

November, 2009

maine townsman

The Magazine of the Maine Municipal Association



Local Government: A Major Employer

IN THIS ISSUE:

Major Employer • Strain on ACOs
Harbormaster • Local Referenda

Thriving downtowns are good for all of Maine.

Thanks to all our municipal clients who contribute greatly to our downtowns.

Abbot
Albion
Alton
Andover
Anson–Madison Sanitary District
Atkinson
Bangor International Airport
Bangor Water District
Beaver Cove
Biddeford Saco Area Economic Development Corp.
Bowerbank
Bradley
Brooks
Bucksport
Burnham
Calais
Cambridge
Canton
Canton Water District
Carthage
Chelsea
Codyville
Cornish
Cornish Water District
Cornville

Cumberland County
Deer Isle
Dexter
Dexter Utility District
Dixfield
Dover-Foxcroft
East Millinocket
Eastport
Embden
Enfield
Finance Authority of Maine
Freedom
Garland
Greenbush
Greene
Hampden Water District
Hancock County
Hermon
Howland
Jay
Kenduskeag
Knox
Lagrange

Lewiston School Department
Liberty
Lincoln
Lowell
MSAD 3
MSAD 21
MSAD 22
MSAD 30
MSAD 31
MSAD 55
MSAD 56
MSAD 74
Machias
Madison
Madison Electric Works
Madison Water District
Maine Municipal Association
Maine Municipal Bond Bank

Maine Public Employees Retirement System
Maine Turnpike Authority
Medford
Medway
Mexico Sewer District
Mexico Water District
Monmouth
Monmouth Sanitary District
Monson
New Portland
New Sharon
Northern Oxford Region Solid Waste Board
Northport
Northport Village Corp.
Old Town
Old Town Water District
Orland
Otis
Palermo
Perry
Peru

Piscataquis County
Pittsfield
Porter
Portland
Region 9 School of Applied Technology
Rumford
Rumford Water District
Scarborough
Sidney
Skowhegan
Smithfield
Somerset County
Springfield
State of Maine
Stockton Springs
Strong
Thorndike
Unity
University of Maine
Verona Island
Waldo County
Weld
Winslow
Woodville
Waterville
Winslow School Department



Bangor
Savings Bank

At Bangor Savings Bank, we help our downtowns thrive by ensuring that our municipalities can provide security, efficiency, and prudent management of taxpayer money. We'd like to thank all our municipal clients and their associates listed here for using the

AUTOMATED GOVERNMENT SWEEP
BONDED COURIER SERVICES
CDARS INSURED CDs
CHECK CAPTURE
CREDIT CARD PROCESSING
INTERNET BANKING
RECONCILIATION SERVICES
SUB ACCOUNTING

tools we provide—from payroll services to cash management solutions—to keep the character and businesses of our downtowns vibrant and strong. To see how we can help your municipality, visit us at www.bangor.com or call us at **1.877.Bangor1 (226.4671)**.

Bangor
Savings Bank

You matter more.

Member FDIC

EXECUTIVE COMMITTEE

PRESIDENT

GALEN LARRABEE
Chair of Selectmen, Knox

VICE PRESIDENT

JOHN SYLVESTER
Selectman, Alfred

DIRECTORS

STEPHAN BUNKER
Chair of Selectmen, Farmington

CLINT DESCHENE
Town Manager, Hermon

PETER NIELSEN
Town Manager, Oakland

JOHN ANDERSON
Town Manager, Boothbay

WILLIAM REED
Town Manager, Veazie

SOPHIA WILSON
Town Manager, Brownville

RYAN PELLETIER
Town Manager, Saint Agatha

MARK GREEN
Town Manager, Sanford

GEORGE RICHARDSON, JR.
Chair of Selectmen, Westport Island

IMMEDIATE PAST PRESIDENT

ANNE SWIFT-KAYATTA
Councilor, Cape Elizabeth

Executive Director:

Chris Lockwood

Magazine Staff:

Michael Starn, Editor
mstarn@memun.org

Valarie Pomerleau, Circulation Manager
Jaime Clark, Graphic Design

MMA website: www.memun.org

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

November, 2009
Vol. 71, No. 10



recycled paper

contents

Major Employer	5
Local government, when you include municipalities, schools, counties, and special districts, is a major employer in this state. According to data from the Maine Department of Labor, local government is the third largest employer in the state by employment sector. Over half of Maine's local government employees work for the schools. Health Care/Social Assistance and Retail are the only two sectors that provide more jobs to Maine people.	
Strain on ACOs	11
The weak economy is making the difficult job of the local animal control officer even more difficult and stressful. The number of abandoned animals, especially cats, that Maine ACOs are having to deal with is a growing problem that is becoming more acute as people suffer economic hardship.	
Harbormaster	15
While not one of the most recognized jobs in Maine municipal government, the local harbormaster is an "ancient and honorable" title according to "Harbor Management: A Legal Guide for Harbormasters", published since 1914 by the Maine Cooperative Extension Service of the University of Maine.	
Local Referenda	18
Much of the voting on local issues was overshadowed by the seven statewide ballot questions at this year's November election, but the local issues were still important to Maine's strong system of local governance. Public building projects, land use issues, school bonds, charter changes.... local ballot issues were plentiful in 2009.	
People	22
News	23
Municipal Bulletin Board	24
Legal	25



Maine Municipal Employees Health Trust

Take Advantage of the Wellness Difference
Programs designed to keep you healthy!



Lending Library Materials



Health Screenings, Including
Follow-Up Consultations



Worksite Health Education Classes



Employee Assistance
Program Grants



Wellness Incentive Grants to Help
Fund Healthy Activities



Newsletters

...and much, much more!

*The Difference is Trust...
...Your Trust*

Contact the Health Trust Wellness Works department for more details.



Call us at: 1-800-852-8300 • Visit us at: www.mmeht.org

Local Government Is Major Employer

By Lee Burnett

Who comes to mind when you think of the quintessential Maine worker? Probably not the filler of potholes, the enforcer of safe building codes or the teacher of school children. But perhaps they should.

Local government jobs may not be as iconic as lobstering, boat building and logging, but they are far more numerous. In fact, local government employees (municipal, school, county and special district) represent one of the largest labor forces in the state. All counted, they number 61,600 strong, according to Maine's Department of Labor. That's the third largest employment sector in Maine, behind health care and social assistance (98,100) and retail (85,600). Local government employs more people than the leisure and hospitality industry (59,600), manufacturing (58,900), professional and business (56,000), and accommodation and food service (51,400).

"Local government is a significant employer," said Charles Colgan, a professor at the University of Southern Maine's Muskie School of Public Service and chairman of the State of Maine Consensus Economic Forecasting Commission. "Clearly, it varies with the region. Local government – particularly school districts – are pretty important for rural Maine. Local government plays an out-sized role, especially if you don't have a paper mill or a military base."

Colgan's observation is born out by a survey of labor markets in Maine. It shows local government accounts for more than 20 percent of the jobs in rural places like St. George peninsula, Dover-Foxcroft and the border towns

near Rochester, New Hampshire. In contrast, local government accounts for less than nine percent of the jobs in more urban places like Kittery, Portland, Rockland, Bangor and Augusta. (See Table 1)

Who holds these jobs? Not surprisingly, nearly half of all the jobs in local government are held by teachers. (See Table 2) About 10 percent are office jobs held by clerks, receptionists, dispatchers, secretaries and meter readers. Nearly another 10 percent are held by firefighters, police officers, and crossing guards. After that, there's a huge variety of jobs in local government. Along with the professional types, there are maintenance workers, school bus, ambulance and truck drivers, and construction workers. In the "all other" category are many jobs not immediately associated with local government, such as maids and house-keeping cleaners, child care workers, sailors and marine oilers, amusement and recreational attendants, interpreters and translators and public relations specialists.

Generally, local government jobs are service jobs and labor intensive, explains a labor representative.

"I'm always preaching about local government workers' significance to the infrastructure and the economy. They're on the front lines. When a new business forms, one of the first stops is town hall or city hall," explains Zach Matthews, representative for American Federation of State, County and Municipal Employees. "Education, I'm constantly trying to do this internally with our members. I hope folks understand the importance of truck drivers, treatment plant workers and the importance of clerical workers and the real estate transfers, driver license

renewals, building permits. They all kind of make society go."

Judging from recent news coverage and protests, the public seems to have noticed when budget shortfalls resulted in the layoffs of 24 employees – sheriff's deputies and clerks – in York County government in mid-September.

CAREER PATH

Employment in local government, of course, offers advantages and disadvantages. It's hard to generalize about wages because of the diversity of job titles and unique situations. Yearly take home pay varies from less than \$10,000 for seasonal parking lot attendants to more than \$100,000 for a veteran city manager. Wage scale comparisons with the private sector are imperfect at best. Some occupations like town and city managers are quite different from corporate CEOs. And many local government jobs – like harbor master,

TABLE 1	
Labor markets where local government accounts for the highest and lowest percentage of jobs	
<i>(2008 data from Maine Department of Labor)</i>	
The five highest ...	
Lebanon, Berwick &	
South Berwick	31.0 %
Dover Foxcroft	23.0 %
St. George	21.7 %
Calais	19.8 %
Camden	17.4 %
The five lowest ...	
Kittery, Eliot	5.9 %
Rockland	8.2 %
Pittsfield	8.7 %
Bangor	8.7 %
Portland	8.7 %

Lee Burnett is a freelance writer from Sanford, leeburnett_maine@hotmail.com

code enforcement officer, firefighters and police officer – exist in few other places. According to data collected by Maine’s Department of Labor in 2008, the job titles in local government that paid more than the private sector include: janitors and cleaners, executive secretaries and administrative assistants, truck drivers and heavy equipment operators, construction laborers, secretaries and highway maintenance workers. Job titles in local government that paid less than the private sector included: human resource managers, finance managers, network and computer systems managers, and grounds and maintenance workers. (See Table 3)

It’s also hard to generalize about benefits. City employees tend to enjoy decent health care coverage and retirement benefits. Employees in small towns often receive no benefits. Benefit packages in local government used to be much more generous than in the private sector but they’re becoming less so today, according to labor representative Matthews. “It used to be the old axiom that if you worked for a town or city the benefits were among the best, but that’s not the case anymore,” said Matthews. “Medical costs are going up. These are shared issues that reflect a trend of the times ...Wages are stagnant, so you don’t have to be a Harvard economist to know where that’s going. Benefits, by and large, used to be better than the private sector. That analysis is a little different now.”

Job security tends to be stronger in local government, primarily because unions, voters and the press are bigger

factors than in the private sector. In the private sector, Maine’s status as an “at will” state holds sway. This means that by law private sector employees may be fired – without recourse – at the will of the employer, (except for prohibitions against discrimination according to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin.) Local government accords employees greater rights, according to Matthews.

“Employees in local government faced with severe discipline usually have the opportunity to present their side of the issue,” said Matthews. “There is just cause or due process. This is America.”

Working for the public is a mixed blessing for many employees. “The majority of jobs in local government deal with the public,” said John Doucette, town manager in Skowhegan. “Whether you’re at the transfer station, the highway garage or recreation, you’re dealing with the public. People have to come to see you and sometimes they don’t like it. Employees are the ones taking the brunt of it. The public doesn’t realize the clerk isn’t the guy to blame.” Doucette said he specifically inquires about public relations skills when he hires new employees. “We ask about scenarios, how would you handle that situation? It’s a big part of the interview – how do you handle people who are upset or irate. And training is a big thing I emphasize, especially with young people. They might be good with computers or cash, but not necessarily dealing with

the public.” Judging from the lengthy tenure of most town employees, Doucette thinks job satisfaction is generally high. “There’s security, not too many layoffs. Most of the time we have such bare bones budgets that we can’t cut anymore,” he said.

There are psychic rewards in working for the public, says Peggy Daigle, city manager in Old Town who migrated back to the public sector after a year and a half stint in the private sector. “I was well paid and I enjoyed my job, but there wasn’t the same sense of purpose as I have here,” she said.

Many members of the public “take ownership that they’re our bosses,” she notes.

“They don’t like to pay taxes, they don’t like to have to get a permit to do what they want with their property, they don’t feel the snowplow comes by often enough, and they let us know.” But every day, it’s possible to make a difference in someone’s life and that’s rewarding, she said. “That one person can outweigh all the negative things that come your way.”

Daigle believes rank and file employees find similar satisfaction and tells the story of a public works truck driver who went out of his way to stop at a resident’s driveway to shovel the loose rocks kicked up by his snowplow. “I don’t think he needed to do that, but it was part of taking care of a problem so it didn’t escalate up the line.”

LOCAL GOVERNMENT AS ECONOMIC PLAYER

Being an employer in rural Maine instills responsibility to the region, says Jack Clukey, the town manager in Dover-Foxcroft, which employs about 25 people, perhaps twice that in the summer. Many incentive programs are run by the state “but there are some things we can do,” he said, noting Dover-Foxcroft’s development of a business park about 10 years ago. Hiring is not an easy process, he said.

“Historically, we have not been able to compensate employees doing comparable jobs as other communities,” Clukey said. “There are challenges when you are an employer in an area that is not as economically vibrant as another area. It’s difficult to be competitive. If jobs are tight, we get a lot of applicants, but you always want to be able to attract people with experience and training. It becomes a challenge.

TABLE 2
Most common jobs in local government

(2008 data from Maine Department of Labor)

Occupation	Number of jobs
Teachers	29,040
Office workers and administrative support - includes clerks, receptionists, dispatchers, secretaries and meter readers	6,680
Firefighters, police, crossing guards	5,480
Building and grounds and maintenance	3,280
Management - includes city and town managers, and managers of human resources, finance, operations and computer managers	3,270
Food prep	2,340
Bus drivers, ambulance drivers, truckers, refuse collectors, recyclable materials sorters and other transportation and materials moving positions	2,190
Laborers, tradespeople, highway maintenance and other construction positions	2,130
All other	7,190
Total	61,600

As a significant employer, it's not surprising that local government is a stabilizing factor in local economies. This is particularly so in rural Maine, where it is not unusual for rural school districts to receive 80 percent of their funding from the state government's "share-the-wealth" education funding formula, said Colgan. "The school funding formula is bringing into the community a lot more money than what is generated by the property tax. That's as important as a paper mill or military base," he says. Local government supports employment not just through hiring, but in contracts for all kinds of goods and services from snowplowing and road construction to office paper and fuel oil.

In the last decade, local government employment in Maine has actually grown due to two factors: the expansion of state aid to education and the housing boom that expanded the tax base in many communities, Colgan said.

Local government is not as stabilizing a factor in employment as it could be, according to Kit St. John, executive director of the left-leaning Maine

Center for Economic Policy. He notes that local governments across Maine – because they do not engage in deficit spending – have responded to the current recession by laying off employees and curbing spending. The cumulative effect of all this retrenchment tends to offset attempts to stimulate the economy through deficit spending at the federal level, he says. "It can completely mitigate the effects of the stimulus." It's one reason that President Obama

has directed so much of the American Recovery and Reinvestment Act spending to propping up local government. According to Colgan, Obama's stimulus bill has cushioned the recession's effect on local government in two ways: through the State Fiscal Stabilization Fund, which directly lessened the magnitude of teacher layoffs, and additional Medicaid funding, which helped avert deep state cuts to education. But those programs will be end-

TABLE 3
Median hourly wage rates in selected occupations
(2008 data from Maine Department of Labor)

	Local government	Private business
chief executive	\$35.34	\$63.08
human resource manager	\$33.06	\$38.52
network and computer systems manager	\$29.90	\$42.28
finance manager	\$29.66	\$35.39
executive secretary/administrative assistant	\$19.07	\$18.94
truck driver/heavy equipment operator	\$16.23	\$15.11
construction laborer	\$15.71	\$13.17
secretary	\$14.64	\$13.94
highway maintenance worker	\$14.51	\$13.86
janitors and cleaners	\$13.45	\$11.13
grounds and maintenance workers	\$10.69	\$13.80



Transform Information into **ACTION**

Working with communities for:

- ✓ fiscal, economic & demographic analysis
- ✓ service planning, evaluation, and process improvement
- ✓ economic development
- ✓ tax increment financing
- ✓ GIS/geospatial analysis

Where is the most strategic location for your fire stations?

PolicyOne is working with the City of Lewiston to assess fire station location for capital improvement planning

Find out how PolicyOne can help you

MMA-09

www.PolicyOneResearch.com info@PolicyOneResearch.com 207-510-6055

ing after next year, notes Colgan.

"I'm not sure how many town managers understand how funding at state level is going to affect town budgets," said Colgan.

In spite of its economic significance, local government tends to get overlooked by people concerned with economic policy. Colgan surmises that this is because local governments don't "incentive-ize" economic activity. That is, they tend to borrow lightly, run balanced budgets and award few if any grants.

But there is one incentive that local governments are turning to with increasing frequency – tax increment financing (TIF) – a growing, though still under-appreciated economic development tool. In the past decade, the value of Tax Increment Financing tax breaks has tripled – from \$18.6 million in 1999 to \$55.4 million in 2008, according to Dave Ledew, director of the property tax division at Maine Revenue Services. This is property tax money that would ordinarily go into the general fund to support an expansion of services or to lower the overall tax commitment. Awarding a TIF earmarks money for specific purposes: usually a percentage of TIF money goes back to the expanding companies

and a percentage goes into municipal infrastructure and economic development projects. The growth of TIFs now dwarfs the \$13 million in CDBG grants awarded every year by Maine's Department of Economic and Community Development.

"Certainly TIFs are the source of the most significant economic development spending statewide," notes Kit St. John. "It's odd to think of it this way because it's foregone tax revenue, but a tax break is the equivalent of a grant."

Nowhere is this more on than in Washington County, where county commissioners are sitting on a TIF windfall thanks to wind power development on Stetson Mountain. Ordinarily, the construction of 38 wind turbines would have expanded the tax base and lowered the tax bills of all the sparsely settled residents of the Unorganized Territory, who are already among the most lightly taxed residents of the state. Instead, county commissioners "TIF-ed" the development, shunting the \$9.4 in new property tax money into two accounts – \$5.6 million going back to First Wind and \$3.8 million to county government to be spent on economic development, a sum of money that county commission-

ers have never seen before, according to county commission chairman Chris Gardner. "It is kind of new," said Gardner. What makes the opportunity even more unusual is that, according to law, this money may not be spent within the boundaries of the organized towns and cities, but must be spent on economic development somewhere in the woods, blueberry barrens and bogs of the Unorganized Territory. Needless to say, county commissioners are both delighted with their opportunity and eager to get the law changed to allow the TIF money to be spent anywhere in Washington County, says Gardner. "We want to look at it holistically to benefit the entire county," he said.

Wherever it's spent, the purpose will be to create jobs.

Local government employees are a diverse, dispersed, and generally low-visibility group. But consider this: a layoff of 10 percent of the employees in local government (6,100 people) would have a greater impact on the state's economy than a simultaneous implosion of the fishing, forestry, agriculture and hunting economies combined (5,345 people).

Now, who's your quintessential Maine worker? 

**ONE NAME STANDS
BEHIND ALL THE OTHERS.**

Milton 

www.miltoncat.com

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



Serving the people and municipalities of Maine

Smart Financing Alternatives



Toby Cook
President



Bruce Thistle
Senior Vice President

Gorham Leasing Group can help you take advantage of today's smartest equipment financing options. With more than 20 years of experience in municipal leasing, we offer in-depth knowledge of cities, towns and schools in our region. Our team has worked with many communities and school departments to design leasing programs that are simple, convenient and cost-effective. Talk with us soon about financing alternatives that will work for your community.

Portland, Maine | **1-800-924-2948**
www.gorhamsavingsbank.com

Gorham
LEASING GROUP
A Gorham Savings Bank Company

Your Public Finance Partner



Richard J. Ranaghan
*Senior Vice President
Public Finance*

The **Gorham Savings Bank Public Finance Team** is committed to helping your municipality grow and prosper. As your financial services partner, we will take the time to understand your unique challenges and to help you choose the products and services that best meet the needs of your city or town. Southern Maine communities have depended on the financial strength and expertise of Gorham Savings Bank for over 138 years. Talk with us soon about your public finance needs.

Portland, Maine | **1-207-222-1488**
www.gorhamsavingsbank.com

Gorham
SAVINGS BANK
Feel more connected.™

More Maine towns and cities turn to Bernstein Shur than to any other law firm.

Here are five good reasons why:

1 EXPERIENCED

Bernstein Shur is a multi-service Maine law firm founded in 1915—with the largest, longest-serving municipal law practice in the state. We serve more than 125 Maine municipalities as general or special counsel. Our record of experience and specialized knowledge is unmatched.

2 PRUDENT

At Bernstein Shur, we practice preventative law. By helping you deal with issues before they become serious, we help you avoid the expense—and stress—of litigation.

3 VERSATILE

Municipalities enjoy “one-stop shopping” at Bernstein Shur—not only for a broad range of municipal, tax, finance, litigation, real estate, labor and employment, and other legal services but also for title searches and title insurance; environmental and engineering services; and state and federal government relations.

4 INNOVATIVE

People want better schools, better roads, and more municipal services. But they also want to pay less property tax. Our experts help you find innovative ways to collect revenues, settle disputes, dispose of foreclosures and liens, consolidate services with neighboring towns, and more.

5 COST-EFFECTIVE

You don't want fifty-page memos. You want solutions that cut through the fog. That's why we clear paths—quickly and cost-effectively—straight to the practical answers you're looking for.

We know municipal law inside and out. Isn't it time you got to know us?

To learn more about our Municipal, Legislative, and Regulatory Practice Group, call us at 774-1200 or e-mail info@bernsteinshur.com.

BERNSTEIN SHUR

COUNSELORS AT LAW

Weak Economy Puts Strain on ACOs

By Liz Chapman Mockler

The weak economy is putting additional strain on animal control officers across Maine, who are finding an increasing number of abandoned pets, especially cats, and are doing their best to find them homes rather than a veterinarian who will quietly kill them.

Don Alexander, ACO for Raymond and Frye Island in southwestern Maine, says he's seen situations where puppies, cats and kittens are brought to summer resorts/campgrounds and then abandoned. He surmises that vacationers stop at animal shelters on their way to Maine so they can have pets during vacation, with no intention of keeping the animals.

Alexander rounds up abandoned animals each week and hauls them to the Animal Refuge League of Greater Portland (ARLGP) in Westbrook, which serves 16 municipalities by contract. Like other ACOs, Alexander likes knowing that the League's mission is to find good homes for the roughly 4,000 abandoned animals it takes in each year rather than euthanizing them.

Toni McLellan, ARLGP director of operations and interim executive director, praised the animal control officers she works with for doing a thankless job that brings little recognition and a growing workload.

"They absolutely do a good job," McLellan said. "Experience and training factor into it, but they do a heck of a job. And it's not an enviable job and that makes it all the harder to do."

HERDING CATS

Cats are easily Maine's most dif-

ficult animal control challenge. And the state is not alone. Easier to acquire than dogs with the reputation for being independent and aloof, cats are often the smallest victims when something goes wrong – such as foreclosure or divorce or perhaps just lack of interest.

McLellan explained that the problem, while vexing, is natural and requires human intervention. Cats breed so quickly that, mathematically speaking, just one male and one female could potentially sire 21,000 cats in four years, given the typical three litters per couple each year.

The most crucial part of the answer, she said, is getting cat owners to spay or neuter their cats, and for the League and others to make sure all adopted kittens are "fixed" when they leave for a new home.

McLellan said animal shelters and veterinarians across Maine are sponsoring free or low-cost clinics to get cats and dogs spayed and neutered, as well as vaccinations and other necessary medical shots.

The refuge league in Westbrook, in business since 1911, has seen a significant spike in animal "surrenders" and the stray population this year, McLellan said, estimating that 5,000 animals would be sheltered in 2009, up from the average 4,000 of recent years.

She, too, blames the bad economy on the increased number of animals and said the situation with foreclosed homeowners and the jobless make for "heart-breaking" stories.

For example, neighbors or landlords will find cats and kittens left behind when the family moves. "Sometimes you find them eating carpet lint" to survive, she said.

ACO Alexander contends that only

one in 50 cat owners will bring their animals to the shelter if given the option of abandoning them.

"They figure God put them on this earth, he's going to take care of them," Alexander said in a recent interview with the *Townsmen*.

In reality, though, the municipality ends up taking care of them.

Not all cases involve willing abandonment. Alexander said that sometimes a family will call to report a stray cat, but when he arrives to take it away, he finds out it actually belongs to the family that called.

Alexander says that occasionally he rounds up a nice, friendly, beautiful dog, "and I think someone will call by morning, but you end up taking them downtown."

SAME PROBLEM, DIFFERENT TOWN

ACOs and other municipal officials interviewed recently blamed the economy for a noticeable up-tick in the number of animal-related calls and investigations.

Debra Estrella, Portland ACO, agreed with other officers that the law requiring that dogs be licensed and vaccinated for rabies helps keep down dog-related problems. Barking dogs are always a nuisance and that, combined with dogs that roam at large, present most of canine-related calls.

Stray dogs also are not usually stray for long, according to ACOs, since their owner can be found and they tend to be far more interested in getting their dogs back than can be said about cat owners.

Dog bites and rabies cases take priority over everything else, Estrella said, followed by calls about wild animals, cruelty cases and injured birds and

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

wildlife.

Cats? "There's no way I can possibly keep up" with the growing stray cat problem, said Estrella, who works for the police department and whose partner was laid off last year.

Some ACO responsibilities have been almost ignored out of necessity, she said, such as beach and park patrol.

Fort Kent Police Chief Kenneth "Doody" Michaud, who takes animal control calls along with everything else, said he's tough-nosed when it comes to dog owners. If he finds a dog that has not been registered, the owner promptly gets a court summons.

"We don't play the game," Michaud said.

In the northern Maine town of 4,200, word has gotten around and so dogs are not a concern. Michaud said his department charges the smaller surrounding towns of St. Francis, St. John, Wallagrass, New Canada and Eagle Lake just \$100 a year to answer dog complaints as long as they, too, aggressively enforce dog licensing laws.

In two years, there have been only two stray dogs in Fort Kent, Michaud said.

But as in virtually all Maine communities, stray and abandoned cats present a much larger problem, he said.

"We can't afford to have them all put down," Michaud said of the kittens that pop out from under barns or garages, particularly in the spring. He is grateful that a PAWS group based in Fort Kent

agrees to take the litters and has had good success in finding them homes.

Adult cats, however, get only a one-day stay and then they are taken to a local veterinarian's office and euthanized.

"We're getting more and more cat complaints," said David Townsend, ACO for the city of Calais in Washington County, where the shelters are full and officials aren't sure what they'll do.

"The big thing is that there's no place to get rid of them," said Townsend. "The shelters are all full. All the towns have the same problem."

Townsend also covers the town of Robbinston. "I hate to tell (people) that there's nothing else we can do but have them euthanized."

"I can't lug them all to my home," said Townsend, who owns two cats and a dog.

Baileyville Police Chief Philip Harriman praised the town's ACO, Acacia Emery, for working well with residents and educating them on their options and solutions to animal-related issues.

"We're really happy with the way she does her job," the chief said.

Harriman said Emery, working in a town of 1,600, collects 10 cats a week on average and works with the Bangor Humane Society to find a way to save the animals from euthanasia. If a cat is found that obviously has been well taken care of, fliers are posted around town to find the owner.

Feral cats often end up at the humane shelter.

There are few dog problems, but town staff works as quickly as possible to resolve them, Harriman said.

"I don't think there's anything that creates a more irate citizen" than a barking dog, he said.

A MENAGERIE

Although cats are causing the most problems, and taking the most time of ACOs in many towns, Maine people are letting their other animals go, too, Raymond ACO Alexander says.

Alexander said some people can no longer feed both themselves and their livestock right now. Cows, horses, chickens and pigs have been released to roam free, said the 20-year ACO veteran.

McLellan from the animal refuge league in Westbrook said only about half of the 400 animals at the shelter at any one time will be cats. Another 30 will be dogs, and the rest will be smaller critters found trapped, injured, lost or abandoned: rabbits, rats, mice, gerbils and birds, among others.

In Auburn in early November, a family lost its house to a fire caused by a space heater that was being used to keep pet snakes warm. Both Auburn and Lewiston are among Maine municipalities trying to deal with an increase in abandoned pets this year, especially cats that are quickly overtaking some neighborhoods.

Jimmy Smith, ACO for the town of Meddybemps, said he has seen evidence that livestock has been left to wander. But the town doesn't have much of a cat problem and has carefully monitored any hints of abuse since a notorious case in 1997 involving 16 abused dogs.

McLellan said she and others failed to see the true impact of the recession until this year. "There's a lag time" once a recession begins and when better times return, she said.

The good news at the Greater Portland rescue league, which serves so many southern Maine communities, is that 97 percent of all cats brought to the league are adopted, she said.

The League depends on their contracts with the 16 communities to help balance its annual budget, but also relies on hundreds of volunteers, in-kind donations such as bedding and all of the food consumed by the animals, cash donations and foster homes to keep up with the animals being turned in. 

SERVICE ORIENTED PROFESSIONAL ENGINEERING FOR MAINE.

DIRIGO ENGINEERING

- ◆ Engineering Studies
- ◆ Design
- ◆ Contract Admin.
- ◆ Funding Assistance
- ◆ Permitting
- ◆ Const. Monitoring
- ◆ Topographic Surveys
- ◆ Bidding
- ◆ Contract Operations

"SERVICE FIRST" ALWAYS



Water Supply / Wastewater / Stormwater / Site Development / Environmental / Highway Design / Solid Waste

Fairfield, Maine / (207) 453-2401 / www.dirigoengineering.com

2010 SPRING BOND ISSUE SCHEDULE

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

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

Wednesday, February 3rd

Application Deadline.

Wednesday, March 10th

Application approval (Board Meeting).

Tuesday, April 6th

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

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

Friday, April 9th

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

Monday, April 26th & Tuesday, April 27th

Maine Municipal Bond Bank Pricing.

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

Wednesday, April 28th

Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Tuesday, May 18th

Final documents due from bond counsel.

Wednesday, May 26th

Pre-Closing.

Thursday, May 27th

Closing - Bond Proceeds Available (1:00 PM)

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

If you would like to participate in or have any questions regarding the 2010 Spring Bond Issue, please contact Michele Sucey at 1-800-821-1113, (207)622-9386 or mls@mmbb.com.



A **sweet** suite of products brings our bank to you.

Androscoggin Bank brings the best banking products and the convenience of a branch to your office.

Insured Androsweep is an innovative new sweep account that automatically sweeps anything over your target balance into an investment account that is FDIC insured up to \$12.5 million.

With eDeposit and eBusiness you can scan and deposit checks right from your office. And eStatements keeps your statements secure and organized online.

Call 1-800-966-9172 today!
Ask about Leasing and Municipay, too!

Insured Androsweep	eDeposit eBusiness
Safe. Fully FDIC Insured. Need we say more?	Real Time. Access to real-time account information.
Liquid. Access to funds when needed.	Transfers. Transfer funds between accounts.
Rate. Great rates with maximum flexibility.	eStatements. Green, accessible and organized access to statements online.
Convenience. Our specialized team will make it easy for you.	Convenience. Checks can be scanned and deposited from your office!

www.androscogginbank.com

AndroscogginBank

Member FDIC •  Equal Housing Lender • SBA Certified Lender

Harbormaster: 'Ancient and Honorable'

By Douglas Rooks

Most of the summer, if you live along the coast, the busiest place in town is probably along the waterfront. Thousands of boaters pull into slips in dozens of Maine harbors daily – some of them residents and seasonal visitors, but many just coming in for the day.

The brisk traffic usually runs smoothly, which is a tribute in no small part to Maine's harbormasters – a municipal office that is less well-known than selectman, town manager, clerk or tax collector, but may have at least an equivalent effect on public perceptions of town government.

But what is a harbormaster, exactly? The answer seems to vary nearly as much as the towns and cities they work in.

The formal aspects are well covered in "Harbor Management: A Legal Guide for Harbormasters," which has been published since 1914 by the University of Maine Cooperative Extension Service and is available on the Maine Harbormasters Association's website.

Far from a dry compilation of facts, the guide is evocatively written.

"The harbormaster holds an ancient and honorable title," it begins. "It savors of tarry rigging, tall spars, and commerce carried out across vast seas."

It goes on to point out the many and varied duties of harbormasters, as well as the division of labor between federal, state and municipal authorities.

The federal government, through the U.S. Coast Guard and other agencies, is essentially in charge of navigation except in the immediate shoreline

area. U.S. Army Corps of Engineer permits are necessary for major projects affecting navigability.

The state, which has interests in the intertidal and submerged lands, owns much of this territory. The Department of Environmental Protection oversees pollution and other environmental concerns, while the Bureau of Public Lands has oversight of projects such as wharves and marinas. But that still leaves plenty of work for harbormasters. As the guide points out, "Less than 10% of Maine's 3,500 miles of coastal shoreline is physically suitable to function as a port or harbor area." This means that towns and cities usually have to become involved in facilitating and regulating marine uses within their borders. Moorings, for instance, are under the sole jurisdiction of the municipalities.

THE BASICS

According to Dave Corbeau, Scarborough harbormaster and current president of the association, the harbor management guide has just received its 10-year update, and incorporates recent changes to the law, including a requirement that all harbormasters take a basic training course offered by the association. Current harbormasters are exempt, under terms of the three-year old legislation.

Towns are required to have harbormasters in any coastal community that offers public moorings – and that's the vast majority. Harbormasters are also appointed in some inland towns, particularly those that have big lakes and substantial boat traffic and moorings, such as communities around Sebago Lake.

Corbeau isn't sure exactly how many harbormasters there are in

Maine. "So far, we've identified 147, but there could be a few more." There is no standard database covering harbormasters, and membership in the association is voluntary, though most municipalities do join. The association meets annually in March in Castine, and runs its annual training course there as well.

Behind the placid surface of a typical Maine harbor on a balmy July day lies a lot of preparation, a modicum of rules and regulations, and occasional controversies.

Wiscasset is currently debating a rule that requires vendors on the town docks to remove their equipment in the winter, after one vendor began using the popular spot year round, with the harbormaster on one side of the issue and a member of the harbor committee on the other.

Tremont, on Mount Desert Island, last winter had a lively discussion on whether the harbormaster's designated salary of \$33,900 represented a "living wage" for an area with sky-high housing prices. The harbormaster who was hired ended up resigning at the end of the summer.

And the southern coast has been haunted by a "ghost ship," a former U.S. Coast Guard patrol boat that has not been registered since 1998. It has sat for long periods in Wiscasset's harbor and is currently a problem for the Georgetown harbormaster, where it has apparently been abandoned – about which more later.

But most harbor issues are of the more mundane variety, said Dave Corbeau, such as whether moorings are safe and being properly maintained – which isn't to say they're not important. Keeping peace between the commercial fishermen and recreational

Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the Townsman, drooks@tds.net

boaters can be a challenge, as is allocating scarce mooring space.

In Scarborough, like most southern harbors, the demand substantially exceeds the supply. While Scarborough has 210 moorings, all taken, it also has a waiting list of 85. Some of the applications have been on file for 10 years, and turnover is limited.

Waiting lists arise in part for economic reasons – moorings at private marinas are also available, but usually cost substantially more than the \$50-\$100 registration fees charged by most municipalities. Most towns, Corbeau said, see moorings as public service rather than a means of raising revenue.

OPERATING 'A SMALL MARINA'

Up the coast in Belfast, Harbormaster Kathy Messier has no waiting list for moorings, and in fact could put in more. That's in part due to the unusual, if not unique, stance this midcoast city has taken to developing its waterfront after the exodus of canneries and fish-processing plants two decades ago.

"The city has a lot of shorefront property, and the council has decided we should use it for community benefit," Messier said. The city runs what is in essence "a small marina," which includes overnight docking (most towns allow day stops only), and shoreside amenities, including showers and a small store.

The siting of the town docks, on a wide tidal river protected from ocean swells, allows an almost unlimited number of moorings. Belfast currently has 360 mooring permits and could expand further. Even at the end of October, Messier counted 150 boats still in the water. "Every year they try to extend the season just a little," she said. "Everyone wants to be on the water as long as they can."

What Belfast does have is a "close in" waiting list for moorings that are conveniently near shore. Keeping the navigational lanes clear and providing enough dinghies for access to the moorings could potentially limit mooring expansions, but hasn't so far, she said.

Another advantage that comes from an abundance of mooring space is that there are minimal conflicts between users. Commercial fishing boats have their own section and are able to off-load their catches with minimal fuss. About 25 licensed lobster boats

operate out of Belfast, Messier said. Most other fisheries have gone by the boards, as elsewhere, but there are a few urchin and scallop divers using the town pier.

There have been a few changes she's witnessed over the years as harbormaster. The city has been actively seeking redevelopment of the inner harbor, and had found a developer for the old sardine plant, which would have been the site of waterfront condominiums. But in the current downturn, financing fell through, and the site is again available.

Messier has also noticed an increase in private moorings in the harbor, which are usually attached to residences acquired by boating enthusiasts from away. None have created any traffic or enforcement problems for the city, however.

APPLYING THE LAW

For other towns and cities, where mooring space is scarce, the allocation of moorings is supposed to take place on a first-come, first-served basis, with the chronology of the waiting list strictly observed. Usually that's the way it happens, but not always.

Dave Corbeau said he can recall one instance where a town harbormaster was a commercial fisherman, and tended to overlook the requests for other fishermen for moorings. "It was as if he didn't want the competition, but that's not the way it's supposed to work," he said.

Such instances are one reason why the Harbormasters Association pushed for mandatory training. "The law is pretty clear, but it will always need to be enforced," Corbeau said.

Another area of the law that's created concern among harbormasters is what to do with vessels that are neglected or abandoned – boats that are increasing in numbers since the economic downturn has forced owners to cut back their recreational activities.

ALL TOO SINKABLE

One particular knotty case is now being thrashed out in Georgetown, where Harbormaster George Dufour is keeping a watchful eye on *Night Music*, a 48-foot wooden vessel that was once among a fleet of 300 similar vessels built by N.W. Willis and Sons in North Carolina and used for Coast Guard patrols. *Night Music* was launched in

1942 and clearly has seen better days, to say the least.

The boat disappeared from the Coast Guard registry in 1998, after its then-owner donated it to the Massachusetts Maritime Academy. The current owner told Dufour he bought the boat in 2003 through an Uncle Henry's ad.

By 2007, it had sunk in the Wiscasset harbor, and it went down again in January, with the owner refloating the vessel each time. After the latest sinking, *Night Music* appeared in Georgetown on another owner's mooring in April, and has been there ever since, taking on water.

When interviewed in mid-October, Dufour was on his way to pump out the boat, something he has to do frequently, since it takes on about 1,000 gallons a day. "It's actually not a lot for a vessel that size, but it does create work for the harbormaster," he said. "And with the cold weather coming on, I'm not looking forward to doing it much longer."

The problem, as Dufour sees it, is that state law requires municipalities to provide "safe harbor" for abandoned vessels for six months before they can be sold and salvaged. He doesn't see that as realistic in a state with such a short temperate season.

Counting from the first April sighting, he wasn't able to take action about the *Night Music* until October, with cold weather setting in. What would have happened if the boat had showed up in July or August he doesn't care to speculate.

He's called the Coast Guard and the Maine Department of Marine Resources, but neither was willing to intervene after an on-site inspection by the Coast Guard. "As long as it's not blocking a channel, or releasing pollutants, they're not going to get involved," he said.

The saga may end soon, since Dufour has a salvager interested, and the owner does not object to the boat being removed when the six months are up. Restoration of the wooden vessel to seaworthy condition could cost as much as \$300,000, and would amount to \$100,000 even if a new owner did the work.

Dufour has filed legal charges against the apparent owner, for abandonment of a vessel on a municipal mooring, and failure to obey a harbormaster's order. He's been told by

the District Attorney's office that the second charge may stand up, but the first will be hard to prove because of the law's vagueness.

Corbeau agrees that the Georgetown case, and others like it, suggests that state law might need some tightening up. The association expects to take up the abandoned vessel issue in March, and then decide whether to request legislation.

WHO ENFORCES THE LAW?

While life along the harbor is usually orderly, harbormasters sometimes confront a variety of illegal activity, from intoxicated boaters to unsafe operation.

Corbeau is a Scarborough police officer in addition to his duties as harbormaster, so he can issue tickets and make arrests on the water. Most harbormasters can't do that.

"This is another issue we've been discussing for awhile," he said. If a harbormaster notices suspicious activity, he has to call police, who may not respond quickly, he said. "In the meantime, you've got to convince the boater to stay put, even if you don't have the

legal authority to detain them."

And if the incident does involve criminal charges and a court appearance, that means that both the harbormaster and the police officer will have to appear, the former as witness and the latter as arresting officer.

"I wouldn't want to be without enforcement powers, but not every town feels that way about the harbormaster position," Corbeau said.

Enforcement aside, Corbeau says he loves the job of harbormaster and the variety it provides away from his land-side beat. He doesn't see himself as a water cop, and most issues can be handled with a quiet word.

If he ever does give up the job, he hopes whoever takes it on will operate with a light hand. "You'll need to go slow at first. People are out to have fun on the water, and they'll respond better if you take a low-key approach," he said.

The attractions of coastal life do seem to extend to most of the harbormasters Maine employs.

John McCollett, harbormaster for 17 years in the busy port of Kittery, decided he wanted to retire recently, but he was in no rush about moving along. He told a reporter, "Maybe I'll be working as an assistant harbormaster for awhile." **mf**

OLVER ASSOCIATES INC.
ENVIRONMENTAL ENGINEERS

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

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

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

VISION APPRAISAL

Proven, Trusted, Professional

Serving New England with a Proven Team of Appraisal and Technical Professionals



- » **Integrated Technology** and Appraisal Expertise
- » **Over 120 Employees** to serve New England Assessors
- » **Customer Support** with Same Day Turnaround, Annual User Group, monthly training classes
- » **Web Based Public Access** to Assessing Data and On-line Client Forum



More than 30 years providing power and flexibility in CAMA software for the New England area

Call us today at **800.628.1013** ext 2

www.visionappraisal.com

Plenty of Local Referenda in November

By Michael Starn, Editor

Statewide issues clearly dominated the November 3 off-year election here in Maine; nevertheless, local ballot issues were plentiful and sometimes contentious in their own right for many communities. Local voters deciding local issues is a longstanding Maine and New England tradition that was not lost in the election of 2009.

Most political observers attribute this year's high voter turnout to the heavily advertised and debated statewide ballot issues. An off-year election turnout typically falls in the 20-50% range, depending in large part on how controversial the issues are. This year's voter turnout was 60%. For some communities, local issues were clearly a factor affecting the large voter turnout.

The economy was undoubtedly on local voters' minds as they entered the polling places. Local referenda questions that involved local tax expenditures were particularly scrutinized. From post-election newspaper reports, it appeared that fewer of these tax expenditure questions made their way to the local ballot this year than would ordinarily have been expected in a November election. Where they did show up, communities seemed split between those who approved these measures and those who rejected them.

For some reason, charter changes were bountiful at this year's election. About a dozen communities voted on charter amendments and at least two decided to form a charter commission. The Town of Winslow left all the charter-changing communities in the dust with 29 separate charter amendments on the ballot. The long list of amendments may have caused "voter fatigue" for some Winslow residents as Town Clerk Pam Smiley observed

in a post-election newspaper article that she believed that some voters may have failed to complete the entire local ballot.

School bonds were also on several local ballots. Perhaps associated with recent school consolidations, voting on school building construction and improvements was fairly widespread. Conversely, voters in at least one new school district were faced with closing two elementary schools.

Growth management, zoning and other land use issues, and public land acquisition were also on this year's ballot, but mostly in southern Maine and coastal communities. Downtown development projects were approved in a couple of communities.

And, finally, bucking longstanding restrictions on the sale of beer and wine in their communities, voters in Friendship and Morrill decided the time had come to switch from a "dry" to a "wet" community.

BUILDING PROJECTS

Old Orchard Beach and Farmington voted on new police stations, but saw different results.

Residents in OOB approved a \$2.5 million police station building project by a 2,376 to 1,503 vote. With a local police department that swells from a dozen or so officers in the winter to nearly 60 full and part-time law enforcement personnel in the summer, the current 3,000 sq. ft. police facility was clearly inadequate.

Before deciding to put the construction project before voters, the OOB town council had to find a creative way to finance it – one that wouldn't involve property tax increases. What they found was a \$250,000-\$350,000 of annual rescue billing

funds that could be dedicated to the bond payments.

With some town-owned land behind the existing police/fire station, a clear need for a larger police facility, and a non-property tax funding mechanism identified, the town council felt the timing was right to ask residents for their approval to move forward with the project.

Construction is expected to begin in the spring of 2010 on the 9,000 sq. ft. police station and town officials hope to start using the new facility before the end of next year. The project addresses another space issue in that the current public safety building is shared by the police and fire departments. When the police department moves into the new building, space in the old building will be freed up for just fire department use.

Voters in Farmington did not share OOB's enthusiasm for a new police station. By a 1,507-1,634 vote, Farmington residents rejected a \$2.75 million, 9,000 sq. ft. police station project on a parcel of town-owned land located on Route 2.

The 14-member police department currently works out of slightly-less-than 1,600 sq. ft. of space in the Municipal Building. Studies over the past 10 years have concluded that more space is needed. A Space Needs Committee was formed by the town last year to study the situation.

In a newspaper interview following the election, Town Manager Richard Davis said the board of selectmen would discuss what steps to take next at its meeting on November 10.

Elsewhere, municipal officials were clearly apprehensive about putting town building projects before voters this year given the current economic

climate. In Bridgton and Ogunquit, "advisory" voting kept alive proposals to renovate or build new municipal offices, without committing actual dollars to projects.

Bridgton residents showed overwhelming support for a non-binding ballot question that asked them if they wanted to renovate the Old Town Hall building. The vote was 1,567-547. The renovation project is expected to cost about \$400,000 and with the recent public support for the project, town officials are expected to go before voters next June with a specific bond proposal.

A conceptual plan for a new municipal complex put forward by a Building Needs Committee got voter approval in Ogunquit, 495-218. The plan involves renovations to the Dunaway Center and Ogunquit Village School. Voters were asked only for their opinion on the design of the project. No funding was approved, although the project is estimated to cost about \$4.1 million.

INFRASTRUCTURE IMPROVEMENTS

The number of infrastructure projects presented to voters in November for financing was smaller than usual, as well.

In Rockland, voters gave the city council authority to borrow up to \$2.8 million for various capital improvement projects. Most of the funding will be spent on replacing deteriorated, old sewer lines along several in-town streets. City officials are hoping to get some funding from USDA Rural Development for part of the sewer work.

Town officials in Mexico were successful in making the case to voters for borrowing up to \$2.9 million for road projects. The vote was 605-485.

The road bond will be used for reconstruction, paving, and repair work on about a dozen local roads that haven't gotten much attention over the past several years. Town Manager John Madigan expressed his view of voters support for roads after the election by saying, "This shows that the majority of voters want to reinvest in the future of the town."

Madigan attributes the public support that he and selectmen got for the road bond question to their preparedness to explain details of the plan.

When the idea first surfaced, Madigan contacted his fellow town managers via the MTMCA (Maine Town & City Management Association) listserv asking for experiences with road bonds. He says that the feedback he got from other managers was very helpful in selling the idea to Mexico residents.

Kennebunk and Rockport voters approved capital improvement bonds for their downtowns. In Kennebunk, the vote was 2,896-2,250 authorizing the town to borrow for sidewalk, sign, tree, crosswalk and drainage improvements. In Rockport, the vote was 947-672 to establish a downtown tax increment financing (TIF) district. The purpose of the TIF district would be to leverage private investment in the downtown and to dedicate the property tax revenue generated by that investment toward infrastructure improvements and public facilities in the downtown.

Lisbon voters approved two bond issues: a \$320,000 10-year bond as local matching funds to receive \$1.2 million of state funds to complete the final phase of the Lisbon Trail System; and a \$1.7 million bond to construct new water lines along Route 9.

On the flip side of infrastructure spending, residents of Dover-Foxcroft rejected a \$300,000 capital improvement bond to upgrade the wastewater treatment plant and collection system. The local funds would have been a match for a \$708,000 USDA Rural Development grant.

SCHOOL BONDS

On the education side of things, building project voting was more wide-

spread, and some of that may have been created by 'no-interest' loans under the federal stimulus act. School consolidation may also have been a factor as school facilities were inventoried and analyzed prior to consolidation voting over the past two years.

Residents in Bridgton, Casco, Naples and Sebago, comprising SAD 61, approved a \$13.8 million bond for major renovations to the Lakes Region High School. All four towns voted affirmatively on the school bond.

According to Bridgton Town Manager Mitch Berkowitz, school officials did a good job of explaining the need for the renovations in several public hearings and also took advantage of state and federal revenues that helped to minimize the impact on local property taxpayers. In Bridgton, Berkowitz says the increase will only be 10 cents on the property tax rate.

Strong local leadership and support for a major high school renovation project in Biddeford was at least partly responsible for a surprisingly easy approval of a \$34 million school bond (4,573-2,686). According to City Manager John Bubier, the mayor (Joanne Twomey) announced her support early in the process for the school bond and clearly "deserves some of the credit" for its success at the polls. Except for one councilor, the city council also backed the school project.

Even though the need for the renovations was obvious, city and school officials had to be a little worried about a school bond of this magnitude going before voters in the current economy, compounded by the fact that it will be entirely locally funded. City Manager

WE ARE GROWING...
To better serve our clients in Southern Maine



AUBURN BAR HARBOR MACHIAS PRESQUE ISLE BREWER



Visit us at ces-maine.com
Auburn (207) 376-3140
Brewer (207) 989-4824

ENGINEERING • SURVEYING • PLANNING • SCIENCES

Bubier acknowledges that “it was a tough year to be doing this type of thing”. “We were very pleased to see it go through,” he said.

Smaller school bonds in RSU 35 (Eliot, South Berwick) and RSU 60 (Lebanon, Berwick, North Berwick) were also approved by comfortable margins. The RSU 35 project was for \$3.2 million and the RSU 60 vote was for \$571,550 of building improvements.

Voters in RSU 44, which includes Bethel, Newry, Greenwood, Andover and Woodstock, turned down a school bond for a new gymnasium and theater at the Telstar Middle/High School complex.

While voters in SAD 4, which includes Abbot, Cambridge, Guilford, Parkman, Sangerville and Wellington, were approving \$600,000 of borrowing to install a new roof and make other renovations to the Piscataquis Community High School, they also were voting to close two elementary schools, effective June 30, 2010. When these closings take effect, the only elementary school in the district will be on the campus of the Piscataquis Community Middle School.

MUNICIPAL CHARTERS

Municipalities seemed particularly interested in charter changes at the November election. At least nine communities had charter amendments that were voted on and two approved the formation of a charter commission.

On November 3, Old Orchard Beach and Mechanic Falls both established charter commissions and elected people to serve on those commissions.

Some of the communities voting on charter amendments had several questions on the ballot, led by the Town of Winslow with 29 separate amendments. Because of the size of the ballot and some necessary hand-counting, it took election officials in Winslow almost two weeks to get a final tally on the local ballot. In the end, all 29 amendments passed.

For most communities, charter amendments were not controversial.

In North Yarmouth, four charter amendments passed easily in an election that had 63 percent of the town’s registered voters casting ballots. Three of the amendments gave select-

men more discretion on administrative and financial decisions, increased the competitive bidding threshold from \$500 to \$5,000, allowed them to set certain fees that had previously gone to the town meeting, and gave them authority to appoint the Administrative Assistant as the Town Clerk. The other amendment specified that the annual municipal election and town business meeting would be held on different days.

Ogunquit had five charter amendments that sailed through the voter approval process. Two of the amendments reversed previous town actions: one returned the planning board back to an appointive board; and the other changed the referendum voting process for the town budget from “multiple choice” to “yes/no”. Town Manager Tom Fortier said the reasons for the changes were lack of candidates for a previous election of planning board members and confusion over the “multiple choice” method of voting. Kittery also had five charter amendments on the ballot, all of them passing overwhelmingly.

In South Berwick, all four charter amendments passed, but one of them which was intended to clarify the town council’s authority related to its appropriation authority was a closer vote, 1,329-1,157. The three questions that passed more easily included amendments to change charter language making it gender-neutral, creation of the position of vice chair of the town council, and technical changes to the charter to make it more consistent with state law.

To streamline their municipal budget adoption process, residents in the Town of Gray modified their town charter to do away with the annual open town meeting in favor of a “referendum-style” town meeting. The previous charter required both an open town meeting and a referendum vote on the budget.

Poland voters had seven charter amendments to consider, all of them making minor changes. They approved all seven.

South Portland voters passed a charter change that gave city councilors more flexibility for selling municipal bonds.

LAND USE

Voters in the Town of York ap-

proved nine zoning amendments and six comprehensive plan amendments. They also amended the town’s residential growth ordinance, suspending it when the unemployment rate is over 6.5 percent (which it currently is). This amendment effectively abolishes the town’s residential growth ordinance because of a sunset provision in it that occurred in mid-November. In nearby Wells, residents overwhelmingly rejected a large-scale water extraction ordinance, which would have both permitted and regulated their operation in town. The vote was 1,422 in favor and 3,199 opposed. Controversy over the issue started last year when the local water district struck a deal with Poland Spring to sell the company large amounts of water. The deal was, however, nixed before it was every consummated.

Acquisition of public land was voted on in Scarborough and Windham, with different outcomes. Scarborough voters approved a \$1 million bond to buy open space; whereas, Windham voters rejected a proposal to appropriate \$1 million to buy land, or get conservation easements, for public access and recreational purposes.

Regulation of small wind power systems was addressed in new or revised ordinances in Wells, Bar Harbor, and Waldoboro.

Both Kennebunk and Kennebunkport had contract zoning questions on this year’s ballot that got voter approval.

OTHER LOCAL ISSUES

Since 1919, the Town of Friendship has been a “dry” town. But after the November election of 2009, stores there will now be allowed to sell beer and wine (but not on Sunday, and no liquor). Residents had rejected previous attempts to get “wet” as recently as 2000, 1992 and 1987. The Town of Morrill also voted to end its “dry” status in 2009.

Voters in the Town of Paris adopted a local recall ordinance for municipal officers. The ordinance sets up requirements for the petition process to initiate a recall and outlines procedures to follow for the recall election.

A proposal to ban dogs on Willard Beach in South Portland during the summer months was defeated by voters. The vote was 6,770 against and 4,377 for. 

Maine Resource Recovery Association



142 Farm Rd. Suite 2
P. O. Box 1838
Bangor, ME 04402-1838
Telephone 207-942-6772
Fax 207-942-4017
Email victor.horton@mrra.net
John.albertini@mrra.net

WWW.MRRA.NET

Tel 207-942-6772

Recycling and Solid Waste solutions for every town. We can help

Call MRRA for Freon Removal, Cardboard, Newspaper, Plastics, and Scrap Iron Service and pricing.

MRRA works with towns and cities statewide

Check out our recycling bin and tote program

We went out to bid for the best prices and quality product and are able to offer large and small quantity purchasing of recycling curbside bins and wheeled totes.

Give us a call today for pricing and color choices 877-942-6772.



Use our logo or create your own

MRRA also offers these services

Maine's Recycling & Annual Solid Waste Conference
Recycling & Solid Waste Technical Assistance
Consulting – MRRA will send a rep for a free no obligation site visit
Marketing of materials
The Scrap Paper Newsletter
Workshops & Tours

People

In late October, the Bangor City Council announced that they had reached an agreement with long-time City Manager **Edward Barrett** to end his employment with the city next spring. Barrett has served as Bangor city manager for the past 22 years.

Rumford selectmen will soon name a short-term replacement for Selectman **Robert Cameron**, who resigned in October because of other commitments. The town charter gives selectmen the power to temporarily fill vacant seats on the board until the next annual town meeting. Voters will elect a new selectman at the 2010 town meeting.

Former Bethel Police Chief **Alan Carr** has been hired as a part-time officer for the Norway Police Department. Carr, a state trooper for almost 40 years, will help the small western Maine town fill gaps in police coverage.

Hallowell City Manager **David Giroux**, who suffered a stroke in late September of 2008, officially ended his employment with the city on October 1, 2009. Giroux first took on manager duties in March 2006, when he was named interim manager. The city's former code enforcement officer, Giroux was named permanent manager in August 2006. The present CEO, **Todd Shea**, who has been filling in for Giroux, has been named interim manager.

Presque Isle City Manager **Tom Stevens** will not launch a legal fight to keep his job, which will end next year when his present contract expires. Stevens said he loves the northern Maine city he has managed for 17 years too much to cause trouble over the council's decision in October. City councilors told Stevens that they wanted to take the city in a different direction in the future, which would necessitate new management.

November 3 election results:

Gorham incumbents **Brenda Caldwell** and **Shonn Moulton** were re-elected to two of three open seats on the town council with 3,782 and 2,772 votes, respectively. **Matthew Mattingly** placed second in the race with 3,504 votes.

Raymond Caron defeated

incumbent Winslow Town Councilor **Brad Grant** to win a three-year term on the board. Caron received just eight more votes than Grant, 405-397.

Kittery Town Councilors **Frank Dennett** and **Jeffrey Thomson** were re-elected with 2,112 and 1,608 votes, respectively, while **Jeffery Pelletier** won his third, three-year term with 1,954 votes. A fourth candidate received 1,476 votes.

Old Town City Councilor **Jamie Dufour** was returned to office with 1,872 votes, while former fire chief **James Lavoie** won the second open seat with 1,697 votes.

Fairfield voters seated **Donald Giroux Sr.** on the town council with 1,137 votes in a five-way race for two seats. They also elected **Ed Finch**, who received 995 votes, despite Finch's announcement two weeks before the election that he no longer wanted to be a candidate. Finch had not decided by mid-November whether he would serve or not.

Colleen Hilton defeated Westbrook

Mayor **Bruce Chuluda** by a vote of 3,472-3,357.

Portland incumbent City Councilor **Kevin Donoghue** defeated challenger Charles Bragdon by a vote of 2,625 to 1,364.

Lewiston Mayor **Larry Gilbert** was re-elected with 6,218 votes to defeat challenger **Mark Paradis**, a city councilor, who received 5,373 votes.

Stephen Gudroe and **Richard Goodwin** won a five-way race for two seats on the Dexter Town Council. Gudroe received 967 votes, while Goodwin collected 644. Incumbent Councilor **Sherman Leighton** placed third with 364 votes.

Brunswick at-large incumbent Town Councilor **Joanne King** defeated Karen Klatt by a vote of 5,356 to 2,789 for another term. Incumbent Town Councilor **Hallie Daughtry** was unseated, however, by challenger **Suzan Wilson** by a vote of 772-873 for the District 3 race. **John Perreault** defeated **Jason Berquist** by a vote of 802-527 for the District 4 seat. 

Providing Maine's Municipalities with:

- Site Planning and Development
- Traffic Impact Studies/Reviews
- Bridge Design
- Planning Board Peer Review
- Road Assessments/Inventory
- Right-of-Way Services
- Aviation Services
- Transportation/Land Use Planning

Serving Maine since 1945

HNTB Corporation

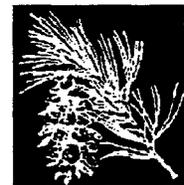
The HNTB Companies
Engineers Architects Planners

340 County Road, Suite 6-C
Westbrook, Maine 04092
Tel: (207) 774-5155
Fax: (207) 228-0909
www.hntb.com

HNTB

PINE TREE ENGINEERING, INC.

53 Front Street
Bath, Maine 04530
Telephone: (207) 443-1508
Fax: (207) 442-7029
E-mail: pte@pte-maine.com



❖ Civil/Environmental Engineering

❖ Surveying

*A client oriented firm offering a wide range of services
in Maine and New England*

News *From Around the State and City Hall*

Augusta: Officials from 20 municipalities agreed this month that service is better and costs are lower for dispatch services from the Somerset County dispatch center, located in Skowhegan, than from the state-operated regional communications center, based in Augusta. Complaints by residents also have declined with the switch, officials told the *Kennebec Journal*.

Biddeford: The city council voted 5-4 in October to approve a new contract with the police union, the first of five unions that represent city employees to reach agreement with the council. The new contract does not provide any pay raises in the first year, as the council directed for all unions while developing the 2009-2010 municipal budget. Officers will get raises of one to three percent, depending on the Consumer Price Index, in the second year of the new pact. The city employs 250 people and 170 of them are members of unions.

Harrington: Residents are upset over a new 350-foot communications tower that some are blaming for lowering their home values. The tower was apparently approved in April without a public hearing by the planning board.

Millinocket: An attorney for the town's school board opined in October that the town council could not legally use \$250,000 left over from the school department's budget to hold down the property tax rate. Based on a different opinion from the town attorney, the town council has taken the position that the town is able to use these unspent funds for property tax relief.

Orono: A group of more than 30 public and private entities has been awarded an \$8 million grant under the Federal Stimulus Act to develop a tidal power test center in Maine. A number of offshore sites have been identified as possible locations for a test center. The University of Maine is taking the lead in the effort, which could ultimately lead to new jobs and renewable energy in several areas of the state.

Portland: The city council will use a \$660,000 federal Economic Development Administration grant to build roads and other infrastructure for a 26-acre business park. The city is working with neighboring South

Portland and Westbrook to develop lots and buildings to compete for Boston-area biotechnology companies looking to expand.

South Portland: City firefighters and the council reached agreement in early November on a new two-year contract that includes a promise not to lay off any of the nearly 50 firefighters – except for five new firefighters who have been employed less than a year. In exchange, union members agreed to forego across-the-board raises. The department also will not hire any additional staff, under the contract. Employees can get pay increases for fitness training and additional education.

Turner: Selectmen voted in early November to acquire a parcel of land adjacent to the town office and agreed to seek bidders interested in removing the building from the site, while preserving the structure. The building has been home to various businesses since being built in 1850.

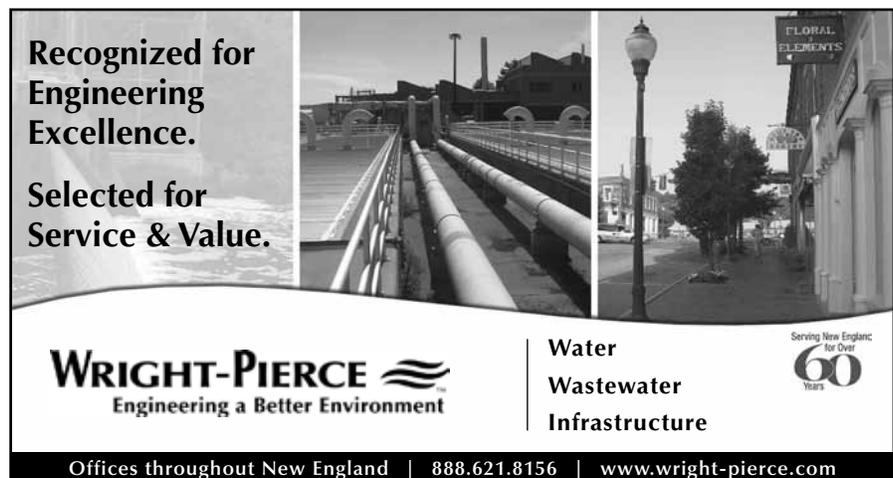
Westbrook: A dispute between the city and one of the state's best-known asphalt companies, Pike Industries, was headed to a court showdown in November after Pike began trucking crushed stone from a company quarry city officials ordered shut down in July. The company is appealing a zoning board ruling earlier this year that revoked Pike's permit for the quarry. The action is only the latest in a long history of tension among city officials, the company and neighbors of Pike's two quarries in Westbrook.

Whitefield: In response to strong

opposition by some property owners, selectmen this month suspended implementation of a town-wide revaluation and decided to send tax bills to residents based on last year's assessments. A group of residents presented selectmen with a list of 275 signatures of taxpayers calling for a special town meeting so residents could consider repealing the revaluation, which increased property values from the present 62 percent of fair market value to 100 percent. Selectmen plan to use the discarded revaluation as a starting point for redoing the old assessments.

Wilton: At the urging of Town Manager Rhonda Irish last summer, The Wilton Group has been revived with new enthusiasm to promote the town and get more residents involved in supporting municipal and business initiatives. The group was first organized in 2005, but interest declined and membership dropped. A special breakfast was held in early November to attract more volunteers and keep the new momentum alive.

Farmington: The recession and a much lower Consumer Price Index average will result in municipal employees taking a small pay cut for fiscal year 2010. Last fall, employees got a pay increase of almost five percent based on a new policy that used the CPI average for the past 12 months. Because of deflation over the past 12 months, this year's CPI computes to a .68 percent decrease in pay. 



Recognized for Engineering Excellence.

Selected for Service & Value.

WRIGHT-PIERCE 
Engineering a Better Environment

Water
Wastewater
Infrastructure

Serving New England for Over **60** Years

Offices throughout New England | 888.621.8156 | www.wright-pierce.com

Municipal Bulletin Board

LD 1 INCOME GROWTH FACTOR

The State Planning Office (SPO) has announced the income growth factor to be used in 2010 for calculating the LD 1 spending limit for municipalities and counties. The new income growth factor is 1.78%.

The income growth factor is one of the two figures used to calculate the LD 1 property tax levy limit. The other factor used in the calculation of the LD 1 limit is the property growth factor.

The 1.78% income growth factor applies to calendar year communities preparing 2010 budgets and to fiscal year communities preparing FY 11 budgets (July 1, 2010 to June 30, 2011). If you have any questions about on LD 1, please contact Kate Dufour at 1-800-452-8786 or kdufour@memun.org or Michael Starn, mstarn@memun.org

MMA CLOSED

Maine Municipal Association will be closing at 12 noon for the remainder of the day on Friday, December 11 to allow our employees to attend our Staff Appreciation Holiday Luncheon.

STATE HOLIDAYS

The State of Maine's 2010 Holiday Observance schedule is as follows:

Holidays	Date Observed
New Year's Day	Fri, Jan 1
Martin Luther King Day	Mon, Jan.18
Presidents' Day	Mon, Feb 15
Patriot's Day	Mon, Apr 19
Memorial Day	Mon, May 31
Independence Day	Mon, July 5
Labor Day	Mon, Sept 6
Columbus Day	Mon, Oct 11
Veterans' Day	Thurs, Nov 11
Thanksgiving	Thurs, Nov. 25/ Fri, Nov. 26
Christmas Day	Fri, Dec 24

NOTE: Holidays that fall on Saturday are observed on the preceding Friday, and holidays that fall on Sunday are observed the following Monday.

ELECTED OFFICIALS WORKSHOP

Maine Municipal Association concludes its 2009 Elected Officials Workshop (EOW) series with offerings at Spectacular Events in Bangor on December 2 and at the Holiday Inn Express in Saco on December 3. The

workshop runs from 4:30-8:30 p.m. at both locations.

This workshop is a "must" for newly elected officials and can be a refresher for veteran municipal officials. The workshop covers such topics as the Right-to-Know law, municipal liability, home rule and ordinance authority, and much more. The Right-to-Know portion of the workshop meets the state guidelines for this required training for elected selectmen and councilors.

Registration is \$40 (half that for newly-elected officials). For more information, contact MMA's Training & Affiliate office, 1-800-452-8786.

COMMUNITY BUILDING

A workshop on Community Building & Civic Engagement, cosponsored by the Maine Town & City Management Association and the New Hampshire Municipal Management Association,

will be held December 4 in Portsmouth, NH. The workshop will run from 10:00 a.m. to 3:00 p.m.

The workshop will be conducted by Ed Everett, retired city manager of Redwood City, California.

Registration is \$40. For more information, contact MMA's Training & Affiliate office, 1-800-452-8786.

WOOD FUEL CONVERSION

The Maine Forest Service is seeking applications for grants to assist with conversion of at least 15 public buildings to wood or dual fuel heating. The program is open to all Maine public entities or parties with public buildings, including schools, hospitals, state, county, local and tribal governments. Applications are due January 5, 2010. For more information, please see the ARRA section of the MMA website, www.memun.org mtf



Quality maintenance, repair & rebuild service for all municipal vehicles.

REGIONAL MAINTENANCE FACILITY

534B Portland Street
Rt. 4
Berwick, ME 03901

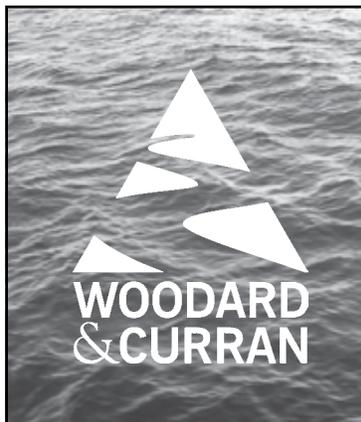
Telephone: 384-4216
Fax: 384-4291

**Operated by the
Town of South Berwick**

Light, Medium & Heavy Duty Trucks,
Autos & Ambulances

Loaders, Backhoes, Sweepers, Trackless
& Small Engines

Fire Pump and Aerial Maintenance
Marine Maintenance and Repair



An integrated engineering, science & operations firm serving public & private clients locally & nationwide.

- water & wastewater engineering
- civil/site engineering
- solid & hazardous waste
- training & operations
- facilities & master planning
- stormwater management & planning
- GIS/asset management

COMMITMENT & INTEGRITY DRIVE RESULTS | 800.426.4262 | woodardcurran.com

BANK FORECLOSURES & MUNICIPAL TAX LIENS

(Reprinted and revised from the February 2004 *Maine Townsman* "Legal Notes.")

When a bank or other lender sues to foreclose on a mortgage, it must sue or "join" all other parties in interest (the owner, other mortgage holders, lien holders, attachment creditors, etc.) except those with superior priority to the foreclosing mortgage holder. Parties in interest with superior priority may *not* be joined, nor will their interests be affected by the foreclosure, but the foreclosing mortgage holder must notify them by sending a copy of the complaint by certified mail (see 14 M.R.S.A. § 6321).

Since a municipal real estate tax lien is superior to all other claims (see 36 M.R.S.A. § 552), a municipality should *not* be joined or named as a party to a foreclosure lawsuit on the basis of a tax lien. Nevertheless, on occasion a municipality will inadvertently be named as a party and will thus be obligated to answer the complaint within 20 days. If this happens, don't panic. Simply contact the mortgage holder's attorney as soon as possible and either cite the two statutes cited above or send a copy of this article. The mortgage holder should promptly amend the complaint by removing the municipality as a named party.

If a municipality receives a copy of a foreclosure complaint because it has a tax lien on the property but the municipality is not named as a party, there is no need to respond at all – *the foreclosure of the mortgage will not affect the municipality's tax lien in any way.*

Often, a foreclosing mortgage holder will pay off a municipal tax lien in order to be able to convey clear title. If this does not happen, however, the tax lien will follow the property and, if it remains unpaid, foreclose against the new owner.

All of the above also applies to sewer and water liens as well as liens for abatement of malfunctioning septic systems, dangerous buildings and auto graveyard and junkyard violations.

If a municipality has an interest in property other than a lien described

above (a general assistance lien or a conventional mortgage, for example), and if that interest is subordinate to the interest of the foreclosing mortgage holder, it will be named as a party and will have to answer the complaint. Moreover, foreclosure will wipe out the municipality's subordinate claim.

Since this article was first published, the law was amended to require mortgage holders to give municipalities additional notice of foreclosures. PL 2009, c. 402, § 17 (eff. June 15, 2009) amended 14 M.R.S.A. § 6321 to require mortgage holders, within three days of recording a copy of the complaint or a clerk's certificate of the filing in the registry of deeds, to provide municipal assessors with a copy of the complaint or the "clerk's certificate of foreclosure." This additional notice is intended to help municipalities monitor properties in foreclosure (for code enforcement and public safety as well as tax purposes). It neither authorizes nor requires assessors to change the assessed owner until and unless ownership has actually changed as of a subsequent April 1st. (*By R.P.F.*)

HOLIDAY DISPLAYS ON MUNICIPAL PROPERTY

Question: With the holidays approaching, what's the law on permitting religious displays such as a nativity scene on municipal property?

Answer: This a complicated and

continually evolving question of constitutional law, but here's a quick summary of current case law (*sans* citations).

The key is that the First Amendment prohibits Congress (and by extension state and local government) from either promoting religion (the "Establishment Clause") or interfering with the free exercise of religion (the "Free Exercise Clause").

Thus, if a nativity scene or other religious display is *publicly* sponsored (*i.e.*, sponsored by a governmental entity or erected at governmental expense), it is probably an unconstitutional endorsement or "establishment" of religion unless accompanied by traditional secular symbols of the holiday, such as a snowman, Santa Claus, or a banner reading "Season's Greetings." These secular symbols of the holidays should be positioned in close proximity to the religious display so that they are all in the same viewshed. This combination of publicly sponsored religious and secular symbols renders the scene a constitutional public celebration of a traditional holiday, not an unconstitutional government endorsement of a particular faith.

On the other hand, if a nativity scene or other religious display is *privately* sponsored (*i.e.*, sponsored by a private entity or erected at private expense), it *must* be allowed on public property if that property is a "traditional public forum," such as a park or commons, and the property is made available for

Municipal Calendar

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

DECEMBER 25 — Christmas Day - a legal holiday (4 MRSA §1051, 20-A MRSA §4802).

DURING DECEMBER — Towns that elect officials by secret ballot under 30-A MRSA § 2528 must make nomination

papers available 40 days before the filing deadline. The filing deadline must be at least 45 days before the election date. For most towns with March elections, papers must be made available beginning sometime in December, depending on the date of the election.

BY JANUARY 1 — Each owner or keeper of a dog or wolf hybrid at the age of 6 months or more shall obtain a license for that animal from the municipal clerk (7 MRSA § 3922).

secular displays. It is unconstitutional to limit the “free exercise” of religious expression in a public place where secular expression is permitted (again, such as a park or commons).

For a *privately* sponsored religious display on public property, there is no constitutional requirement that it be balanced with traditional secular symbols – it is not publicly sponsored, so it does not constitute government endorsement of religion. A privately sponsored display should include a prominent sign or banner identifying its sponsor, however. Also, any other sponsor of either a religious or secular display must be allowed to use the property on the same terms.

This is a general, un-nuanced overview of the law on a subject that is more complex than this article lets on. Specific questions and circumstances should be reviewed by legal counsel.

For more on the First Amendment and the relationship between government and religion, see the feature article “Church and State,” *Maine Townsman*, October 2001. (By R.P.F.)

‘RED FLAGS’ DEADLINE DELAYED UNTIL 06/01/10

At Congress’ request, the Federal Trade Commission (FTC) has postponed the deadline for compliance with the new “Red Flags” rule yet again – to June 1, 2010. (The deadline has been postponed several times since the original May 1, 2009 deadline).

The Red Flags rule requires entities that regularly permit deferred payments for goods or services (“creditors”) to adopt an identity-theft prevention and detection program. As we noted here earlier this year, *municipal utilities such as water and sewer departments are subject to the new Red Flags rule.*

The FTC has a website dedicated to the Red Flags rule at www.ftc.gov/

redflagrule. The website includes a compliance guide for creditors. The FTC has also developed a compliance template for creditors with a low risk of identity theft such as those that do not maintain sensitive customer information or know their customers personally.

For low-risk creditors, the FTC says a streamlined program will be sufficient.

Municipal utilities should be working with their local attorneys now to ensure compliance with the Red Flags rule by the new June 1, 2010 deadline. (By R.P.F.) [mE](#)

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

Simple ✓
Convenient ✓
High Quality ✓
Low-Cost ✓

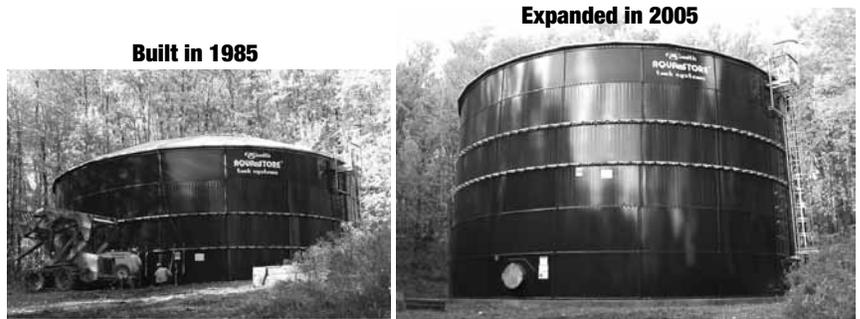
**MAINE
START**

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

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

www.mainestart.org

AQUASTORE technologically advanced, glass-fused tanks, are easily designed for future expansion
When You Grow... We Grow With You



With Aquastore you don't need to find another site location or construct another storage tank.

- We'll design the foundation up front for future expansion.
- Expansion is fast and easy because of the top down Aquastore expansion method.
- Expansion possible in one week.
- A fraction of the cost of a new tank.
- Because Aquastore tanks sustain beauty and NEVER require recoating on the interior or exterior, you can expand your tank even 30 years after installation and not see any difference between the old and the new sheets.



6010 Drott Drive • East Syracuse, NY 13057-2943 • 1.800.H2O TANK • 1.800.426.8265 • www.besttank.com

Professional Directory

THE GENERAL CODE ADVANTAGE

- Codification and supplementation of your ordinances
- Electronic access to Codes and records
- Document Management Products and Services from Laserfiche®
- Building, Planning and Zoning Software

Contact Herb Myers, Regional Rep at (800) 836-8834.

www.generalcode.com



**GENERAL
CODE**



**A. E. HODSDON
ENGINEERS**

10 Common Street
Waterville, ME 04901

aeheng@prexar.com
207-873-5164



26 Pinewood Lane
Harrison, ME 04040
(207) 583-4571

www.hturner.com

ARCHITECTS

•

ENGINEERS

•

**BUILDING
SCIENTISTS**

•

**CONSTRUCTION
MANAGERS**



Trackless Vehicles, LTD

Trackless Vehicles offers the New and Improved MT6 Sidewalk Tractor! Municipalities across the country use this versatile Sidewalk Machine year around to perform multiple tasks from mowing parks and ball fields to sweeping intersections to large scale snow clearing operations



- **Efficient**
- **Versatile**
- **Purpose Built**
- **Cost Effective**

HPF North
9 Green Street
Skowhegan, ME 04976
800-356-2813



www.hpfairfield.com
sales@hpfairfield.com

HP FAIRFIELD LLC

MUNICIPAL SPECIALISTS

HPF South
65 Pleasant Hill Rd
Scarborough, ME
207-885-4895

TD Bank Government Banking

Our Maine Government Banking Team is here to help you help your community.



Theodore N. Scontras
Executive Vice President
1-207-761-8544
Ted.Scontras@TDBanknorth.com



Connie L. Brennan
Senior Vice President
1-207-828-7583
Connie.Brennan@TDBanknorth.com



Marge Barker
Senior Vice President
1-207-828-7493
Marge.Barker@TDBanknorth.com



Laura G. Warner
Vice President
1-207-828-7408
Laura.Warner@TDBanknorth.com



Nicole Pellenz
Vice President
1-207-828-7440
Nicole.Pellenz@TDBanknorth.com



Barbara Durr
Assistant Vice President
1-207-828-7457
Barbara.Durr@TDBanknorth.com



Shaun McIntyre
Sales and Service Officer
1-207-828-7474
Shaun.McIntyre@TDBanknorth.com



Christina Townsend
Government Banking Specialist
1-207-761-8579
Christina.Townsend@tdbanknorth.com

- Deposits
- Leasing
- Lending
- CDs and Savings
- Cash Management
- Financial Advice

CALL YOUR LOCAL GOVERNMENT BANKER TODAY.



America's Most Convenient Bank®

1-800-532-6654 | www.tdbank.com