I'm not passing costs on."

"I don't want municipal leaders to feel that they are not equal partners at the table. That doesn't mean we will always agree."

Paul LePage

"Unfunded mandates that cross my desk (as governor) will go right into the trash can."

"I've been a mayor now for six years and a councilor for four years. Unfunded mandates are devastating and I can pledge, not only to the Maine Municipal Association but to the citizens of Maine, that unfunded mandates will never make it across my desk. Period."

Eliot Cutler

"To create unfunded mandates, and then to take away municipal revenue sharing and not provide the money to complete the specific tasks mandated by the directives, is irresponsible."

"There is a sense, I think, from everyone I speak with in the state, that we've got to start doing things very, very differently."

Shawn Moody

"I would advocate that if the state feels strongly enough about a certain issue or initiative, they fund that initiative

ON THE ISSUES

adequately. I would be very much a proponent to stick with funded mandates. Do I have to say I approve of mandates in general?”

“The social fabric of Maine is the local community. We’ve got to protect that, preserve that style, type of government.”

Kevin Scott

“Unfunded mandates from the national level to the state level down to the local level are unacceptable. It doesn’t make sense to me one bit.”



Financing the Transportation System

Libby Mitchell

“There was discussion about raising gas taxes (during the last Legislative session) and you know how that was met.”

“We need more money (for roads). All states are going through this. What is the best way to do this? Is it raising the gas tax or is that just a race to the

bottom” because fuel efficiency keeps climbing?”

“I did support bonding (for roads), do support bonding, would have been in favor of a bigger bond. But I couldn’t get it passed... Not borrowing for the sake of borrowing, but borrowing responsibly.”

Paul LePage

“I will not indebt the state any further, beyond its ability to pay. I will not raise taxes to pay for roads.”

Mayor LePage said Waterville has worked with Colby College and the state to handle some of its roads through a public-private partnership. “Any opportunity we have to do that (at the state level), I will do that.”

“I think the Department of Transportation needs to develop a new formula on how it approaches roads. A lot of roads now being done by the state can be done by the private sector.”

Eliot Cutler

“The state has a terrible time coming up with \$35 million for roads. At

the same time, there is about a \$3.8 million backlog – an unfunded liability, if you will – to repair roads and bridges throughout the state.”

“I think, No. 1, we have to take a look at raising the gasoline tax. It’s either that or a VMT (Vehicle Miles Traveled) charge, or something.”

Shawn Moody

“(Transportation) needs to be a priority and the consensus is it’s not right now.”

“Maine estimates a \$250 million shortfall right now to get our (transportation) infrastructure up to par.”

“It really revolves around driving private enterprise business practices – the business model – into state government.”

Kevin Scott

Mr. Scott suggested there may be ways to build better roads, ones that last longer, and Maine should get involved in that pursuit. Research like this is probably happening, he said.

“These are the things that people in

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ON THE ISSUES

Maine aren't always aware of – what good things are happening.”



Economic Development and the Business Climate

Libby Mitchell

“This is *the* question that we'll all be talking about” during the campaign.

“I was very, very impressed with the success I saw in Lewiston-Auburn. Nobody made them but they decided they wanted to work together. What a wonderful role model.”

“It might sound far-fetched but it's my opinion that education is also at the heart of this.”

Paul LePage

“I've been in business for 40 years and I've spent most of my business life in the State of Maine, either in the pulp and paper industry, consulting and now

the retail industry... As far back as I can remember, I believe the state of Maine to be very adversarial to business.”

“Every time the state needs new revenue, the Legislature looks to put it on the business sector. The problem with that is that wealth goes where it's welcomed and stays where it's appreciated.”

Eliot Cutler

“We have to cut the cost of living and doing business in the state of Maine.”

Mr. Cutler said high energy and health-care costs, and a low value of state services compared to what they cost, discourage business investment in Maine.

“We have to tear down what I call the 'wall of no.' There is a perception, which is reinforced by the way we deal with issues in Maine,” that this is a difficult state in which to run a business.

Shawn Moody

“Businesses look at the regulatory environment, tax environment, leadership” when deciding where to invest.

Mr. Moody said his collision-repair centers have gone through the regulatory systems in five Maine municipalities. Each time, he said, it would be nice at the end of the process for a municipal leader to say: “ ‘Welcome to _____. Thanks for doing business here.’ Not hearing that, you go home a 10 o'clock at night, or whenever it is, and say, ‘Wow.’”

Kevin Scott

“There is one way to attract businesses to Maine and that is to make certain the existing Maine businesses have the best possible environment to grow their businesses and hire employees.”

“I often quoted Albert Einstein when I was out in the springtime talking to Chambers... Any intelligent person

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ON THE ISSUES

can make a system more complex and difficult to manage. It takes a touch of genius and a lot of courage to move in that opposite direction. Let's move in the opposite direction."



Tax Reform

Libby Mitchell

"I fought for, and helped get through the Senate, a tax-reform package. The minus is the voters rejected it. That doesn't mean the problem has gone away. That means we have to continue to look at modernizing the code."

"The sales tax base is very narrow and very volatile. That means in a recession, people stop buying cars and refrigerators – and revenues fall."

"I also think there's a belief out there – and we have to work on it – that, 'Yeah, I want it (government services), but I don't have to pay for anything.'"

Paul LePage

Mayor LePage said he will "reduce the (state) income-tax rate from 8.5 percent to 5 percent but I do not believe you need to broaden the sales tax. I think what you need to do is lower state spending, become more efficient."

Eliot Cutler

Mr. Cutler said the state foregoes \$3.5 billion in revenue annually through myriad tax exemptions.

"We never revisit that, never re-evaluate it, never look to see if it's working. You guys (on the local level) do it every single year and we've got to do it at the state level. Then we've got to have a statewide conversation about the tax structure."

Shawn Moody

"We've got to broaden our tax base. I would look at doing that in an income-tax way and try to hold the line on property taxes because they're borderline

right now, especially for our elderly.'

"I'm not going to be that candidate who says, 'We're not going to raise taxes,' because it's irresponsible in times like we're (going to) face."

Kevin Scott

"My mission begins with reducing costs at the state level. Period. That's priority No. 1."

"In 2007, we had some reform that made a little bit more sense than the bill that came out of this last go-round."

"We need to get away from the favoritism and more importantly the perception by the public that favorites are being played."



Tax-Exempt Properties and Institutions

Libby Mitchell

"Nobody wants to take the hospitals



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on because they are community members.”

Sen. Mitchell said the state hopes municipal leaders tackle the issue; municipal leaders hope the state tackles it. “No one wants to be the bad guy.”

Paul LePage

Mayor LePage said Waterville is home to two tax-exempt colleges and two hospitals. “Our police department is called to the colleges far more often than it should be. Our Public Safety Department, in areas of our Fire Department, is called to the hospitals and nursing homes far more than (it) should be. We have a lot of resources that go up there. Is it a fair share? No, it’s not a fair share.”

He said questions about tax-exempt organizations “are very important” but he doesn’t have detailed answers at this point.

Eliot Cutler

Mr. Cutler said the state contracts with 7,000 non-profit entities. “Most of those organizations are not paying property taxes and I defy you to show me the difference between not-for-profit organization X and for-profit

organization Y.”

The issue of tax exemptions is “a huge problem.”

Shawn Moody

“People should pay their fair share. We would take a hard look at” tax exemptions.

“Times were pretty good not that long ago and, at the state level, we spent as fast as came in. There’s got to be some fiscal foresight and some positive surplus built in” when economic

times are good.

Kevin Scott

“I would definitely support a bill when we had exempted institutions coming to us and asking they can only be taxed this much.”

“We need to get to a point where these institutions understand that in the community the infrastructure, the demands on other taxpayers in the community, that these folks need to should some of the burden and help out.” 

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Clerks: New Absentee Voting Law is a Strain

By Liz Chapman Mockler

Maine town and city clerks say they will ask the Legislature to give voters a chance to amend the Constitution to allow for early voting. The step is needed, they said, because a still-new law permitting citizens to vote by absentee ballot without reason has been so successful it strained the state's election system.

"I think people are generally shocked to find out how much it really entails and the endurance that's involved with an election," said Patti Dubois, City Clerk in Bangor.

Some of Dubois' peers also say the state must address the problems caused by a "huge" up-tick in absentee ballots, which can only be opened and processed on the Monday before a Tuesday election.

"Where we were doing 100 before a presidential election, we could be doing 2,000 (now) – and it takes tremendous manpower," said Topsham Town Clerk Ruth Lyons.

In addition to the increased cost of elections because of absentee voting, the workload also has grown.

"It's not that I'm afraid to work, and I don't think any clerk is across the state," Dubois said, "but it's a fact that we are stressing the system to the point where someone's going to make a major mistake and it's really going to affect the outcome

"Are we going to be a Florida?" Dubois asked, referring to problems in the state during the 2000 presidential election. "Something has to give before something bad happens."

South Portland City Clerk Susan Mooney agreed that "people love" absentee voting.

"It's a very popular part of an election now and I'm thrilled we can offer that to the public," said Mooney, president of the Maine Town and City Clerks Association. "But to have that last period of time to be able to prepare effectively for an election would be wonderful."

The three veteran clerks recently agreed to answer election-related questions for the Townsman. Below are their answers in edited form; more of the clerks' commentary is available on the Maine Municipal Association's website (www.memun.org) as an audio feed.

Q: What is the most significant change in Maine election laws in recent history?

Dubois: The ability (to) vote by absentee ballot without a reason. We've shifted now to (having) almost 50 percent of votes cast before Election Day. It's certainly a plus for the voters; it allows them the convenience to vote basically any time.

Lyons: The most significant change is not to have a reason for an absentee ballot. I think it's wonderful for the voter, but I think it has impacted the clerks and registrars in every town simply because people will use it because it's easy and it's convenient... It was designed to help people that were shut-in, people that were handicapped ... The Secretary of State's office is very aware of (the problem) and they are seeking changes; they've sought a lot of input from us.

Mooney: The creation of the centralized voter system (that) allowed the state to have one database of all registered voters ... rather than each community having their own individual databases where we would have no way of knowing if someone was registered in more than one community. It was

a huge improvement for ... reporting and tracking election information.

Q: If you could make one change to the state's election laws, what would it be and why?

Lyons: To let us do early (voting) ... Let the voter come in and deposit their (absentee) ballot in the machine.



RUTH LYONS

EDUCATION:

Casco Bay College
Communications

EXPERIENCE:

Topsham town clerk, 1990-present
Realtor, 10 years

PROFESSIONAL:

Member and past president, Maine Town & City Clerks Association; certified Maine municipal clerk; certified clerk, International Institute of Municipal Clerks

Family: Married, two children and six grandchildren

Liz Chapman Mockler is a freelance writer and editor from Augusta, lizmockler@hotmail.com

I'm a huge promoter of that. And then there's no question (for the voter) that the ballot was deposited.

Mooney: A cutoff for absentee voting, even if it was just at noontime on Monday before an election. I would open up on a Saturday and have us operate the whole Saturday before an election to do absentee voting. We can have 600 to 700 people come in and absentee vote the day before the election. It's huge.

Dubois: Have a cutoff for absentee voting and also registrations – say, the day before the election because ... (there are) other functions taking place simultaneous with the election. I think that people who know they have the ability to register on Election Day

probably would be disenfranchised if there was no Election Day registration, (but) I'm also mindful of the fact that the system is stretched almost to the breaking point across the state.

Q: What is the most important job in preparing for an election or town meeting?

Mooney: Testing of the equipment. We have to test absentee ballots through each of the machines from each of the polling places. Then, we have to run some of the regular ballots through. We have to make sure the machines are working efficiently.

Dubois: I have a timeline that I prepare before each election. It's a five-page check-off of things I need to do and things that are timely and it's

kind of in sequential order, starting at four or five months out and moving to a month out. That's what allows me to prepare for each election and make sure I don't miss a really critical piece ... that could put into question the entire election.

Lyons: Setting up my timetable when things have to go to public hearing, when the board has to (finish the budget), when the warrant has to be finished, when the warrant has to be printed, when everything has to be posted. Those are my priorities.

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PATTI DUBOIS

EDUCATION:

Kennebec Valley Technical College, Fairfield
Applied science, speech/language
Thomas College
Real estate

EXPERIENCE:

Bangor city clerk, 2004-present
Bath, assistant assessor
Waterville city clerk (2001-2004),
administrative assistant to assessor,
administrative assistant to the Public Works Department

PROFESSIONAL:

Member and vice president, Maine Town & City Clerks Association; certified municipal clerk; certified clerk of Maine; certified Maine assessor; member, International Association of Municipal Clerks, New England Town & City Clerks Association and Penobscot County Clerks Association

Family: Married, two children

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Q: Has technology affected how elections are held in Maine?

Dubois: Yes. (It has) enhanced the election process. The state has implemented a statewide voter registration database and that allows us to track absentee ballots. It allows for protection against voter fraud so if someone comes in and has requested and voted in absentee ballot here in Bangor, and then goes to Hermon and tries to register, (the system) will flag that they've already voted a ballot in Bangor.

Lyons: Yes. I think the state has been very good in (updating) technology. I think most of us, if not all of us, embrace technology in moving forward.



SUSAN MOONEY

EDUCATION:

University of Southern Maine
Computer software training courses
New England Municipal Clerks
Institute
Institute for Civic Leadership

EXPERIENCE:

South Portland city clerk, 2001-present
South Portland deputy treasurer/tax
collector, data manager, payroll/purchasing clerk, cashier

PROFESSIONAL:

Member and president, Maine Town & City Clerks Association; certified associate tax collector; certified municipal clerk, International Institute of Municipal Clerks; 2005 Lorraine M. Fleury Award for outstanding election work

Family: Married, two children

Mooney: Technology has had a huge impact. I can't even envision what it was like before electronic voting machines. Just being able to zip (ballots) through the machine (is) phenomenal; to be able to instantly upload your election results on your website. It's huge just to be able to get that information out.

Q: How do you choose election workers that you use and how do you determine how many you need for any given election?

Mooney: I have a spreadsheet on voter turnout. You can pretty much (estimate turnout) and we staff accordingly.

Dubois: I try to use the people who have been around (a long time). In 2008, we actually advertised for more people because I knew I was going to need more workers. I think the key to running a successful election is having adequate staffing ... (or) it's just not going to work.

Lyons: I give the (political) parties a list of my election workers at every caucus every two years and if they want to add to it, they can. So I try to use all the people. I have the ones I rely on all the time because they're well-trained.

Q: What is the funniest thing you've seen on election day?

Dubois: (During) the presidential election year in '08, we had hired on so many new workers that a lot of the existing workers hadn't met some of the new people. This one gentleman came and he said to the (election) warden, "I'm here to work the election," so she sat him down in the place where the poll watcher was supposed to sit. So he sat there the whole day and left and she never used him because she thought he was a poll watcher instead of an election worker. The warden said, "He sat there all day and never said a word."

Lyons: It's kind of funny and it's kind of irritating: A young man came in with an absentee ballot, five minutes to 8 (p.m.), before we were going to close and he said, "I want to vote in person." I said, "Then you have to give me that ballot." (He said): "I don't want to give you that ballot. I studied for two weeks on how to fill out the absentee ballot." So finally I said to him, "Look, you either *get in there* and vote and give me that ballot or you leave." And, he chose to go in (and vote) and he gave me the ballot.

Mooney: Deputy Clerk Jennifer Scholz will usually go out to our local nursing home and do absentee voting with the residents and (once) she ended up sitting down with an elderly lady (who) leaned over and said "I'm naked under my kimono," and Jennifer never missed a beat. She just reached over, patted her hand and she said, "That's OK, hon. You can still vote." 

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Maine Moves Toward Statewide Building Code

By Jeffrey Austin, Legislative Advocate, MMA

Around noon on May 27, an entity called the Technical Building Codes and Standards Board (the Board) met in a windowless conference room within the sprawling Department of Public Safety complex in Augusta and unanimously voted to adopt the first statewide building code in Maine history. That code goes by the acronym MUBEC, which stands for the Maine Uniform Building and Energy Code. Even though the heavens didn't move and the Earth didn't shake, this was one of the more significant public policy changes in Maine in recent times.

The adoption of a statewide building code, will affect the way municipalities manage the building-inspection process, with different impacts on different municipalities. This article is an overview of the statewide building code and the major issues that municipalities should consider. MMA has created a webpage where more information may be found, including a nine-page "Q&A" document. That webpage is <http://www.mmun.org/public/MMA/svc/SFR/BuildingCode/default.htm>

STATEWIDE LAW

The law calling for the adoption of a statewide building code was enacted by the Legislature in 2008 with some fix-up amendments enacted in 2009. The laws impact several Titles of law in the Maine statutes. Both acts are posted at the MMA website as is an "annotated" version assembled by MMA staff that attempts to synthesize the major elements of both acts into a single document.

The first point to be made is that the code will be effective statewide – it will apply in all municipalities, even

those that have never had a building code before. The method of enforcement created by the Legislature is somewhat convoluted and has caused confusion as to the applicability of the code. But the law is quite clear. Regardless of the enforcement regime in a particular community, MUBEC applies in all of the organized (non-LURC) territories in Maine. All persons engaged in the construction of any buildings should be aware that the building code will govern construction in all Maine municipalities as of December 1, 2010.

WHAT IS MUBEC?

MUBEC is not a single code. It is composed of four different codes and four standards.

These are national codes and standards adopted by three entities. The four building codes are the product of the International Code Council (ICC) and the air quality standards are the product of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). The Maine Radon Code is a standard adopted by the American Society for Testing and Materials.

Not every element of each of these codes has been incorporated into the MUBEC. In fact, in the course of adopting the MUBEC the board deleted several chapters of the individual codes in their entirety.

Furthermore, some of the code provisions were inconsistent or difficult to reconcile with the state Fire Code. The Board is also adopting a series of amendments to help "harmonize" the MUBEC with the Fire Code.

Because the organizations which produce the codes are private organizations, it is not possible to download

and print the codes for free. Purchasing them is an option, but they can be quite expensive.

The ICC codes and ASHRAE standards are viewable online for free but they may not be downloaded or printed for free. The Maine Radon Code is a standard produced by the American Society for Testing and Materials (ASTM). Links to all three organizations may be found on the MMA webpage.

The State Planning Office has expressed its intent (hope) to provide one copy of the full MUBEC at no cost to any municipality that is enforcing the code.

THE BOARD AND THE BUREAU

The building code law(s) established both a Building Code Board and a Bureau of Building Codes and Standards. The Board is an 11-member volunteer board, plus the Commissioner of the Department of Public Safety who is an ex-officio member. The members are appointed by the Governor and represent many impacted parties, including two municipal code enforcement officers.

The Building Code Bureau is a two-person office within the Department of Public Safety. The Director and Administrative Assistant are responsible for providing the staff support for the Board and the day-to-day administrative duties of code interpretations, processing requests for code amendments and answering questions from the general public. The Director of the Bureau is Richard Dolby, a former code enforcement officer from the City of Augusta. The Bureau's website can be found at: <http://www.maine.gov/dps/bbcs/>

On July 26, the Board held its

formal rulemaking public hearing on the adoption of the MUBEC. Approximately 60 people attended. While no real opposition to the adoption of MUBEC was expressed, several builders and a few municipal officials did raise some concerns. The three-hour hearing was dominated by testimony from at least 5 fire fighters, a sprinkler system association representative and a representative from the National Fire Protection Association (NFPA) who criticized the Board's decision to not require all new single-family homes be constructed with a sprinkler system.

MMA provided testimony to the Board and the testimony can be found on the MMA webpage.

The Board is scheduled to meet on

August 19 at the Department of Public Safety complex in Augusta. The presumption is that the Board will vote on the final adoption of MUBEC at that meeting.

WHAT IS REQUIRED?

The building code law splits municipalities into two categories – those over 2,000 in population (as of the last Census) and those under 2,000 in population.

For municipalities under 2,000 in population, the law requires no municipal action of any kind. The only potential change is that if such a municipality currently has a locally adopted building code, that code will be void as of December 1, 2010, just like all other municipally adopted codes

Members of Building Code Board

Rich McCarthy

Representing the State Fire Marshal's office, recommended by the Maine Fire Chief's Association

Shiloh Ring

CEO, representing a municipality that is not a service center community (under 5,000 population), recommended by the Maine Municipal Association

Richard Lambert

CEO, representing a Municipality that is a Service Center Community (over 5,000 population), recommended by the Maine Municipal Association

Barry Chase

Representing Residential Builders, recommended by a statewide or regional association of home builders and remodelers

Jeff Ohler

Representing Commercial Builders, recommended by a statewide Association of General Contractors

Roger Rossignol

Representing a statewide chapter of the National Institute of Architects

Paul Becker

Representing Structural Engineers, recommended by a statewide Association of Structural Engineers

Mike Pullen

Representing the Maine Historic Preservation Commission

Rick Karg

Energy Efficiency Representative, recommended by the Director of the Governor's office of Energy Independence and Security

Russ Martin

Mechanical Engineer, recommended by a statewide Association of Mechanical Engineers

Dick Tarr

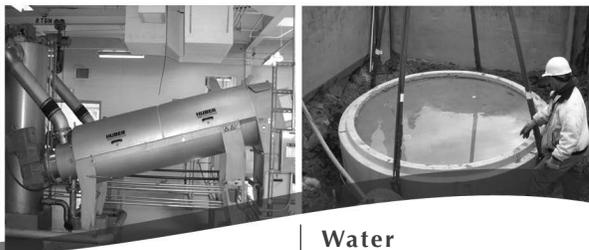
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in Maine. Otherwise, a municipality under 2,000 does not have to do any enforcement. Our understanding is that the vast majority of municipalities under 2,000 do not have a locally adopted building code.

This isn't to say that the MUBEC does not affect municipalities under 2,000. Construction in these communities must meet code; there is just no required municipal enforcement.

For municipalities over 2,000 in population, there is an enforcement obligation. Certificates of occupancy may not be issued by a municipality with a population over 2,000 without first receiving a report that indicates the construction meets code. So, those municipalities must either revise, or in some cases implement a certificate of occupancy program.

Maine law has long mandated that municipalities over 2,000 in population employ an inspector of buildings and establish a "certificate of occupancy" process. Under the new building code law, it is this certificate of occupancy process that must incorporate the MUBEC provisions.

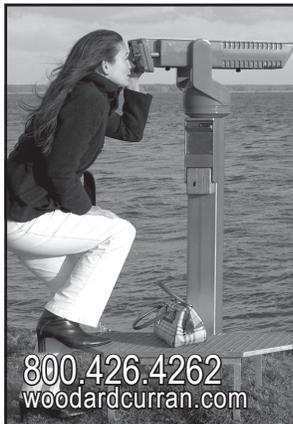
In the late 1800s there were several significant fires in Maine including the big fire of 1866 that burned much of Portland. The insurance industry sustained such heavy losses in these fires that it pressured the Legislature to require that buildings be constructed in such a fashion as to "see that all proper safeguards against the catching or spreading of fire are used." And further, that no building could be occupied without a certificate that the building is "safe from fire." However, no real guidance, or detailed mandate, was ever enacted to clarify what this meant. Accordingly, for some municipalities the certificate of occupancy process has never been well-developed or enforced.

It was into this 100-plus-year-old law that the Legislature inserted the obligation to enforce the MUBEC such that the mandate now is for municipalities over 2,000 in population to issue certificates of occupancy for new construction or significant reconstruction. That is, occupancy may not occur until "the building official has given a certificate of occupancy for compliance with the Maine Uniform Building and Energy Code." This is the mandate.

WHAT'S IN THE SERIES?

The MUBEC series of codes includes:

- 2009 International Building Code (IBC) for commercial projects
- 2009 International Existing Building Code (IEBC) (aka the "Rehab" code)
- 2009 International Residential Code (IRC)
- 2009 International Energy Conservation Code (IECC)
- 2007 ASHRAE Standard 62.1 (Ventilation for Acceptable Indoor Air Quality)
- 2007 ASHRAE Standard 62.2 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings)
- 2007 ASHRAE Standard 90.1 (Energy Standard for Buildings except Low-Rise Residential Buildings)
- 2006 Maine Model Radon Standard ASTM E1465-06 for new residential construction



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WHO WILL INSPECT?

This is where municipalities have a choice. The state building code laws require builders to hire certified third-party inspectors to conduct the required inspections unless the municipality has voluntarily chosen to have a certified municipal building inspector do the work.

A municipal code enforcement officer / building inspector (CEO) may enforce the code. The Legislature is hopeful that CEOs who currently enforce a municipally adopted building code will continue enforcing the MUBEC as they had their municipal code – as long as they satisfy a new training and certification standard for MUBEC.

However, municipalities don't have to use municipal CEOs/building inspectors to do these inspections. The Legislature made it clear that municipalities are not obligated to conduct these MUBEC inspections.

The building code law calls for the emergence of a new kind of inspector, a certified "third-party" inspector. If a municipality does not voluntarily choose to have a municipal CEO conduct the inspections, the law mandates that homebuilders (or commercial property developers) hire a third-party inspector to determine if the construction satisfies the MUBEC. These third-party inspectors would then submit to the municipality a report stating that the project meets code in order to receive a certificate of occupancy.

The law is also clear that a municipality receiving a third-party inspector reports has no obligation to review, verify or otherwise insure the accuracy of that report. The certificate of occupancy process could be little more than a clerical function for a municipality if that is what it chooses. A municipality may choose to do more and reserve the right to review these reports for accuracy before issuing a certificate of occupancy. For many communities this might be the appropriate "hybrid" approach where the municipality doesn't have to conduct inspections, but maintains an oversight role.

It's important to remember that no municipality, even the largest communities with the most well-established building code departments, is obligated to conduct inspections with

municipal CEOs or building inspectors. Some of these communities will undoubtedly choose to control the inspections and insure the quality of construction in their communities. However, they too can rely on third-party inspectors and this may be more likely to happen with respect to the inspections associated with some of the more technical codes or larger commercial projects.

In order for an individual to become a third-party inspector, he/she would have to be certified by the State Planning Office (SPO). The SPO has recently conducted rulemaking to establish the certification qualifications. The SPO rule can be viewed at this web address: <http://www.maine.gov/spo/ceo/index.htm>.

Essentially, a third-party inspector has to take a certain amount of training and pass some written tests.

[No tests have yet been offered and accordingly no certified third-party inspectors exist. SPO indicates that the intention is to offer testing in September. SPO Training Coordinator Amanda Lessard can be contacted with questions about testing.]

Municipal CEOs who are going to enforce the code also need to be certified. The testing requirement will be waived for CEOs who have experience enforcing national model building codes. However, ongoing training will be required.

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key policy discussion and the primary decision that boards of selectmen, town and city councils and legislative bodies must make. Will your community choose to actively enforce the building code with a certified municipal inspector? If not, the public will need to abide by the state's building code law and hire a third-party inspector.

May a Municipality Amend the MUBEC Locally?

Generally, local amendments to the MUBEC code are not allowed, except that local ordinances which are inconsistent with MUBEC are permitted to the extent they govern the administration of local code enforcement.

A major policy goal of the Legislature in adopting the MUBEC code was to establish a uniform set of standards across the state. This would make it easier for architects and builders who would no longer need to spend time figuring out which codes applied in which communities.

A provision in the final law, however, states that local ordinances that establish an enforcement protocol for that municipality are allowed – even if they are inconsistent with the MUBEC's enforcement provisions. So, MMA has interpreted the statute to mean that all of the steps associated with enforcement – included locally adopted permitting requirements, fees, documentation, inspections, timelines and appeal processes – may continue to exist or may be enacted even if they are distinct from the enforcement provisions contained in the national model codes and incorporated into MUBEC.

CONCLUSION

The MUBEC and the associated rules, regulations, certifications and statutory amendments are part of an ongoing process and changes to the information given above may occur. Additionally, there is more information about issues like sprinklers for residential construction and the process the Board will use to amend the code in the future that this article hasn't touched on. Please visit the MMA webpage and the Bureau webpage for more information. A panel discussion on the building code is scheduled for the MMA convention in October. 

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:

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Joe Brooks, Council Vice-chair, Winterport

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LPC/Senate District 32:

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Richard Bronson, Councilor, Bangor (2011)

Clinton Deschene, Manager, Hermon
(2012)

LPC/Senate District 33:

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LPC/Senate District 34:

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Martin Puckett, Manager, Chapman

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2010 MMA Convention

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DON'T MISS THE SPECIAL FEATURES AND EVENTS



Keynote – Travis Roy – Inspiration From a Maine Hero

Tuesday, October 12 – 9:00 a.m.-10:15 a.m.

Our special guest and keynote speaker is Travis Roy, whose inspirational story many Mainers may know. A standout hockey player at North Yarmouth Academy, Roy attained his dream of playing Division I hockey at Boston University – only to suffer a devastating injury 11 seconds into his first game with BU. Fifteen years later, still paralyzed from the neck down, Roy runs a foundation that provides \$500,000 a year for spinal-cord injury research and to help people with medical needs. He speaks publicly 30 times each year, has written a book and offers sports commentary for ESPN.



How Can Small Towns Compete in a Global Economy?

Tuesday, October 12 – 10:30 a.m.-11:50 a.m.

This session, coordinated with the National League of Cities, combines economic analysis, forecasting and will show leaders from small towns across Maine what they're competing against in the business world. It is possible for rural states like Maine and small communities to find lucrative niches and "be cool." That doesn't mean the competitive marketplace is an easy one to conquer. **Presenter: Dr. David Ivan, professor at Michigan State University, a national expert on rural states' economies.**



Running Government during Anti-Government Times

Wednesday, October 13 – 9:00 a.m.-10:00 a.m.

The anger that citizens have expressed toward their federal and state government leaders splashes onto municipal leaders, too. Yet, it is widely agreed that municipalities represent the most efficient, responsible and accessible level of the inter-governmental system. Here's how to keep your chin up during a stormy political period. **Presenter: Honorable John Jenkins, former Mayor, City of Auburn**

2010 MMA Convention

General Sessions & Events *(preliminary)*

Tuesday, October 12

7:30 a.m. Registration Begins

8:00-8:50 a.m. Continental Breakfast in Exhibit Area

9:00-10:15 a.m. Welcome and Keynote

Inspiration From a Maine hero

Our special guest and keynote speaker is Travis Roy, whose inspirational story many Mainers may know. A standout hockey player at North Yarmouth Academy, Roy attained his dream of playing Division I hockey at Boston University – only to suffer a devastating injury 11 seconds into his first game with BU. Fifteen years later, still paralyzed from the neck down, Roy runs a foundation that provides \$500,000 a year for spinal-cord injury research and to help people with medical needs. He speaks publicly 30 times each year, has written a book and offers sports commentary for ESPN.

10:15-10:30 a.m. Break & Time with Exhibitors

10:30 a.m.-11:50 a.m. SPECIAL SESSION!

How Can Small Towns Compete in a Global Economy?

Money & Finances: This session, coordinated with the National League of Cities, combines economic analysis, forecasting and will show leaders from small towns across Maine what they're competing against in the business world. It is possible for rural states like Maine and small communities to find lucrative niches and "be cool." That doesn't mean the competitive marketplace is an easy one to conquer.

Presenter: Dr. David Ivan, professor at Michigan State University, expert on rural states' economies.

10:30 a.m.-11:50 a.m. CONCURRENT SESSIONS

Managing Humans in a High-Tech World

What do you do when your new employee spends too much of his workday texting friends from his desk? Or, when an employee updates her Facebook page on municipal time? Then, there's the manager who updates Facebook from home, but sometimes makes critical remarks about the workplace. This workshop examines the potential problems and how to address them, without going too far.

Presenters: Attorneys Linda McGill and Amanda Meader, Bernstein Shur.

Meet With the Managers

This session is designed as a general discussion among town and city managers and officials from other areas of municipal government, including fire and police departments. Are there ways to

improve communication, coordination and efficiency as all municipal departments struggle with tight resources?

Moderator: Thomas Goulette, manager, Town of Guilford

Nailing the Statewide Building Code

Thanks to a new law passed during the last two legislative sessions, Maine is on its way to developing and adopting a statewide building code. While the consistency a statewide code could bring is generally supported, the questions about details and what municipalities must do under the law need attention.

Presenters: Jeff Austin, Legislative Advocate, State and Federal Relations, MMA; Dick Dolby, Director, Bureau of Building Codes and Standards.

11:50 a.m.-Noon Break & Time with Exhibitors

Noon-1:30 a.m. LUNCHEON CELEBRATION

Awards and Incoming MMA President

1:30 p.m.-1:45 p.m. Break & Time with Exhibitors

1:45 p.m.-2:45 p.m. CONCURRENT SESSIONS

Guarding the Public Purse

Money & Finances: How can selectmen, councilors and managers keep their eyes both on their overall municipal budgets during difficult economic times – and on employees who handle the money? MMA members have been asking for hands-on advice on both fronts. This workshop is a direct response to those requests.

Presenter: Ron Smith, RHR Smith

Wrongful Termination & Harassment

Tight and even declining municipal budgets force managers and elected officials to make decisions about laying off employees, reducing benefits and spreading more work around. Yet, these matters have to be handled properly and even delicately. Our experts offer advice.

Presenters: Attorneys Edward Benjamin Jr. and Mark Franco, Thompson & Bowie, Portland

How to Handle Foreclosures & Vacant Buildings

It's far from breaking news to learn that more commercial and residential buildings are going through the foreclosure process than in previous years. What might surprise you is just how many municipal departments need to be involved when this happens, including the Tax Collector and Treasurer; Tax Assessor; Code Enforcement; Public Works; even the Fire Department. Here's how municipalities can do it.

Presenters: Roby Fecteau, Code Enforcement, Biddeford; Joe Warren, Fire Chief, Biddeford; and, Roger Beaupre, Police Chief, Biddeford

Budgeting and Social Service Agencies

It comes up pretty routinely during budget workshops or at Town Meeting: Why is the homeless shelter getting \$10,000? Why is the animal shelter receiving \$5,000? Here is a guide to help municipalities rank social-service requests and prepare for inevitable questions about spending priorities and decisions.

Presenters: Jim Bennett, manager, City of Presque Isle; Martin Puckett, manager, Towns of Castle Hill, Chapman and Mapleton

2:45 p.m.-3:15 p.m. TOUR OF MMA

Stroll over to the MMA building for a guided tour, including a look at our new conference center.

2:45 p.m.-3:15 p.m. Break & Time with Exhibitors

2:45 p.m.-3:15 p.m. MMA Business Meeting

3:15 p.m.-4:15 p.m. CONCURRENT ROUND TABLES

Collaboration & Cooperation

Money & Finances: It may be undersold and underappreciated, but municipalities have worked together cooperatively for generations. Still, it's a safe bet that many towns and cities are looking to save money by streamlining and sharing services. This panel starts the roundtable discussion with a few examples and then opens up the topic to other attendees.

Presenters: John Sylvester, Selectman, Town of Alfred, MMA President; Chief Darrel Fournier, Town of Freeport Fire and Rescue.

Understanding Health-Care Reform

President Barack Obama calls it the milestone of his first term. There is no doubt that passage of federal health-care reforms was a significant act – but now what? How are municipalities affected as employers? What will change and how much do we know at this point about the impact of the new law?

Presenters: Steve Gove, Director of Health Trust Services, MMA; David Barrett, Director of Personnel Services & Labor Rela-

tions, MMA; Anne Wright, Manager of Employee Benefits, Employee Benefit Solutions, Portland.

Crisis Communication: When News Breaks

It may be triggered by a flood, big fire, major crime or even a protest at the municipal office. Every once in a while, municipal leaders deal with the TV crews, print reporters and website bloggers who roll into town chasing a major story. This roundtable discussion offers tips on what to expect and how to respond.

Presenters: Eric Conrad, Director of Communication & Educational Services, MMA; Stephen McCausland, Public Information Officer, Maine State Police; Susan Sharon, Deputy News Director, Maine Public Broadcasting; Robert Caswell, Director of Public Affairs, University of Southern Maine.

Highway Simplification Study

The Maine Department of Transportation earlier this year floated a proposal to pay municipalities an amount of money and transfer responsibility of maintaining and clearing so-called “collector roads” to municipalities. A good number of questions followed the proposal. Here's an update.

Presenters: Kate Dufour, Legislative Advocate, State & Federal Relations, MMA; Peter Coughlan, Director, Maine Local Roads Center; Clint Deschene, Manager, Town of Hermon.

3:30 p.m.-5 p.m. Right to Know

This session will review the rights and duties of public officials under Maine's Freedom of Access Act (FOAA), commonly known as the “Right to Know” law. It is designed to satisfy the Right-to-Know training requirement imposed by State law on certain elected officials, including selectmen, councilors and elected clerks, treasurers, assessors and budget committee members.

Presenters: William Livengood, Director, MMA Legal Services; Richard Flewelling, Assistant Director, MMA Legal Services

4:15 p.m.-6 p.m. Welcoming Reception in Exhibit Area

6 p.m. Networking Dinner on Your Own

(Information Available at Registration Desk)

Wednesday, October 13

7:30 a.m. Registration Begins

7:30 a.m.-9 a.m. Hot Breakfast Buffet in the Exhibit Area

9 a.m.-10 a.m. SPECIAL SESSION!

Downtown Revitalization

This workshop, organized in conjunction with the National League of Cities and its America Downtown program, offers national, Maine and local context on the challenges and opportunities that Maine communities face in developing their downtown areas.

Presenters: Doyle Hyett, consultant to the NLC's America Downtown program; Shannon Haines, Executive Director, Waterville Main Street.

Special Note: Mr. Hyett is available for one-on-one consulta-

tions following this workshop.

9 a.m.-10 a.m. CONCURRENT SESSIONS

Community Development

Money & Finances: A planning and training session on the value and funding of local community and economic development programs from the local, regional and private-sector perspectives.

Presenters: Rodney Lynch, Darryl Sterling, Gail Chase, Ron Harriman, Maine Community Development Association.

Municipal Management in the 21st Century

Increasing productivity from the municipal work force is more important than ever. Here are some practical and legal tips on doing so, keeping in mind that while customer service is the No. 1 priority, employee rights must be considered.

Presenters: Attorney Pat Dunn of Jensen Baird, Portland; Glenn Aho, Manager, City of Auburn.

Running Government During Anti-Government Times

The anger that citizens have expressed toward their federal and state government leaders splashes onto municipal leaders, too. Yet, it is widely agreed that municipalities represent the most efficient, responsible and accessible level of the inter-governmental system. Here's how to keep your chin up during a stormy political period.

Presenter: Honorable John Jenkins, former Mayor, City of Auburn

10 a.m.-10:30 a.m. Break & Time with Exhibitors

10:30 a.m.-Noon: THE RACE FOR GOVERNOR

Forum with the Candidates

One thing's for sure about 2011: Maine will have its first "new" governor in eight years. Come and gain new insight as this session – part debate, part Q&A session – focuses on municipal issues and asks candidates for the Blaine House how they would address our critical needs. All five candidates on the ballot have been invited.

Host and Moderator: Tory Ryden, former Anchor, WMTW-TV Channel 8

Noon-1 p.m. PORTABLE LUNCH IN EXHIBIT AREA

1 p.m.-3:30 p.m. LEGISLATIVE POLICY COMMITTEE AT MMA

Members of the MMA's Legislative Policy Committee meet to discuss upcoming Legislative issues at the 2011 session. Attendance by non-committee members is permitted. Participation is limited to LPC members and MMA staff.

1 p.m.-2 p.m. CONCURRENT SESSIONS

Credit Card Use and Risks

Money & Finance: This session will present the changing legal, technological and practical issues associated with local governments and entities accepting payment by credit card. Doing so is in popular demand, but there are some steps to consider before jumping in.

Presenters: Suzanne Knight, Assistant Finance Director, City of Portland; Susan Borelli, Office Manager, City of South Portland; Ruth Porter, Finance Director, Town of Scarborough; Alex Kimball, Finance Director, Town of Cumberland.

Preparing for the Worst

The session looks at how Maine has prepared for previous disasters and outbreaks, from H1N1 to floods and ice storms. How well-equipped are Maine municipalities to deal with the unexpected? Experts provide analysis and tips, including how elected officials can show leadership during trying times.

Presenters: Robert McAleer, Director, Maine Emergency Management Agency; Dr. Steven Diaz, Vice President of Medical Administration, MaineGeneral Health; Robert Gardner, Planning & Research Associate, Maine Emergency Management Agency.

Succession Planning

This session will cover aspects of successfully implementing a strategy for a succession plan with tips on educating and avoiding pitfalls. Succession planning is a tool that can be used at multiple levels within an organization. If done right, it reduces costs, boosts morale and helps preserve historical knowledge.

Presenters: Donald H Jutton, Founder and President of Municipal Resources Inc., Meredith, N.H.; Rick Dacri, Dacri Associates, Kennebunkport; Michael Pardue, Founder and President of Central Intelligence, Kennebunk.

2 p.m.-2:15 p.m. Break & Time with Exhibitors

2:15 p.m.-3:30 p.m. CONCURRENT SESSIONS

Online Accounts: Is Your Money Safe?

Money & Finance: More municipal money than ever before is being deposited and withdrawn electronically, with the strokes of a few keys and the click of a mouse. Here are a few hands-on ways to ease your comfort around online banking and accounting, with special tips for elected officials.

Presenters: Robert N. Brown, Jr., CPA, CFE, The CPA Solution; Jennifer Seekins, Vice President for Treasury and Payment Services, Bangor Savings Bank.

Flooding: Lessons Learned

In 2006 and 2007, the Kennebunk Sewer District experienced record-breaking floods that impacted the operation of its wastewater treatment plant. The 2007 flood caused \$1.3 million in damage and nine million gallons of sewage discharge. This workshop reviews the events, flood-protection alternatives, development of design berm parameters, permitting requirements and construction of a berm.

Presenters: Denise L. Cameron, PE, Project Engineer for Woodard and Curran in Portland; David W. Hughes, PE, Senior Project Manager/Vice President, Woodard & Curran.

Good Ethics, Good Government

Practice what you preach. All elected and appointed leaders know that ethical, professional behavior starts at the top and that all eyes are on them. This program instructs attendees about how to create and maintain an ethical workplace and a culture of professionalism.

Presenters: Alan S. Gould, Vice President and Chief Operating Officer, Municipal Resources; Donald R. Jutton, President, Municipal Resources.

Centralized Voter Registration Software

The state's top expert on Centralized Voter Registration Software that plays such an important role at election time is on hand to answer questions about how municipal clerks can get the most out of the new program.

Presenter: Sue Look, CVR Manager, Maine Secretary of State

3:30 p.m. Time with Exhibitors

4 p.m.-5 p.m. Dessert Social and Door Prize Giveaways (Exhibit Area)

Affiliate Group Programs

Maine Association of Assessing Officers:

TUESDAY, 10/12

- 9:15-10:15 Inspiration from a Maine Hero-
Keynote Speaker, Travis Roy
- 10:30-12:00 Business Meeting
- 12:00-1:45 Awards Luncheon
- 1:45-2:45 Electronic Communications & More
- 3:00-4:30 Electronic Communications & More, cont.

WEDNESDAY, 10/13

- 10:30-11:45 Forum for the Leading Candidates

Maine Chapter of American Public Works Association:

TUESDAY, 10/12 (*Other interests for Public Works*)

- 9:15-10:15 Inspiration from a Maine Hero-
Keynote Speaker, Travis Roy
- 12:00-1:45 Awards Luncheon
- 3:00-4:00 Roundtable: Highway Simplification Study
Roundtable: Collaboration & Cooperation

WEDNESDAY, 10/13 (*Sponsored Program*)

- 8:30-9:00 MCAPWA Board Meeting
- 9:30-10:00 RSMA-2010
- 10:15-10:45 LD 1725 Status
- 10:45-11:15 Snow Melting Technology
- 11:11-11:45 Dust & Erosion Control by Sweeping
- 12:00 Luncheon-Augusta Elks

Maine Community Development Association:

TUESDAY, 10/12

- 9:15-10:15 Inspiration from a Maine Hero-
Keynote Speaker, Travis Roy
- 12:00-1:45 Awards Luncheon
- 3:00-4:00 Roundtable: Highway Simplification Study
Roundtable: Collaboration & Cooperation

WEDNESDAY, 10/13

- 9:00-10:00 Professional Dev. Training on Funding
- 10:30-11:45 Forum for the Leading Candidates

Maine Fire Chiefs' Association:

TUESDAY, 10/12

- 9:15-10:15 Inspiration From a Maine Hero-
Keynote Speaker, Travis Roy
- 10:30-12:00 Meet With the Managers
- 12:00-1:45 Awards Luncheon
- 3:00-4:00 Roundtable: Collaboration & Cooperation

WEDNESDAY, 10/13

- 10:30-11:45 Forum for the Leading Candidates
- 1:00-2:00 Preparing for the Worst: MEMA/FEMA

Maine Municipal Tax Collectors' & Treasurers' Association:

TUESDAY, 10/12

- 9:15-10:15 Inspiration from a Maine Hero-
Keynote Speaker, Travis Roy
- 10:30-12:00 Managing Humans in a High-Tech World
- 12:00-1:45 Awards Luncheon
- 1:45-2:45 Foreclosures & Vacant Buildings-A Case Study
- 3:00-4:00 Roundtable: Collaboration & Cooperation

WEDNESDAY, 10/13

- 9:00-10:00 Running Government During Anti-Government
Times
- 10:15-11:15 MMTCTA Executive Board Meeting
- 1:00-2:00 Money & Finances: Credit Card Use and Risk
- 2:30-3:30 Money & Finances: Online Accounts-
Is Your Money Safe?

Maine Town & City Clerks Association:

TUESDAY, 10/12

- 9:15-10:15 Inspiration from a Maine Hero-
Keynote Speaker, Travis Roy
- 11:00-12:00 State Agencies Update
- 12:00-1:45 Awards Luncheon
- 2:00-4:00 State Agencies Update, cont.

Maine Town & City Management Association:

TUESDAY, 10/12

- 9:15-10:15 Inspiration from a Maine Hero-
Keynote Speaker, Travis Roy
- 10:30-12:00 Meet With the Managers
- 12:00-1:45 Awards Luncheon
- 1:45-2:45 Wrongful Termination & Harassment
- 3:00-4:00 Roundtable: Collaboration & Cooperation
- Roundtable: Crisis Communication: When News Breaks
- Roundtable: Understanding Healthcare Reform

WEDNESDAY, 10/13:

- 9:00-10:00 Running Government During Anti-
Government Times
- 9:00-10:00 Municipal Management in the 21st Century
- 10:30-11:45 Forum for the Leading Candidates
- 1:00-2:00 Succession Planning
- 2:30-3:30 Good Ethics, Good Government

Maine Welfare Directors' Association:

TUESDAY, 10/12

- 9:15-10:15 Inspiration from a Maine Hero-
Keynote Speaker, Travis Roy
- 12:00-1:45 Awards Luncheon

WEDNESDAY, 10/13

- 1:00-2:00 Social Services Agencies & Budgeting

Registration Form

MMA Convention – Augusta Civic Center – October 12 & 13, 2010

One registrant per form (please photocopy for additional registrations)

Name of Municipality/Company/Agency:		First Time Attendee? <input type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address:		
Attendee Name:	Title:	
E-mail Address of Registrant:		
Telephone:	Fax:	
Name of Guest: <i>(Registration complimentary)</i>		

TUESDAY SPECIAL PROGRAMMING (Oct. 12) MMA Building Tour (2:45-3:15) <input type="checkbox"/> I WILL TAKE THE TOUR	TUESDAY SPECIAL PROGRAMMING (Oct. 12) Right-To-Know (3:00 p.m.-5:00 p.m.) MMA Conference Room <input type="checkbox"/> I WILL ATTEND
--	---

CONVENTION REGISTRATION FEES (For one or both days)		COST
<input type="checkbox"/> MMA Members		\$ 60.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Pre-Registration - <i>must be postmarked or received by 10-01-2010</i>	\$ 75.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Registration - <i>after 10-01-2010</i>	\$ 100.00
<input type="checkbox"/> Business Representative	Pre-Registration - <i>must be postmarked or received by 10-01-2010</i>	\$ 100.00
<input type="checkbox"/> Business Representative	Registration - <i>after 10-01-2010</i>	\$ 125.00
Registration Fee		\$

TUESDAY LUNCHEON	Location	Cost
Awards Luncheon	Civic Center	<input type="checkbox"/> Registrant \$ 15.00
		<input type="checkbox"/> Guest \$ 15.00
Tuesday Meal		\$

WEDNESDAY LUNCHEONS	Location	Cost
Portable Lunch	Civic Center	<input type="checkbox"/> Registrant \$ 12.00
		<input type="checkbox"/> Guest \$ 12.00
Maine Chapter of American Public Works Association (MCAPWA)	Augusta Elks Lodge	<input type="checkbox"/> Registrant \$ 17.00
Wednesday Meal		\$

TOTAL (Registration Fee & Meals)	\$
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Signature: _____ Date: _____

Payment Options: Send invoice* Check will be mailed** Payment Enclosed** PO #: _____
 (*You will be invoiced after Convention – **Please send a copy of this registration form with payment)

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

Please make check payable to Maine Municipal Association

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

Please keep a copy of this form for your records.

Annual Search Nominees for the Maine Municipal Association's Most Prestigious Award

Deadline for Receipt of Nominees – 4:30 p.m. on Friday, September 3, 2010.

AWARD WILL BE PRESENTED AT THE MMA AWARDS LUNCHEON ON TUESDAY, OCTOBER 12, 2010

Ethel N. Kelley MEMORIAL AWARD

If you know a municipal elected or appointed official, employee or volunteer who . . .

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

MMA wants to know about them! Please take this opportunity to nominate this individual and give MMA the opportunity to recognize their achievement and dedication.

THE NOMINATION PROCESS: Please complete the Nomination Form and return it to MMA with up to five supporting letters. *The supporting letters are a critical part of the process.* Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts. Nomination Forms can be downloaded from the MMA website at: www.memun.org
Start thinking about your Nominee now!

THE JUDGING: The panel of judges will consist of three MMA Past Presidents who will meet in mid to late September to make their selection. The award will be presented during the Awards Luncheon being held in conjunction with the MMA Annual Convention.

Farmington Police Chief **Richard Caton III** died peacefully of complications of leukemia July 18 at the age of 52. Chief Caton would have celebrated 30 years of public service with the Town of Farmington on Aug. 25. Hundreds of people attended his funeral, including law enforcement officials from throughout the state. The funeral included an honorary police service for the beloved chief, who was remembered as a man of generous heart and character. Caton started his police career in 1975 and was hired as a Farmington patrolman in 1980.

Rumford librarian **Karl Aromaa** retired in late July after nearly three decades. Aromaa, 62, said he wanted to pursue different challenges. He said he would miss the young readers the most.

Scarborough Councilor **Shawn Babine** resigned in early August, citing education-related efforts that consumed too much time to allow him to focus on town issues.

Former Lebanon Town Clerk **Sallie Chandler** has been reappointed to the Maine Human Rights Commission. Chandler, a businesswoman, also serves as a York County commissioner. She was first appointed to the rights board in 2007.

Chelsea Town Clerk **Tammy Cunningham** has resigned after six months, making her the sixth municipal staff member to leave their jobs in less than a year. Cunningham gave no reason for her departure.

Nadeen Daniels has resigned after eight years as Cumberland town clerk. Her deputy, **Tamara O'Donnell**, is expected to be named new clerk sometime in August. Daniels is the 2009 winner of the Lorraine M. Fleury Award, an annual state recognition of someone who contributed significantly to the election process. In 2008, Daniels supervised a general election that attracted an 83 percent voter turnout, in part by employing the state's first mobile polling place to boost balloting. She also is a former president of the Maine Town and City Clerks' Association and the Cumber-

land County Municipal Clerks' Association. Daniels said she wanted to find a different challenge.

Michelle Dumoulin has been hired as the Town of Sangerville's first town manager, effective on June 21. Dumoulin is a former Corinna town clerk.

Bangor Police Officer **Dan Herrick** landed his small plane on July 21 in his 132nd trip as a pilot for the Angel Flight program that flies sick children to treatment centers at the pilot's expense. Herrick transported an 11-year-old girl from the rural Aroostook County town of Woodland outside of Caribou to Bangor for treatment for a bone deformity.

Waterville City Councilor **Thomas Longstaff** has been nominated to run for the District 77 Maine House seat. He is unsure whether he would continue his council work should he win the election. He is serving his second term.

Mount Desert selectmen named **Durlin Lunt** as the town's manager, moving him up to permanent status after he took on the job of acting manager following the resignation of Michael MacDonald in the spring. Lunt's first contract is for one year.

Former Portland Mayor **William MacVane** died on Aug. 1 at the age of 95. MacVane, a longtime surgeon, served on the city council for nine

years. He was the city's oldest living mayor.

Yarmouth councilors hired **Dawn Madden** as the town's finance director, effective in August. She replaces Maura Halkiotis, who resigned after nine years to pursue other interests. Madden bested 21 other applicants for the job, with her first priority being to merge certain municipal and school functions, with the blessing of both town and school officials.

Freeport Town Council Chairman **Bill Muldoon** will not seek re-election in the fall. He and his wife plan to move to nearby Harpswell.

Northport selectmen promoted **Barbara O'Leary** to administrator, effective July 1. O'Leary will remain the town clerk and treasurer for the time being.

Roberta Orsini has been named acting South Berwick manager, replacing Town Manager John Schempf, who resigned in July for medical reasons. Orsini, the town's assistant manager, accepted the temporary post for the second time in two years.

Scores of friends and municipal and county officials attended a retirement party on July 11 for **Ron Pendleton**, who has worked for the Bristol Fire Department, including a stint as chief, since 1954. Although Pendleton resigned as chief in 2009 after 10 years. 

PHOTOS: 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)

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Belfast: The Waldo County Municipal Association will host a candidate forum on Sept. 15 at the University of Maine's Hutchinson Center, featuring most or all 13 candidates running for state House or Senate seats from the county. The forum will begin at 6:30 p.m. at the former MBNA call center facility. During the first part of the forum, questions important to town and city leaders will be posed to the candidates on a number of issues ranging from municipal revenue sharing and school funding, state mandates, properly maintaining the state's roads and bridges, regionalism and consolidation.

Eustis: Owners of TransCanada, the developer of an industrial wind farm on Kibby Mountain near Chain of Ponds in western Maine, told the Land Use Regulation Commission it would revise its expansion plan to reduce its proposed addition of 15 turbines to 11. The company already had won approval to erect 22 wind turbines, now under construction, but LURC balked at the size of the proposed expansion.

Gardiner: Residents got to meet city police officers, state troopers and other emergency personnel during the National Night Out, a program designed to improve relations and understanding between the public and emergency responders. This year was the third straight in which the city sponsored the event. "I think this is great," one resident told the Kennebec Journal. "We don't get enough of this kind of thing and we need it."

Old Town: Police received reports of 41 vehicle break-ins over a 13-hour period on Aug. 4 and cautioned residents that the days of not having to worry about locking their cars and trucks are over. Every one of the 41 vehicles, all parked at different houses, were unlocked. Police said they expect more vehicle burglaries.

South Portland: The city's General Assistance Department has become Maine's first to implement a 100 percent paperless and file-free operation. The transition to a paperless tracking and reporting system began last December. Among other functions, the

Welpac computer software program, being used by a handful of other Maine municipalities, tracks clients that apply for assistance, determines eligibility and streamlines the processing functions of administering GA. GA Administrator Kathleen Babeu said the new system "results in increased statistical data, accuracy and efficient reporting capabilities."

Statewide: The State Planning Office is again offering \$500 matching grants to municipalities for the promotion of recycling and/or composting. This is a community's opportunity to get creative with residential information and outreach efforts. In previous years, grants have been awarded for a variety of things such as web page development, facility signage, com-

post workshops, and customized print brochures. Application deadline is September 10. For more information and an application form see <http://www.maine.gov/spo/recycle/index.htm> or contact Suzanne Duplissis if you have any questions suzanne.duplissis@maine.gov or 287-9074.

Statewide: Six municipalities have been designated as a Maine Downtown Network Community by the Maine Development Foundation. The designation will help the communities gain support for "community branding" efforts, historic preservation and economic development, among other benefits. The six municipalities are: Belfast, Brunswick, Damariscotta, Dover-Foxcroft, Machias and Madawaska. [\[m\]](#)

CLARIFICATION:

An article on the PACE energy program in the July Townsman said, "Participation in the program would require towns and cities interested in the program to adopt a special ordinance allowing a surcharge to be added to property tax bills." However, all the rules and regulations for the program have not been adopted. Municipalities may use their property tax billing systems to assess and collect PACE loan payments but they are not required to do so. As the article notes, some municipal officials are wary of combining a PACE loan and a property tax bill. MMA's best information at this point is that PACE programs may be structured and administered without adding a surcharge to property tax bills.

NEW ON THE WEB

Here are some highlights of what's been added at www.memun.org since the last edition of the *Maine Townsman*.

- **Truck Weight Limits.** Your attention is requested to support the Maine Congressional Delegation in securing a permanent 100,000-pound truck limit on interstate highways. The MMA is gathering information and data to show how the higher truck weight limit would positively impact municipalities, residents and businesses.
- **Annual Report Contest.** The deadline to receive your municipality's Annual Report for our annual contest is Sept. 1. Please send them to the MMA Resource Center at: 60 Community Drive, Augusta, ME 04330. Information is available at the website if you want to make sure your report was received.
- **Fiber-Optic Cable Subsidy.** Certain municipalities may be eligible for subsidies to install fiber-optic cables, through the Maine Fiber Company. More information is available through the website.
- **Citizen Education.** Posters, handouts and a newly narrated presentation of how property taxes work are now available from the MMA in a branded "toolkit" that leaders can use to answer common questions about municipal government.



Municipal Bulletin Board

CLERKS NETWORKING DAY

The Maine Town & City Clerks Association will hold its Networking Day & Annual Business Meeting from 8 a.m. to 4 p.m. on Sept. 9 at the Waterville Elks Banquet & Conference Center.

Instructors include: Jeri Holt, of the Maine Municipal Association; Kim McLaughlin, of Old Orchard Beach; Wendy Rawski, of Eliot; Patti Dubois, city clerk in Bangor; and, Beverly Curry, town clerk in Freeport.

Among the topics to be covered: reviewing the MMA website; an overview of the municipal clerks associations, including how to increase participation; records-disaster recovery; and, overseas elections. The Bangor Daily News also will be acknowledged.

The cost is \$50 for MTCCA members and \$60 for non-members, which includes lunch and workshop materials. To register or see the Day's brochure, visit the MMA website at www.memun.org.

ELECTIONS TITLE 21-A

Julie Flynn from the Maine Secretary of State's Office and Kim McLaughlin, Town Clerk in Old Orchard Beach, will co-present a workshop on election-related issues on Sept. 14, from 9 a.m. to 4 p.m., at Keeley's Banquet Center in Portland.

The workshop, sponsored by the Maine Town & City Clerks' Association, will cover specific topics including: election duties; use of Centralized Voter Registration software; preparing for Election Day; and, absentee voting. The cost is \$50 for MTCCA members and \$60 for non-members. Register online at: www.memun.org.

Attendees should bring a copy of their Voter Registration and Elections Manual and CVR User Guide. If you don't have one, call the Elections Division 624-7650 or email: cec.elections@maine.gov.

MWWCA FALL CONVENTION

The Maine WasteWater Control Association will hold its fall convention at Point Lookout Resort & Conference Center in Northport from Sept. 15-17.

The convention starts with a golf tournament on Sept. 15. Registration is at 7:30 a.m. and there is a shotgun start at 9 a.m. Registration for the conference starts at 7 a.m. on Sept. 16. Sessions run that day from 8 a.m. to 4:30 p.m. Sessions on Sept. 17 run from 8 a.m. to 2:30 p.m.

A wide variety of topics will be covered, a few of which include: emerging technologies; the Atlantic salmon; understanding the legislative process; microbiology; lagoon management; and, sewer and manhole rehabilitation.

Full registration for both days' sessions costs \$190 for MWWCA members and \$235 for non-members, if registration is received by Sept. 7. Registration must be done using the printed form online at the MMA website: www.memun.org. Forms must be printed out, completed and mailed with payment.

PLANNING BOARD/BOA: BETHEL

MMA's Legal Services Department will host a session for local Planning Board and land use Board of Appeals members from 5:30 to 9 p.m. on Sept. 21 at the Bethel Inn.

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

The cost is \$40 for MMA members and \$60 for non-members. Registration is available online from the MMA website.

MAAO FALL CONFERENCE

The Maine Association of Assessing Officers will hold its fall conference at the Sebasco Harbor Resort from Sept.

22-24. The event starts with breakfast at 7:30 a.m. on Sept. 22 and concludes after noon on Sept. 24.

Some of the topics to be covered by guest speakers are: special assessments; alternative heating systems and renewable power; and, legislative updates from MMA's State & Federal Relations staff and the Maine Revenue Services Department. Gary McCabe, chief assessor for the Town of Brookline, Mass., will present on valuation issues on Sept. 23.

Full conference registration costs \$195 for MAAO members and \$225 for non-members. The registration form is available through the MMA website but online registration is not permitted. The form needs to be printed and mailed.

ELECTED OFFICIALS: MACHIAS, MOUNT DESERT

MMA officials will hold Elected Officials Workshops on Oct. 19 in Machias and Oct. 20 at the Somerville Fire Station on Mount Desert Island. Both workshops will run from 4:30 to 8:30 p.m. and include light meals. Registration begins at 4 p.m.

The workshops are "musts" for both newly elected and veteran officials as they provide updates to legal requirements regarding: your rights as officials; open meeting requirements; conflicts of interest; liability issues; and, the Maine Freedom of Access law. Officials who attend the entire sessions meet the state's Right to Know training requirements and receive certificates. A new section on media relations and communications recently was added to these workshops.

The cost is \$40 for MMA members and \$60 for non-members. Registration is available through the MMA website at www.memun.org. 

All of the upcoming workshops can be found on the MMA website. Use the following link:

<http://www.memun.org/public/MMA/svc/training.htm>

FIRE DEPARTMENTS & CORPORATE STATUS

An article in the June issue (“Fire Departments Must Keep Current,” *Maine Townsman*, June 2010) left some readers with the impression that *all* fire departments – municipal as well as separately organized volunteer fire associations – must be incorporated. This is not true, nor did the article mean to suggest it.

Only a separately organized volunteer fire association (*i.e.*, with its own officers and membership criteria, by-laws and bank account) must be incorporated and in good standing in order to receive municipal financial support (see 30-A M.R.S.A. § 5722(4)). A municipal fire department, by contrast, is part of the municipality, which itself is a corporation, so municipal departments neither need to be nor should they be separately incorporated.

Sometimes it’s unclear whether a “fire department” is a municipal department or a separately organized association. Municipal departments are usually established by charter, ordinance or town meeting warrant article, so a search of municipal records may be in order. Separately organized associations, on the other hand, are (or were) incorporated with the Secretary of State’s office, so check with www.informe.org/icrs/ICRS?MainPage=x using the “corporate name search” feature.

If a separately organized association has allowed its corporate status to lapse, it’s not only ineligible for municipal funding, its members are unprotected from tort claims liability and are ineligible for workers comp benefits (see June’s article, including the sidebar “Volunteer Fire Associations: Corporate Status is Critical”). If the association has not filed reinstatement papers with the Secretary of State by June 30, 2010, as the article advised, it will have to prepare and file brand new incorporation papers. Or, in lieu of reincorporation, the municipality it served may establish a municipal department instead.

MMA Legal Services cannot assist separately organized associations in reincorporating themselves. But we offer a sample ordinance to establish

a municipal fire department with our “Information Packet” on fire protection, available free to members at www.memun.org. The packet also discusses a variety of related issues including fire protection options, finances and fundraising, liability, mutual aid, etc. and links to applicable statutes and relevant *Townsman* articles. (By R.P.F.)

DISBURSEMENT WARRANTS

For some reason we’ve been receiving an unusual number of inquiries recently about treasurers’ disbursement warrants, so let’s press the “refresh” button and review.

A warrant authorizing a disbursement is absolutely essential in order for a treasurer to pay or disburse any mu-

nicipal funds – without it, the disbursement is unauthorized and illegal (see 30-A M.R.S.A. § 5603(2)) and a criminal offense (see 30-A M.R.S.A. § 5604).

There are now five options for approving treasurers’ disbursement warrants:

Approval of municipal payroll by written policy. The municipal officers (selectmen or councilors) may adopt a written policy to permit the disbursement of employees’ wages and benefits when a warrant has been signed by one or more designated municipal officers. The policy must be filed with the municipal clerk and treasurer and renewed annually by vote of the municipal officers.

Approval of municipal school costs by written policy. The municipal officers

 MMA Municipal Calendar

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

SEPTEMBER 7 — (first Monday in September) — Labor Day — a legal holiday (4 MRSA §1051).

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

BETWEEN MAY 1 and OCTOBER 1 — Municipal officers may initiate process to close certain roads to winter maintenance [23 MRSA §2953]. For further information see MMA’s Municipal Roads Manual.

BY OCTOBER 1 — Assessors should receive the municipality’s proposed current state valuation from the State Tax Assessor. [36 MRSA §208].

ON OR BEFORE OCTOBER 15 — Monthly expenditure or quarterly 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].

OCTOBER — Registrars of voters shall accept registration prior to the November 1 Election according to the time schedule for their population group [21-A MRSA §122(6)].

— The Registrar shall publish his/her time and hourly schedules in a newspaper having general circulation in the municipality at least 7 days before it becomes effective. In municipalities of 2,500 or less population, this publication is discretionary rather than compulsory [21-A MRSA §125].

— The hourly schedule for voter registration established by 21-A MRSA §122 may be changed by the municipal officers according to the needs of the municipality [21-A MRSA §122(8)].

ON OR BEFORE OCTOBER 31 — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit payment as prescribed by the State Tax Assessor (36 MRSA § 5253).

BY NOVEMBER 1 — Any governmental subdivision holding tangible or intangible property presumed abandoned under 33 MRSA §1953 must make report to the Administrator of Abandoned Property of the State Treasury Department, pursuant to 33 MRSA §1958. [\[mt\]](#)

may adopt a written policy to permit the disbursement of municipal education costs when a warrant has been signed by the school superintendent and approved by a majority of the school board or by a finance committee appointed or duly elected by the school board. The policy must be filed with the municipal clerk and treasurer and renewed annually by vote of the municipal officers.

Approval of State fees by written policy. The municipal officers may adopt a written policy to permit the disbursement of State fees (such as vehicle registration fees) when a warrant has been signed by one or more designated municipal officers. The policy must be filed with the municipal clerk and treasurer and renewed annually by vote of the municipal officers.

Approval as otherwise provided by charter or ordinance. A municipality may, by charter or ordinance, provide for approval of disbursement warrants by means other than as provided by statute, such as by a majority of the municipal officers individually and separately reviewing and signing the warrant (as has been the historical practice in many municipalities). Such a charter or ordinance provision may be adopted only by the municipal legislative body (town meeting or town or city council). For a sample ordinance, see "New Disbursement Warrant Law," *Maine Townsman*, "Legal Notes," April 1996.

Approval by municipal officers at a public meeting. A majority of the municipal officers may affirmatively vote to approve and sign a disbursement warrant at a public meeting of the board. This is the traditional "default" method of approving disbursement warrants and requires no special ordinance or policy. (By R.P.F.)

PLUMBING PERMIT FEES

Although we missed it at the time, the last session of the Legislature increased the fees that may be charged by municipalities for plumbing permits.

Title 30-A M.R.S.A. § 4211(5), as amended by PL 2009, c. 589, § 9 (eff. July 12, 2010), now allows a fee not to exceed \$10 per internal fixture or \$40 for all internal fixtures combined. The new not-to-exceed fee for nonengi-

neered subsurface wastewater disposal systems is \$250. (The mandatory \$15 State water quality surcharge for subsurface systems remains unchanged.)

As has long been the case, actual plumbing permit fees must be "established" by the municipality (see 30-A M.R.S.A. § 4215(4)). We interpret this to mean that the municipality's legislative body (town meeting or town or city council) must adopt a new fee schedule in order to charge the new fees. Whatever fees are adopted must be at least the minimum amount set by Department of Health and Human Services rule. One-quarter of the minimum fee must be paid over to the State for program administration and training of local plumbing inspectors. The rest is retained by the municipality. (By R.P.F.)

UPDATE: TAX LIEN FEES

Although the statutory fees for real estate tax liens have not changed since we last listed them here (see "Tax Lien Fees," *Maine Townsman*, "Legal Notes," July 2006), the certified mail, return receipt, fees have – so here's an updated summary.

In addition to unpaid taxes and accrued interest, once a tax lien has been

recorded in the Registry of Deeds the taxpayer is also liable for the following fees:

A \$13 municipal fee, or \$9 to the municipality, \$3 to the tax collector for sending the 30-day notice of lien and \$1 to the tax collector for recording the tax lien. (If the tax collector is paid a salary as total compensation, the \$3 and \$1 fees are payable to the municipality instead.)

A \$26 registry fee, or \$13 for recording and \$13 for discharging the tax lien (providing each is no more than one page).

A \$3 fee to the municipality if the notice of impending foreclosure has also been sent.

All certified mail, return receipt, fees (now \$5.54 per 1 oz. letter).

Tax lien fees are fixed by statute (see 36 M.R.S.A. §§ 943, 943) and cannot be increased, decreased or waived except by abatement (see 36 M.R.S.A. § 841). Unless all fees, together with unpaid taxes and accrued interest, are paid in full before expiration of the 18-month period following recording of the tax lien, the lien will foreclose automatically and title to the property will pass automatically to the municipality. (By R.P.F.) 

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