

Maine Town & City

The magazine of the Maine Municipal Association

May 2020

129th Legislature Wrap-Up Report

**Coronavirus prompts
quick adjournment**

ALSO IN THIS ISSUE

2020 New Laws

COVID Ingenuity

Bicentennial Series



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MAINE TOWN & CITY (ISSN 2578-4374) is published monthly, except in September, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Town & City, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$15 per year.



Maine Town & City

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Restless Farewell



Legislative leaders adjourned in a hurry this session, with good reason: COVID-19. Here's a look at what they accomplished.

2020 essay winners: Four students were deemed winners of MMA's annual contest, part of our Citizen Education program. **Page 21**

MMA moved quickly into the realm of Zoom training and webinars last month. Lots more to come. **Page 5**

ABOUT THE COVER: MMA Website and Social Media Editor Ben Thomas captured this image of the Maine State House.

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*This year's quick adjournment left many bills of municipal significance pending. Turn here for a rundown of the most important. **Page 9***

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*Ingenuity is alive and well at the municipal level. These three examples show how towns are responding to the coronavirus challenge. **Page 25***

Bicentennial Series: Making it Real

*Officials in Danforth and Machiasport are using Maine's Bicentennial to make permanent upgrades in their communities. **Page 29***

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A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

Technology offers new ways to inform, educate

You could call it a historic day.

On April 28, the Maine Municipal Association hosted its first live webinar on the increasingly popular Zoom meeting platform. The topic was “Municipal Budgeting in Uncertain Times.” Biddeford City Manager James Bennett and Brunswick Town Manager John Eldridge – who have taught our budgeting workshops for years – led the presentation. They had help from MMA Director of Legal Services Susanne Pilgrim and Kate Dufour, director of State & Federal Relations.

More than 200 members “Zoomed” in. The turnout was expected, given the topic and what you, our members, face right now with your current budgets, next year’s budgets and with town meetings and elections.

In truth, MMA has offered live videoconferencing with our training for eight years now. It is common, when we host events here at the MMA office in Augusta, for events to be available via live video in places like Caribou, Machias and Calais. Our colleagues in MMA’s Risk Management Services Department also provide more than 100 video training courses that can be viewed and taken online.

Zoom, as many of you are learning in your communities, is an effective tool, one that has become almost required to use during the current public health emergency. At press time for this magazine, we were a few days away from holding our second Zoom webinar, on how to take building and home safety precautions. That was to be followed by a Zoom Q&A session with Maine’s Commissioner for Economic Development, Heather Johnson. On May 27, we will hold our fourth Zoom session – Regulating Vacation Rentals. You can register for that at our website. Go to www.memun.org and click on “Training and Resources.”

We will do more in the future. We also will continue with in-classroom training. The next one will be an Elected Officials Workshop, to be held on June 11 at the Pellon Center in Machias. MMA understands the value of holding events around the state, meeting members in person, and getting members together. That kind of networking – practicing as much safety as possible, with social distancing and hand sanitizer – is invaluable and will continue.

Still, technologies from companies like Zoom, Adobe, Webex and Facebook offer avenues for us to explore. Another benefit is that many of the workshops can be recorded and made available for later viewing, also through our website. In a related note, we are looking into live-streaming parts of MMA’s Annual Convention next fall – which is still on, scheduled for Oct. 7-8 at the Augusta Civic Center.

So, some things will remain the same (hopefully), with in-person events and training. Yet, we will integrate technology as quickly as possible. “Necessity is the mother of invention,” as they say.

If you have suggestions or concerns about this, feel free to contact me (econrad@memun.org) or Alicia Gaudet, our manager of Educational Services (agaudet@memun.org). Thank you for all that you do.



Alicia Stokes Gaudet (left) and Theresa Chavarie, during April 28 Zoom webinar.

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ABOUT OUR CAMPAIGN



Maine Municipal Association's Hometown Careers campaign was born out of necessity. Maine is one of the "oldest" states in the nation, many municipal employees are nearing retirement and the unemployment rate is low. Plus, municipal jobs are so important. The need for municipal services will never go away.

In January 2018, MMA launched a statewide social media and web advertising campaign designed to make people - especially young people - more aware of the exciting career options available within municipal government.

That effort drives people to our interactive website, www.maine-hometowncareers.org. Upon arrival, readers learn what local government does, they see and hear real Mainers talk about the rewards of municipal employment. And, they have searchable access to MMA's municipal Job Bank, the most extensive listing of local government job openings in Maine.

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

The sky is the limit! Municipal careers in Maine offer unparalleled quality of life and they provide deep satisfaction, knowing that you serve a community in meaningful ways.

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Abrupt end: COVID-19 causes Maine Legislature to adjourn

Several key pieces of legislation were enacted and signed into law before adjournment, including ones that dealt with core municipal operations.

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

On March 17, the Maine Legislature abruptly adjourned the 2020 session in an effort to help stop the spread of the coronavirus. Two days prior to the day of adjournment, Maine's Center for Disease Control and Prevention reported that there were five confirmed COVID-19 cases in the state. On the last day of March the total increased to 303, prompting Governor Janet Mills to issue a "stay healthy at home" mandate impacting all but essential employees and businesses.

At the time this article was sent to print, some non-essential businesses were allowed to open, a "stay safer at home" order was expanded to the end of May, and the number of positive coronavirus cases in Maine had grown to over 1,100 – putting into question when the Legislature might return to complete its business.

New laws

Despite this level of uncertainty, in the last day of session the Legislature enacted and Gov. Mills signed into law several pieces of legislation, some of which provide state and local government officials the tools necessary to address the coronavirus.

The most municipally significant legislation, LD 2167, provides municipalities with the flexibility necessary to postpone town meetings, continue to fund government operations at the same budget levels approved for the previous year, and authorizes municipal treasurers to disburse funds on the authority of the warrant signed by the municipal officers outside of a public meeting.

Through the adoption of the COVID-19 omnibus bill, provisions of

Maine's Freedom of Access Act were also relaxed to enable entities subject to the state's public access laws, including municipalities, to conduct remote meetings using alternative means of technology provided certain conditions are met. These provisions include ensuring that the public is notified of the means (e.g. telephone, video, streaming, etc.) by which the meeting will be held, members of the body can speak and be heard by other members of the body, members of the public can hear all participants in the meeting, and all votes are taken via roll call.

In addition to the COVID-19 response bill, the Legislature adopted: (1) a FY 2020-2021 supplemental General Fund budget (LD 2126) which includes \$1.23 billion as the state's share of K-12 education expenditures; (2) an initiative (LD 2044) which, in part, increases the state funded first responder "in the line of duty" death benefit from \$50,000 to \$100,000; and (3) a two-part bond bill (LD 2134), which includes \$105 million for transportation related purposes and \$15 million to expand broadband access to all areas of the state. The bond questions will be placed before the voters at the July 14 primary election, which was postponed from June 9 through a governor's executive order.

Descriptions of all newly enacted legislation of municipal interest are found in the New Laws article published in this edition of the Maine Town & City. Bills enacted with an emergency preamble became effective law on the day signed by the governor, which is noted in the description of the law. All other non-emergency enacted bills become law on Tuesday, June 16, 2020.

Carryover bills

Although now adjourned, the presiding officers and Gov. Mills intend to reconvene the Legislature in a special session to finish their work when it is deemed safe to do so.

Nearly 460 bills are left on the docket, with some sitting on the Appropriations and Financial Affairs Committee's funding table, others tabled in either the House or Senate for further debate and over 50% of the carry over bills still in committees of jurisdiction waiting for public hearings and work sessions.

Undoubtedly, the Legislature will need to reassess the adopted General Fund budget. Of particular concern for municipalities is whether state funding shortfalls will come at the expense of property taxpayers through possible reductions in: the percentage of state sales and income tax revenue shared with municipalities, which is scheduled to increase to 3.75% on July 1; a reduction from 70% to 50% (constitutionally required reimbursement) for lost property tax revenue associated with the now \$25,000 homestead exemption; and, a reduction in state aid for K-12 school expenditures.

Some of the municipal bills in limbo include LD 335, an amended version of legislation sponsored by Rep. Charlotte Warren of Hallowell on behalf of MMA's Legislative Policy Committee. The amended bill, which is currently on the Appropriations Committee's funding table, requires the state to effectively share 10% of all adult use marijuana sales and excise tax revenue with the municipalities where the revenue is generated.

A bill removing the exemption from the assessment of the \$2/ton tipping

fee on the solid waste sent by communities to municipally owned landfills and waste from communities that have entered into long-term contracts with landfills (LD 988) is still in the possession of the Environment and Natural Resources Committee. Also sitting with the committee is an initiative (LD 2104) creating a system for collecting fees from producers for the packaging they place into Maine's municipal solid waste stream.

LD 2090, which in part seeks to amend the labor relations laws governing municipal public employees

by providing that determinations by arbitrators over a salaries, pensions and insurance, are final and binding on the parties, has been referred to the Labor and Housing Committee. However, neither a public hearing nor work session on LD 2090 has been scheduled or held.

Finally, LD 1415, proposing to shift onto municipalities and counties a severely burdensome administrative abandoned roads related mandate is tabled in the House for further debate.

Descriptions of the more municipally significant carryover bills are also

provided in an article that starts on Page 9 of this magazine.

MMA staff is especially thankful of Gov. Mills' response to and leadership during this crisis, and of the time her staff has dedicated to understanding municipal issues and the solutions necessary to mitigate concerns. While this public health emergency is not over, and there are many difficult decisions to be made in the coming months, especially on state and municipal revenue fronts, we appreciate the collaborative working environment and look forward to continuing to work with the governor and her staff.

Finally, the association thanks all municipal officials for their response during these unprecedented and frustrating times. We appreciate all that you do for your communities and stand at the ready to assist you on all fronts. All members of the association's staff are a mere telephone call, email or text away. Please keep reaching out to us.

The State & Federal Relations staff will be back in touch when the Legislature reconvenes. Please be safe. ■



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2020 carryover bills: Fate of many remain unknown

By Rebecca Graham, Legislative Advocate, MMA

In the space of one week, the activity at the State House shifted from a frenzied flurry of advancing pressing public policy to a grinding halt orchestrated with little rancor evident, and a drastic shift in public priorities. In the midst of a global pandemic where nothing is normal any more, it is a challenge to speculate when the Legislature will convene again.

However, the quick adjournment left many bills of municipal significance pending, with their final fate unknown until the Capital City welcomes back the state's lawmakers. Undoubtedly, budget and policy priorities will have changed when legislative work resumes.

What follows is a breakdown of some key pieces of legislation with potential municipal impacts that have been carried over or left on the Appropriations table to be revisited when normalcy returns. A full list of carryover legislation is available on MMA's website (www.memun.org.)

Taxation

There are several tax-related bills left in limbo that, if enacted, could deliver relief to property taxpayers. These initiatives seek to provide 100% state reimbursement for the expansion of existing and new exemptions and provide access to non-property tax revenues. However, those bills were being championed and considered at a time when state income and sales tax revenues were robust. In light of anticipated state revenue shortfalls, these tabled bills will face fierce competition for access to limited state revenue.

Of the dozen tax related bills still in play, the Association will keep a watchful eye on following:

Homestead Exemption. LD 164, *An Act To Reduce Property Taxes for Maine Residents*, sponsored by Sen. Matthew Pouliot of Kennebec County, increases the homestead exemption for Maine

residents from \$20,000 to \$30,000 and provides municipalities with state reimbursement for 100% of lost property tax revenue.

Marijuana Sales & Excise Taxes. It is likely that significant state revenue has gone uncollected as executive orders imposing social distancing caused delays in the full implementation of adult use marijuana retail market. The income anticipated to be generated by those sales has been conservatively estimated by the state's revenue forecasters at roughly \$16 million annually. Municipal officials who have undergone expenses in the process of adopting and amending local ordinances and who are expecting to see increases in related administrative and enforcement costs are seeking a portion of those tax revenues. After all, if municipalities don't participate, very few tax dollars will be generated.

As a result, MMA's Legislative Policy Committee advocated for the advancement of LD 335, *An Act To Require the State To Distribute 25 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities*, which was sponsored by Rep. Charlotte Warren of Hallowell. As amended by the members of the Taxation Committee, the bill requires the state to share 12% of the gross adult use marijuana product sales and excise tax revenue with the community where sales are generated.

Local Option Sales Taxes/Revenues. Two bills proposing different avenues for distributing additional sales tax revenue to municipalities are also still in play.

The first bill is LD 609, *An Act to Provide Municipalities Additional Sales Tax Revenue from Lodging Sales* sponsored by Rep. Maureen Terry of Gorham, which proposes to increase from 9% to 10% the tax on lodging sales, with the revenue generated by the 1% increase, after reduction for administrative costs,

returned to the generating municipality or unorganized territory.

The second bill, LD 1254, *An Act to Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding To Treat Opioid Use Disorder*, sponsored by Rep. Michael Sylvester of Portland. As amended by the committee, the bill authorizes a municipality, by vote of the local legislative body, to assess a 1% tax on meals and lodging sales. After accounting for state administrative costs, 75% of the revenue is remitted to the generating municipality and the remaining 25% transferred to the Maine Rural Development Authority.

Veterans Exemptions. As amended in committee, LD 1042, *An Act To Exempt Disabled Veterans from Property Taxes in Accordance with Their Disability Ratings*, sponsored by Rep. Roberts-Lovell of South Berwick, provides a property tax exemption to qualifying disabled veterans of the U.S. Armed Forces who are not receiving a service related exemption. The value of the exemption provided is based on the percentage of a veteran's service-connected disability and ranges from a \$1,500 exemption for a veteran with a disability of at least 30% and up to a \$6,000 exemption for a 100% disabled veteran. The amendment also requires the state to reimburse municipalities for 100% of the lost property tax revenue.

In addition, LD 1194, *An Act To Increase Property Tax Relief for Veterans*, sponsored by Sen. Troy Jackson of Aroostook County, increases the veteran property tax exemption from \$6,000 to \$10,000 and requires the state to reimburse the municipality for 100% of the lost revenue from the exemption.

Miscellaneous. Two tax bills, sponsored by Rep. Ryan Tipping of Orono, may help municipalities manage tax assessment challenges from vacant big box stores and untapped revenue streams.

LD 2045, *An Act Relating to the Valuation of Certain Retail Property*, the so-called “dark stores” legislation, requires retail sales facilities in excess of 20,000 square feet to be valued based on their current use compared to similar property in their retail market segment or, if vacant, according to their highest and best use. LD 2011, *An Act to Update Certain Provisions in the Income Tax Service Provider Tax Laws*, subjects digital media consumer purchases to the service provider tax, and requires that a percentage of those revenues, currently 3%, are distributed to communities via the revenue sharing program.

Finally, LD 2127, *An Act To Support Farmland Preservation by Allowing the Siting of Solar Energy Installations on Land Enrolled in the Farm and Open Space Tax Law Program*, sponsored by Rep. Seth Berry of Bowdoinham, would allow the siting of solar energy installations on land classified as farmland under the farm and open space tax law without requiring the portion of the parcel on which the solar energy installation is located to be withdrawn from the farm and open space tax law program.

Criminal Justice and Public Safety

Following an expansive stakeholder process that took place last

fall, the Criminal Justice and Public Safety Committee voted to support an amended version of LD 973, *An Act To Stabilize County Corrections*, sponsored by Rep. Charlotte Warren of Hallowell. Working off a proposal prepared by county sheriffs, the amended bill calculates the annually required state share of county jail costs as either \$50 per certain classifications of “state sanctioned” inmates, or a minimum 20% of county jail costs, provided counties meet uniform reporting requirements and deadlines established by the Department of Corrections. The funding bill also provides counties with the authority to raise the base amount of municipal property taxes used to fund jail operations, and revisit that amount every four years. However, the state’s minimum annual contribution level and inmate fee has no periodic review provisions.

There is little uniformity across counties for inmate programming, service provisions, or financial reporting and limited operational oversight beyond meeting basic state established corrections standards. In the absence of state-level incentives to increase inter-county cooperation, common resource pooling, or a critical review of incarceration drivers, property taxpayers have little ability to influence policies to reduce the costs of providing

county jail services. The Association has asked that at a minimum, the finally enacted legislation include a robust system of accountability for increasing the base tax assessment, including feedback from municipal leaders, better fiscal reporting to communities, and final legislative approval prior to increasing property tax assessments.

Health & Human Services

Two of the carryover bills in the mix support municipal General Assistance (GA) program expenditures.

One of the bills, LD 2157, *An Act Regarding Reimbursements to Municipalities for General Assistance*, sponsored by Sen. Geoffrey Gratwick of Penobscot County, requires the Department of Health and Human Services to reimburse municipalities for 100% of the amount of assistance provided to an individual in an emergency situation that is in excess of the maximum level of assistance established for that municipi-

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HIRING RESOURCES

Perhaps the best website for help with recruiting and other personnel-related questions is the one run by the Society for Human Resource Management (SHRM): www.shrm.org

That website offers resource materials on hundreds of topics, including “external recruitment” and “talent acquisition.”

The **Maine Local Government Human Resources Association** is another resource. You can see who leads that group – and get contact information – through its website: www.mlghra.org

Maine Municipal Association runs a campaign called Hometown Careers, aimed at increasing awareness about municipal employment. Video and handout tools are available for members to use when talking to high school and college students, and other job candidates.

(www.memun.org or www.maine-hometowncareers.org)



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pality. Currently, the state reimburses municipalities for 70% of the direct aid provided.

The other bill, LD 1403, *An Act To Amend the General Assistance Laws Governing Eligibility and Reimbursement*, sponsored by Rep. Michael Brennan of Portland and amended by the Health and Human Services Committee, would, in part, reinstate a provision in state law increasing state reimbursement from 70% to 90% of total direct aid provided by municipalities that reach certain spending thresholds.

Environment and Natural Resources

LD 2104 *An Act To Support and Increase the Recycling of Packaging*, sponsored by Rep. Ralph Tucker of Brunswick, is a committee bill that contains significant amendments to the laws regulating the management of packaging materials. The majority "ought to pass as amended" version of the bill reduces the cost of recycling for municipalities by reimbursing those annual expenses from a pot of revenue paid by producers, which is based on the

recyclability of the material they put into the market. Similar to programs in Canada and Europe, the producer payments would be collected by a third party stewardship organization and shared with municipalities who provide mandated information regarding their recycling efforts. The bill also provides a number of exemptions for small producers and products regulated by the U.S. Food and Drug Administration. The proposal supported by a minority of the members of the committee establishes another study group to report out a solution next session.

LD 988, *An Act To Reduce the Landfilling of Municipal Solid Waste*, spon-

sored by Sen. Benjamin Chipman of Cumberland County, at the request of ecomaine, removes the exemption to the solid waste disposal surcharge for municipal solid waste generated by a municipality that owns the landfill accepting waste, or that has entered into a contract with a term longer than nine months for disposal of municipal solid waste in that landfill facility. Enactment of the legislation will result in a significant increase in costs for many rural and energy generating municipal landfill operations, and a 50 % reduction in fees for private operators not currently exempt from the fee.

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Energy, Utilities and Technology

Nothing has highlighted the need for universal connectivity to internet infrastructure like the COVID-19 crisis. Many homes cannot afford connectivity when it is available, leaving some students without access to their online education, and even more have no options because local market viability – not need – has been the factor driving broadband expansion. With many public information sessions and services moving online, the assumption that all residents can access necessary public information or participate fully with digital alternatives is problematic at best.

LD 2021, *An Act to Provide Funding for Broadband Internet Infrastructure in Unserved and Underserved Areas*, sponsored by Sen. Erin Herbig of Waldo County, seeks to address that need by providing a one-time \$15 million FY 2021 General Fund appropriation to the ConnectME Authority to providing broadband internet infrastructure in unserved and underserved areas of the state.

Agriculture, Conservation and Forestry

LD 1788, *An Act To Eliminate Online Burn Permit Fees for All Areas of the State*, sponsored by Sen. James Dill of Penobscot County on behalf of the Maine Forest Service, as the title sug-

gests prohibits the collection of a fee for obtaining a burn permit from an online service. The bill was advanced as a means to level the fee collection disparity between municipal and state online burn permit programs. Unlike the state's system, municipal programs created by private vendors are allowed to operate and issue permits electronically only if they do not collect a fee. The state system collects a \$7 fee from the permittee, \$2 of which are provided to the municipality where the permit is issued, \$4 deposited into the general fund and \$1 is retained by the Department of Agriculture, Conservation and Forestry.

While municipalities receive a small amount of revenue from the state system – an estimated \$40,000 statewide – it is revenue that can be dedicated to the hundreds of volunteer fire departments across the state, which have become increasingly challenging to maintain. The amended version of the bill, unanimously reported out of committee, eliminates the fee for the department's online system but allows the private municipal systems to charge a fee.

Labor

Of greatest municipal concern, LD 2090, *An Act To Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws*, sponsored

by Sen. Troy Jackson of Aroostook County, makes significant changes to laws regulating public employer/employee labor negotiations. As proposed in the bill, beginning in July 1, 2021 determinations by arbitrators with respect to controversies over all subjects, including salaries, pensions and insurance, are final and binding on the public employers, including municipalities, schools and counties. The bill also provides that if an employer fails to implement the binding determinations, non-public safety employees are authorized to strike.

LD 2019, *An Act To Extend to Other Public Sector Employees the Same Protections Provided to State Employees upon the Expiration of Contracts*, sponsored by Sen. Ned Claxton of Androscoggin County, provides the same protections to municipal, judicial and public higher education employees that are provided to state employees upon the expiration of labor contracts. As proposed, during an interim between the expiration of a contract and the effective date of any subsequent bargaining agree-



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ment, covered employees must remain eligible and receive merit increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

Abandoned Roads

LD 1415, *An Act To Improve the Laws Regarding Abandoned Roads*, sponsored by Rep. Catherine Nadeau of Winslow, removes the current statute on road abandonment effective Oct. 1, 2020 and enacts a process for a municipality to follow to declare a town way abandoned, which currently occurs through the passage of time. The process includes providing notice to abutting and so-called affected property owners, property owners for whom the town way is the only means of access, and adjacent municipalities and counties. The process provides for a public hearing process and an appeals process. The amendment clarifies that the public easement retained on an abandoned town way is limited to rights of access by foot or motor vehicle. The amendment to the bill received unani-

mous support from the State and Local Government Committee.

Elections

LD 431 *An Act To Make Election Day a State Holiday*, sponsored by Rep. Benjamin Collings of Portland, designates the day of the November regular election (occurring in an even numbered year) a state holiday.

Another election related bill, proposing constitutional amendment, would need to be supported by the citizens of Maine through a referendum election before final enactment. LD 619, *Resolution, Proposing an Amendment to the Constitution of Maine Regarding Early Voting*, sponsored by Rep. John Schneck of Bangor, proposes to amend Maine’s constitution to authorize a process by which municipalities may allow voters to vote in the same manner as on the day of the election, com-

monly referred to as early voting, during a period immediately preceding an election.

Finally, LD 2067, *An Act To Authorize the Automatic Continuation of Absentee Voter Status until the Termination of That Status*, sponsored by Sen. Linda Sanborn of Cumberland County, provides a process for a voter to request ongoing absentee voter status, which allows the voter to automatically receive an absentee ballot for each statewide election, municipal election and any other election until the status is terminated. If a discrepancy is noted on the returned absentee ballot, the bill requires the municipal clerk to make a good faith effort to notify the voter by mail, telephone or e-mail of the procedure by which the voter may cure the discrepancy. From the municipal perspective, this bill shifts additional burdens on to local election officials. ■

MARK YOUR CALENDARS!

MMA 84th Annual Convention
October 7-8, 2020
 Augusta Civic Center

Technology & New Energy Conference
December 8, 2020
 Augusta Civic Center

Contact Alicia Gaudet:
 agaudet@memun.org or
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NEW LAWS

129th Legislature – Second Session

NEW LAWS 129th Legislature – Second Session

Effective dates. Emergency legislation became effective on the date it was signed by the Governor unless otherwise noted. If the new law was an emergency measure, it is so noted before the Public Law (PL) citation. Non-emergency legislation becomes effective 90 days after adjournment of the legislative session in which it was enacted. The effective date of non-emergency legislation enacted in the Legislature's Second Regular Session will be June 17, 2020.

Appropriations & Financial Affairs

LD 2163 – An Act To Address Funding Needs Related to COVID-19. (Sponsored by Rep. Gideon of Freeport) **Emergency Enacted; PL 2019, c. 618 (3/18/20)**

This Act authorizes transfers of up to \$11 million from the Reserve for General Fund Operating Capital to a COVID-19 response fund to address funding needs associated with the public health crisis through Jan. 15, 2021.

LD 2126 – An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021. (Governor's Act) (Sponsored by Rep. Gattine of Westbrook) **Emergency Enacted; PL 2019 c. 616 (3/18/20)**

This Act is Governor Mills' FY 2020 – FY 2021 supplemental budget. As enacted, only Part C, funding for K-12 education, is of municipal significance. As calculated by the Essential Programs and Services (EPS) model, including the normal cost of teacher retirement, \$2.37 billion is necessary to fund K-12 education in FY 2021. The state's contribution to those costs is \$1.23 billion, accounting for 52% of total expenditures. The budget allocates an additional \$229 million as the state's share of the total unfunded actuarial liabilities (UAL) of the Maine Public Employees Retirement System that are attributable to teacher and retired teacher health and life insurance benefits. The UAL appropriation brings the total costs of K-12 education to \$2.60 billion, with the state's \$1.46 billion appropriation accounting for 56% of total expenditures. For FY 2021, the minimum local share for the cost of funding K-12 education is \$1.14 billion and the mil rate expectation is 8.18

LD 2134 – An Act To Authorize a General Fund Bond Issue for Infrastructure to Improve Transportation and Internet Connections. (Governor's Act) (Sponsored by Rep. Gattine of Westbrook) **PL 2019, c. 673**

The funds proposed in the bond issue under Part A of the Act, in the amount of \$105 million, is dedicated to improving highways and bridges and investments in multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects, to be matched by an estimated \$275 million in federal and other funds. The bond revenue proposed under Part B, in the amount of \$15 million, is for investments in high-speed internet infrastructure in unserved and underserved areas, to be matched by up to \$30 million in federal, private, local or other funds.

Criminal Justice & Public Safety

LD 1983 – An Act To Amend Certain Record-keeping and Reporting Requirements Imposed on State and Local Law Enforcement Agencies and the Department of Public Safety. (Sponsored by Sen. Deschambault of York Cty.) **PL 2019, c. 651**

This Act amends the criminal asset forfeiture-related recordkeeping laws in the following ways, it: (1) clarifies that law enforcement agencies are responsible for maintaining reports of the forfeited property in their possession; (2) changes the specific information that must be included in those records and authorizes public inspection of related records; (3) allows records to be inspected by anyone; and (4) requires reports concerning the transfer of property held by the Department of Public Safety and forfeited to another governmental entity be provided, upon request, to the Department of Administrative and Financial Services and the Office of Fiscal and Program Review.

LD 2044 – An Act To Increase the Death Benefit for Firefighters, Law Enforcement Officers, Emergency Medical Services Personnel and Corrections Officers. (Sponsored by Rep. Ackley of Monmouth) **Emergency Enacted; PL 2019, c. 658 (3/18/20)**

This Act extends the first responders' death benefit to corrections officers and emergency medical services personnel who serve in private agencies and increases from \$50,000 to \$100,000 the benefit paid for deaths occurring in the line of duty prior to July 1, 2021. The Department of Administrative and Financial Services is also directed to adopt rules providing for an annual Consumer Price Index (CPI) based adjustment to the benefit paid on or after July 1, 2021.

LD 2050 – An Act To Establish the Central Aroostook County Emergency Medical Services Authority. (Sponsored by Sen. Carpenter of Aroostook Cty.) **Emergency Enacted; P&SL 2019, c. 17 (2/29/20)**

This Act establishes the Central Aroostook County Emergency Medical Services Authority to facilitate the provision of emergency medical services to the citizens of Mars Hill, Bridgewater and Blaine.

Education & Cultural Affairs

LD 359 – An Act To Address Student Hunger with a "Breakfast after the Bell" Program. (Sponsored by Sen. Moore of Washington Cty.) **Emergency Enacted; PL 2019, c. 556 (2/14/20)**

This Act requires public schools in which at least 50% of students qualify for a free or reduced-price lunch in the preceding school year to operate an alternative breakfast delivery service that provides breakfast after the start of the school day and before any lunch period. A public school in which at least 70% of students are eligible for free and reduced-price meals are exempt from this requirement, provided the school participates in the federal School Breakfast Program. Any school may opt-out of the alternative breakfast delivery program, provided the following conditions are met: (1) the school unit board holds a public hearing regarding the required service; (2) the school unit submits a detailed cost-benefit analysis illustrating how the program would cause undue financial or logistical hardship; (3) the public and the school board evaluate the cost-benefit

analyses and any written material; (4) within 30 days of the public hearing the school board, by majority vote, deems that the program is not financially or logistically viable; and (5) the school board notifies the Department of Education of the vote to opt-out of providing breakfast service. The opt-out provision must be renewed every two years. The department is directed to adopt rules to implement the program and starting on July 1, 2020 and every year thereafter, to post on its website: (1) the names of the schools required to comply with the breakfast program; (2) the names of the schools exempted from participation; and (3) program participation rates and financial impacts on the school's nutrition budget.

LD 1036 – Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System and Increased Crosswalks for Academic Credit between Secondary Schools and Career and Technical Education Programs. (Sponsored by Rep. Higgins of Dover-Foxcroft) **Emergency Enacted; PL 2019, c. 108 (1/12/20)**

This Resolve establishes the Task Force To Study the Creation of a Comprehensive Career and Technical Education System to examine the feasibility of establishing a comprehensive four-year high school career and technical education program to provide a technical high school setting for middle school students to attend at the completion of grade eight. Members of the task force include representatives from the Maine Legislature, State Board of Education and Maine Education Association; the Commissioner of the Department of Education; administrators representing public school, community college and university systems; and a member of a trade union, as well as a local school board member.

LD 1918 – An Act To Amend the Laws Regarding the Reserve Funds of Certain School Organizational Structures. (Sponsored by Rep. Cloutier of Lewiston) **PL 2019, c. 588**

With voter approval, this Act authorizes a school unit to establish a reserve fund for expenditures related to: (1) regular instruction, special education, career and technical education and summer school and extracurricular instruction; (2) student and staff support; (3) system and school administration; (4) transportation and buses; (5) facilities maintenance; (6) debt service; and (7) other commitments and expenditures, including school lunch. The act also provides that in order to expend reserve funds the board must provide public notice of the meeting at which the vote to expend funds will be taken and hold a public hearing prior to the vote.

Energy, Utilities & Technology

LD 432 – An Act to Amend the Greater Augusta Utility District Charter. (Sponsored by Rep. Warren of Hallowell) **P & SL 2019, c. 18**

This Act makes technical changes to the charter of the Greater Augusta Utility District (GAUD) by adding provisions to the charter authorizing the utility district to disconnect water service for the nonpayment of wastewater charges and allowing the nonvoting representative of the City of Hallowell on the district's board of trustees to vote in the absence of the city's voting representative.

LD 1563 – An Act To Encourage the Development of Broadband Coverage in Rural Maine. (Sponsored by Sen. Bellows of Kennebec Cty.) **PL 2019, c. 625**

This Act: (1) renames the ConnectME Authority the ConnectMaine Authority; (2) requires, rather than permits, certain communication service and wireless providers to submit information concerning infrastructure deployment and costs, revenues and subscribership for the purpose of developing mapping information necessary to assist the authority in expanding broadband service and allows the authority to initiate a proceed-

ing to determine whether to remove the collected information's confidential designation; (3) repeals the broadband sustainability fee; (4) allows, rather than requires, the plans funded by grants to include certain elements, such as a description of needs and goals, an inventory of infrastructure assets, and an assessment of municipal procedures, policies, rules and ordinances that have the effect of delaying or increasing the cost of broadband infrastructure deployment; and (5) requires the authority to initiate rulemaking within 90 days of the effective date of this act.

LD 1880 – An Act To Repeal and Replace the Canton Water District Charter. (Sponsored by Rep. Pickett of Dixfield) **P & SL 2019, c. 15**

If supported by a majority of the voters participating in a related referendum election, this Act repeals and replaces the Canton Water District charter and clarifies that unless otherwise provided in this private and special law, the state's Standard Water District Enabling Act governs.

LD 1892 – An Act To Make Changes to the So-called Dig Safe Law. (Sponsored by Rep. Berry of Bowdoinham) **Emergency Enacted; PL 2019, c. 592 (3/17/20)**

This Act specifies that underground liquefied propane gas distribution systems are subject to the dig safe law. The act also increases the administrative penalties for violations of the so-called dig safe law from \$500 to \$1,000 for a first offense and from \$5,000 to \$10,000 for a subsequent violation occurring within 12 months of an earlier violation.

LD 2032 – An Act To Reduce Financial Burdens on Small Water Utilities. (Sponsored by Rep. Barry of Bowdoinham) **Emergency Enacted; PL 2019, c. 586 (3/12/20)**

This Act allows the Public Utilities Commission to waive the requirement that a small water utility (e.g., gross annual revenues of less than \$50,000) has an independent internal audit of accounts performed by a certified public accountant if the utility shows good cause as to why the waiver is necessary.

Environment & Natural Resources

LD 401 – An Act To Preserve State Landfill Capacity and Promote Recycling. (Sponsored by Rep. Tipping of Orono) **PL 2019, c. 619**

This Act adds definitions to the state's solid waste management laws for the terms "recycling facility" and "waste generated within the State." As enacted, a recycling facility is a facility engaged exclusively in the recycling of materials. Solid waste generated within the state includes: (1) waste initially generated in Maine; (2) residue generated by an incineration or recycling facility located in the state; and (3) residue generated by a solid waste processing facility located in the state, provided the: (a) residue is used at a landfill for daily cover, frost protection or other operational purposes and at least 50% of the residue is recycled (e.g. reused or recycled through methods other than landfilling) or processed into fuel for combustion purposes; (b) generated only as an ancillary result of the facility's operations; or (c) disposed in a landfill, provided that at least 50% of the residue is recycled (e.g., reused or recycled through methods other than landfilling) or processed into fuel for combustion purposes. The act provides an exception for a solid waste processing facility in operation in 2018 that exclusively accepts construction and demolition debris and accepted more than 200,000 tons of related debris and further requiring these facilities to recycle or reuse at least 15% of the debris by Jan. 1, 2022 and 20% by Jan. 1, 2023. If the established recycling targets cause an unreasonable adverse impact, qualifying construction and demolition processing facilities may request a Department of Environmental Protection waiver. Finally, the act repeals the section of existing statute defining state generated waste as "residue and bypass generated

by incineration, processing and recycling facilities within the State or waste, whether generated within the State or outside of the State, if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.”

LD 544 – An Act Regarding Tobacco Product Waste. (Sponsored by Rep. Blume of York) **PL 2019, c. 620**

This Act clarifies that waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, constitute litter under the law.

LD 1777 – An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection’s Compensation Fee Program. (Sponsored by Sen. Foley of York Cty.) **PL 2019, c. 581**

This Act adds rivers, streams and brooks to the list of protected natural resources for which the Department of Environmental Protection may develop a compensation fee program and requires the department to consult state and federal resource agencies, including the Departments of Agriculture, Conservation and Forestry and Inland Fisheries and Wildlife and the U.S. Army Corps of Engineers, in the development of the fee program.

LD 1779 – An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems. (Sponsored by Rep. Tucker of Brunswick) **PL 2019, c. 582**

This Act authorizes the Department of Environmental Protection to establish standards through major substantive rule-making for the operation and maintenance and asset management of publicly owned treatment works and municipal satellite collection systems.

LD 1780 – An Act To Support Replacement of At-risk Home Heating Oil Tanks. (Sponsored by Rep. Tucker of Brunswick) **PL 2019, c. 583**

This Act increases opportunities for property owners to replace at-risk home heating oil tanks by authorizing money in the Maine Ground and Surface Waters Clean-up and Response Fund to be disbursed for loans and grants for department-approved rebate programs to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at residential dwellings. The act includes a fiscal note appropriating and allocating \$500,000 to fund the rebate program in FY 2021.

LD 1832 – An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program. (Sponsored by Rep. Tucker of Brunswick) **PL 2019, c. 631**

This Act increases the annual fees for waste discharge license groups, including stormwater, by 40% of the 2019 assessment to fund increases in Maine Department of Environmental staffing costs.

LD 1915 – Resolve, Directing the Department of Environmental Protection To Evaluate Emissions from Aboveground Petroleum Storage Tanks. (Sponsored by Sen. Millett of Cumberland Cty.) **Resolves 2019, c. 128**

This Resolve directs the Department of Environmental Protection to evaluate emissions from aboveground petroleum storage tanks, loading racks and vessel offloading. The resolve also directs the department to identify methods or programs for assisting municipalities with the use and application of mobile air quality monitoring devices and include a description of the recommended methods and programs in the report to be filed with the committee of the Legislature having jurisdiction over

environment and natural resources matters in 2021.

LD 1942 – An Act To Protect Water Quality by Requiring Additional Disclosures to Purchasers of Consumer Fireworks Regarding Safe and Proper Use. (Sponsored by Rep. Fay of Raymond) **PL 2019, c. 646**

This Act requires sellers to provide buyers guidance regarding the use of consumer fireworks, including the safe and proper use around bodies of water, prevention of littering and the effects on wildlife, livestock and domesticated animals.

LD 2006 – An Act To Amend the Laws Governing Waste Discharge Analysis by Laboratories Operated by Waste Discharge Facilities. (Sponsored by Sen. Carson of Cumberland Cty.) **PL 2019, c. 580**

This Act adds testing of enterococcus to the list of bacteria that a laboratory operated by a licensed waste discharge facility can analyze without being certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

LD 2033 – An Act To Ensure Proper Closure of Oil Terminal Facilities. (Sponsored by Rep. Carney of Cape Elizabeth) **PL 2019, c. 678**

This Act ensures proper closure of oil terminal facilities by establishing financial assurance and facility closure requirements. The act directs the Department of Environmental Protection to develop a process for assessing the costs of decommissioning oil terminal facilities and infrastructure and establishing financial responsibility for closure costs to be incurred by the facility owner. It requires, upon closure, removal of facilities and appurtenances and remediation of the site by the owner to an unrestricted use standard or the most protective use standard as determined by the department to be practicable. The act also requires oil terminal facilities to provide evidence of financial ability to satisfy liability under existing law.

LD 2148 – An Act To Implement the Recommendations of the Department of Environmental Protection Regarding the State’s Plastic Bag Reduction Laws. (Sponsored by Rep. Tucker of Brunswick) **PL 2019, c. 674**

This Act amends the definition of a “single-use carry-out bag” in the state’s plastic bag reduction law to include bags provided within a retail establishment used to carry merchandise away from the establishment and bags used for packaging, protecting or otherwise containing merchandise within the retail establishment.

Health & Human Services

LD 227 – Resolve, Directing the Department of Health and Human Services To Review the State’s Public Health Infrastructure. (Sponsored by Rep. Perry of Calais) **Resolves 2019, c. 114**

This Resolve directs the commissioner of the Department of Health and Human Services to review, with stakeholder input, Maine’s public health infrastructure and develop recommendations to strengthen the efficiency and effectiveness of service delivery and to submit a report with recommendations to the committee of the Legislature having jurisdiction over health and human services matters no later than Jan. 1, 2021.

Health Coverage, Insurance & Financial Services

LD 2025 – An Act To Clarify the Authorization of Emergency Medical Services Personnel To Provide Medical Services in a Hospital. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2019, c. 609**

This Act clarifies that licensing requirements for an emergency medical services person may not be construed to pro-

hibit a person licensed under the Maine Emergency Medical Services Act of 1982 from providing medical services as an employee of a hospital if those services are authorized by the hospital and delegated by a physician.

Inland Fisheries & Wildlife

LD 2065 – An Act To Address Decibel Level Limits for Airboats. (Sponsored by Rep. McCreight of Harpswell) **PL 2019, c. 662**

This Act exempts airboats, defined as flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft or automotive engine from the noise level limits imposed on other watercraft and instead allows the Commissioner of Inland Fisheries and Wildlife to establish noise level limits for airboats by routine technical rules. The act also requires the department and the Department of Marine Resources to jointly solicit and collect information regarding airboat uses, noise levels and complaints and suggestions for reducing complaints provided by interested parties, including harbor masters, town clerks, residents of coastal towns and airboat users and sellers. Based on the suggestions received, the commissioners are authorized to submit legislation to the committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than Feb. 1, 2021, which is in turn authorized to submit related legislation in 2021.

Judiciary

LD 545 – An Act To Ban Child Marriage. (Sponsored by Sen. Miramant of Knox Cty.) **PL 2019, c. 535**

Under current law, a marriage license may be issued to parties who are under 16 years of age with the written consent of their parents, guardians or legal custodians and the consent of the probate judge in the county where each minor resides. This Act amends the law to prohibit the issuance of a marriage license to a person under 16 years of age.

LD 1963 – An Act To Preserve the Value of Abandoned Properties by Allowing Entry by Mortgagees. (Sponsored by Rep. Martin of Eagle Lake) **PL 2019, c. 647**

This Act allows mortgage loan servicers to take certain actions to preserve the value of residential property that is the subject of a foreclosure action if the mortgaged premises are presumed abandoned. The mortgage loan servicer may file an affidavit attesting the abandonment factors found, and the affidavit must include a statement that a municipal, county or state official, code enforcement officer or law enforcement official was present when the abandonment factors were observed. The affidavit must be filed with the court and once filed, the mortgage loan servicer may take steps to secure the property. A county or municipality is not liable for any damages caused by an act or omission of the mortgage loan servicer (or its designee.) The mortgage loan servicer must make a record of every entry of the premises and may not remove personal items from the premises unless they are hazardous or perishable. Before entering the premises, the mortgage loan servicer must post a notice on the front door that explains the rights of the property owner or occupant, including how to contact the mortgage loan servicer and how to contact the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection's foreclosure hotline. A mortgage loan servicer may not enter occupied property. A mortgagee may not force, intimidate, harass or coerce a lawful occupant of residential property to vacate the property so that it may be considered abandoned.

LD 2040 – An Act To Eliminate the Requirement That Municipalities Retain Paper Copies of Certain Vital Statistics Records. (Sponsored by Rep. Bailey of Saco) **PL 2019, c. 611**

This Act requires municipal clerks to maintain a record

of disposition permits using the electronic death registration system maintained by the State Registrar of Vital Statistics and to make copies of the records available upon request.

LD 2103 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Regarding Public Records Exceptions. (Sponsored by Rep. Bailey of Saco) **PL 2019, c. 667**

Under the Freedom of Access laws, personally identifying information concerning a minor that is obtained or maintained by a municipality providing recreational or non-mandatory programs or services can be withheld from disclosure provided the municipality adopts a related ordinance. The Act, in part, repeals the ordinance adoption provision and as a result exempts the data from public disclosure.

Labor & Housing

LD 1386 – An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects. (Sponsored by Sen. L. Sanborn of Cumberland Cty.) **PL 2019, c. 545**

This Act directs the Department of Labor, Bureau of Labor Standards, when determining annual prevailing hourly wage and benefits to use the higher of the results of a wages and benefits survey and construction related state agency certified payroll submissions collected during the second and third weeks of July. The act also increases the penalty assessed for failing to provide requested information to the bureau from \$50 to \$250 for a first offense, \$500 for a second offense and \$1,000 for subsequent offenses.

LD 1911 – An Act To Amend the Unemployment Compensation Laws. (Sponsored by Sen. Bellows of Kennebec Cty.) **Emergency Enacted; PL 2019, c. 585 (3/12/20)**

Beginning on Jan. 1, 2022, benefits paid to an individual under the laws governing unemployment compensation must be charged against the experience rating record of the claimant's employers in a ratio inversely proportional to the claimant's employment beginning with the most recent employer. This Act strikes that language and instead restores the previous language governing the employer benefit charging model. The act also provides that the experience rating record of the most recent employer may not be charged with benefits paid to a claimant whose work record with that employer totals five or fewer consecutive weeks.

Marine Resources

LD 1906 – An Act To Amend the Laws Governing the Composition of the Shellfish Advisory Council. (Sponsored by Rep. Tuell of East Machias) **PL 2019, c. 600**

This Act clarifies that the membership of the Shellfish Advisory Council includes a municipal official involved in pollution permitting or mitigation and amends the eligibility standards for two additional municipal members to include local shellfish conservation wardens and shellfish management committee members. The act also increases the voting membership of the council by extending voting privileges to an appointee with a demonstrated knowledge of biological science.

State & Local Government

LD 390 – An Act To Amend the Laws Governing Dangerous Buildings. (Sponsored by Rep. Johansen of Monticello) **Emergency Enacted; PL 2019, c. 557 (2/14/20)**

This Act authorizes a municipality or county to seek a writ of attachment from the Superior Court when incurring expenses associated with a nuisance or dangerous building.

LD 1054 – An Act To Clarify the Use of Burying Grounds and Family Burying Grounds. (Sponsored by Rep. Bailey of

Saco) **PL 2019, c. 561**

This Act adds descendants of veterans to the list of entities and persons with whom a municipality collaborates when keeping veterans' graves in ancient burying grounds in good condition. The act also clarifies that a municipal caretaker must be designated in writing by the municipal officers and allows the existence of an ancient burying ground to be documented through a variety of papers or through physical evidence.

LD 1908 – An Act To Establish First Responders Day on September 11th. (Sponsored by Rep. Tuell of East Machias) **PL 2019, c. 570**

This Act designates September 11 as First Responders' Day to commemorate and honor the contributions of those who put their lives in danger to keep people safe and requires the governor to issue a proclamation inviting and urging the people of Maine to observe the day through appropriate ceremony, celebration and activity.

LD 1989 – An Act To Amend the Laws Governing Recounts in Municipal Elections. (Sponsored by Sen. Libby of Androscoggin Cty.) **Emergency Enacted; PL 2019, c. 558 (2/14/20)**

This Act amends the laws governing recounts in elections for municipal officers to clarify that those laws apply to elections for all municipal offices.

LD 2167 – An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency. (Governor's Bill) (Sponsored by Sen. Jackson of Aroostook Cty.) **Emergency Enacted; PL 2019, c. 617 (3/18/20)**

This Act is Governor Mills' omnibus COVID-19 response Act, which in part, does the following:

Municipal Budgets & Elections (Part D). In the event that town meetings are postponed, allows municipalities to continue to fund government operations at the same budget levels approved for the previous year and authorizes the municipal treasurer to disburse funds on the authority of the warrant signed by the municipal officers outside of a public meeting. If the budget is not adopted and the assessor(s) need to commit taxes in a timely manner, the law allows the assessor(s) to commit taxes based on the previous year's budget levels. This part of the act also allows municipal officers to postpone the date of a scheduled municipal secret ballot election by posting notice in a public location at least two days prior to the election and to use previously printed ballots. These provisions apply retroactively to March 1, 2020 and are repealed on Jan. 1, 2021.

Freedom of Access Act (Part G). Up until 30 days after the termination of the emergency, allows entities subject to the Freedom of Access Act, including municipalities, to conduct public proceedings through telephonic, video, streaming or other similar means of communication as long as certain conditions are met, including: (1) providing notice of the means (e.g., telephone, video, streaming, etc.) by which the meeting will be held; (2) ensuring that members of the body can speak and be heard by other members of the body; (3) ensuring that members of the public can hear all participants in the meeting; and (4) taking all votes via roll call.

Licenses & Registrations (Part F). This section of the law: (1) extends until 30 days after the end of the public health emergency, registrations for motor vehicles, all-terrain vehicles (ATV), watercraft and dogs issued by the municipality; (2) allows a municipality, without conducting a hearing, to grant a request for a renewal of a liquor license; and (3) requires the Secretary of State and the Department of Inland Fisheries and Wildlife to expand online access to licensing and registration systems (e.g., motor vehicle, trailer, ATV or watercraft registration, etc.)

School Budget Meeting (Part E). In the event that school board meetings are delayed, allows school administrative units to continue operations at the same budget levels approved for the previous year.

Taxation

LD 1958 – An Act To Expand Tax Increment Financing To Include Adult Care Facilities and Services and Certain Child Care Facilities. (Sponsored by Rep. Meyer of Eliot) **PL 2019, c. 604**

In an effort to promote workforce development and retention, this Act expands the use of tax increment financing to include qualifying adult and child care facilities. Under the act, adult care facilities are defined as facilities licensed by the Department of Health and Human Services that: (1) offer programs for adults who need assistance or supervision; (2) are operated out of nonresidential commercial buildings; (3) allow family members or caregivers to be active in the workforce; and (4) provide social and health based services to adults who need supervised care in a safe place outside the home. The act also defines eligible child care facilities as those licensed by the department that: (1) are under the supervision of a director; (2) have sufficient staff to provide care for at least six children under the age of 18 who are not family members, legal guardians or other custodians of employees; and (3) are operated out of non-residential commercial buildings.

LD 2008 – An Act Making Technical Changes to the Maine Tax Laws. (Sponsored by Rep. Tipping of Orono) **PL 2019, c. 607**

This Act, in part, requires the state tax assessor to provide a copy of the equalized and adjusted assessment list to each community's municipal officers rather than to the chair of the board of assessors or the chair of the board of selectmen as previously required.

LD 2161 – An Act To Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2020-2021. (Sponsored by Rep. Tipping of Orono) **Emergency Enacted; PL 2019, c. 675 (3/18/20)**

This Act establishes the "municipal cost components" for state and county services provided to the unorganized territory (UT). The municipal cost components form the basis of the property tax for the UT. After computing all the appropriations, identifying tax increment financing payments, and accounting for the general revenue and education revenue deductions, the total UT tax assessment for FY 2021 is established at \$28.1 million (not counting overlay or county taxes), representing a 2.5% increase over the assessment for FY 2020.

Transportation

LD 571 – Resolve, Directing the Department of Transportation To Conduct an Economic Feasibility Study for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area. (Sponsored by Rep. Sheats of Auburn) Resolves 2019, c. 138

This Resolve directs the Department of Transportation to conduct an economic feasibility study for commuter and passenger train service between Portland and Lewiston, provided that funding is available. One third of the funds for the study, as determined by the department, must come from the state's Multimodal Transportation Fund and two thirds of the cost from the municipalities directly impacted by the train service and private entities interested in expanding the service. If by Aug. 1, 2020 municipalities and private entities have not committed to providing the required funding, the department cannot accept funds, conduct the study or incur expenses associated with the study.

LD 689 – An Act Regarding Temporary Signs That Are Placed in the Public Right-of-way. (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2019, c. 594**

Current law places a 12 week per calendar year restriction on the placement of temporary signs in a public right-of-way. This Act further restricts the placement of these signs to no more than six weeks from Jan. 1 to June 30 and no more than six weeks from July 1 to Dec. 31.

LD 1498 – An Act To Provide Equity for Commercial Vehicles on Roads and Bridges in Maine. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2019, c. 624**

After Dec. 31, 2025, this Act prohibits the Department of Transportation from authorizing commercial vehicles to transport wood at Canadian gross vehicle weight limits from the United States-Canada border to certain points in Maine. The act also requires the department to submit a report to the committee of the Legislature having jurisdiction over transportation matters by Jan. 1, 2024 regarding the effects on road conditions and recommendations for continuing, discontinuing or modifying existing Canadian gross vehicle weight limits and authorizes the committee to submit legislation based on the report's findings and recommendations for consideration by the Legislature in 2024.

LD 1875 – An Act Regarding the Naming of Bridges and Designating Bridge 5818 as the Specialist Wade A. Slack Memorial Bridge. (Sponsored by Rep. White of Waterville) **PL 2019, c. 565**

This Act requires the Department of Transportation to designate Bridge 5818 on Interstate 95, which crosses Main St. in Waterville, the Specialist Wade A. Slack Memorial Bridge. The act also requires the department, when designating a bridge with a specific name, to deem separate bridges that run parallel to one another on the same highway as one bridge for the purpose of that designation.

LD 1876 – Resolve, To Name Bridge 3880 in the Town of Dresden the Veterans Memorial Bridge. (Sponsored by Rep. Hepler of Woolwich) **Resolves 2019, c. 118**

This Resolve requires the Department of Transportation to rename Bridge 3880 in Dresden the Veterans Memorial Bridge.

LD 1886 – Resolve, To Rename the Sibley Pond Bridge the William Harris Memorial Bridge. (Sponsored by Rep. Doore of Augusta) **Emergency Passed; Resolves 2019, c. 127 (3/18/20)**

This Resolve requires the Department of Transportation to rename the Sibley Pond Bridge in Canaan and Pittsfield the William Harris Memorial Bridge.

LD 1899 – An Act To Amend Certain Motor Vehicle Laws. (Sponsored by Sen. Farrin of Somerset Cty.) **PL 2019, c. 634**

Of municipal significance, this Act allows the Secretary of State to provide information obtained using facial recognition technology to law enforcement agencies, but only in emergency circumstances involving an immediate threat to the life of a person or as provided by department rule.

LD 1901 – An Act To Amend the Laws Prohibiting the Use of Handheld Phones and Devices While Driving. (Sponsored by Sen. Diamond of Cumberland Cty.) **Emergency Enacted; PL 2019, c. 579 (3/06/20)**

This Act changes the penalty provisions of the laws regulating the use of handheld electronic devices while operating a vehicle to allow for the assessment of a \$50 fine for the first offense and a \$250 fine for subsequent offenses. Current law provides for the assessment of a fine that is “not less than” \$50 for

an initial violation and \$250 for a subsequent violation.

LD 1966 – An Act To Amend the Laws Regarding Parking for Vehicles with Disability Placards and Plates. (Sponsored by Rep. Moonen of Portland) **PL 2019, c. 648**

This Act allows a vehicle that exhibits a permanent or temporary placard or a disability registration plate to park in a parking area, excluding a parking facility as defined in Title 30-A, section 5401, free of charge and for twice the time limit otherwise allowed.

LD 1981 – An Act Regarding the Regulation of Tiny Homes. (Sponsored by Sen. Carpenter of Aroostook Cty.) **Emergency Enacted; PL 2019, c. 650 (3/18/20)**

This Act defines a “tiny home” in statute and allows the use of a temporary registration permit to transport a home after sale, for necessary service or repairs and relocation purposes. The act also establishes a process for issuing certificates of title for tiny homes.

LD 2005 – An Act To Amend the Law Governing Maximum Length Limits for Truck Tractor Semitrailers. (Sponsored by Sen. Farrin of Somerset Cty.) **PL 2019, c. 606**

This Act increases the maximum length limit for the wheelbase of a semitrailer operated in combination with a truck tractor on a highway network from 43 feet to 45.5 feet.

LD 2009 – An Act To Permit the Expansion of Municipal Membership of the Greater Portland Transit District. (Sponsored by Rep. Gideon of Freeport) **Emergency Enacted; PL 2019, c. 554 (2/04/20)**

This Act authorizes the Greater Portland Transit District board to accept applications for membership from municipalities that are contiguous to, as well as those located wholly or partially within, the Portland Area Comprehensive Transportation System.

LD 2122 – Resolve, Designating Portions of Route 139 and Route 201A in Somerset County the Corporal Eugene Cole Way. (Governor's Bill) (Sponsored by Sen. Farrin of Somerset Cty.) **Resolves, 2019; c. 137**

This Resolve directs the Department of Transportation to designate portions of Route 139 and Route 201A in Somerset County the Corporal Eugene Cole Way.

Veterans & Legal Affairs

LD 1081 – An Act Regarding Smoking in Vehicles When a Minor Is Present. (Sponsored by Sen. Cyrway of Kennebec Cty.) **PL 2019, c. 623**

This Act prohibits smoking, including a lighted cigarette, cigar, pipe, weed, regulated narcotic or other combustible substance, in a motor vehicle when a person less than 18 years of age is present. Under current law, the prohibition applies only when passengers less than 16 years of age are in the vehicle. A person who violates this provision commits a traffic infraction for which a fine of \$50 must be adjudged.

LD 1545 – An Act Regarding the Collection of Samples for Testing of Adult Use Marijuana and Adult Use Marijuana Products. (Sponsored by Sen. Miramant of Knox Cty.) **Emergency Enacted; PL 2019, c. 676 (3/23/20)**

This Act authorizes the licensure and operation of collectors to acquire samples of marijuana and marijuana products for testing by testing facilities. A state licensed sample collector is not required to seek local authorization to provide the service, but must submit to the state's regulatory agency all information required by Department of Administrative and Financial Services' statutes and rules.

LD 1904 – An Act To Amend Certain Laws Governing Elections. (Sponsored by Sen. Luchini of Hancock Cty.) **PL 2019, c. 636**

This Act: (1) clarifies the process in existing law for declaring vacancies and replacing candidates on primary, general and special election ballots; (2) allows the use of a notice of death, including a published obituary or signed notice from an immediate family member, as a basis to remove a voter from the central voter registration system; and (3) moves the deadline for a uniformed service voter or an overseas voter to register to vote or receive an absentee ballot from 5 p.m. on the day of the election to 5 p.m. on the day before the election.

LD 2120 – An Act Regarding Sales of Alcohol in Municipalities and Unincorporated Places. (Sponsored by Sen. Luchini of Hancock Cty.) **Emergency Enacted; PL 2019, c. 672 (3/18/20)**

This Act requires the Bureau of Alcoholic Beverages and Lottery Operations to notify each municipality, whether sales of alcohol are authorized within the community's boundaries, of the bureau's preliminary determination, based on records of local option elections conducted in that municipality, whether the bureau may issue licenses for the sale of liquor by retail establishments in that municipality. If a municipality disagrees with the bureau's preliminary deter-

mination that a type of retail liquor establishment may not be licensed in the municipality, it may, by July 1, 2022, either provide the bureau with proof of a previous local option election authorizing the sale of liquor by that type of retail establishment or conduct a new local option election to authorize the sale of liquor by that type of retail establishment. On July 1, 2022, the bureau must finally determine which types of retail establishments may be licensed for the sale of liquor in each municipality and post a copy of this final determination on its publicly accessible website. This final determination governs whether the bureau may issue licenses for the retail sale of liquor in the municipality beginning on July 1, 2022 and ending on the date that the municipality conducts a new local option election authorizing or prohibiting the issuance of retail liquor licenses in that municipality. Until July 1, 2022, the bureau must continue to issue or renew licenses for the types of retail establishments that were licensed in a municipality even if the bureau does not have a record of a local option election authorizing the issuance of licenses to that type of retail establishment in the municipality. The amendment also changes the number of signatures needed on a petition to hold a local option election in a municipality to either 30 voters in that community or the number of voters equal to at least 5% of the number of votes cast in that municipality in the last gubernatorial election, whichever is fewer. ■

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If I led my community...

Maine Municipal Association | 7th Grade Essay Contest Winner

Ava Anderson
Windsor Elementary

If I led my community, I would make some changes. Have you ever looked around your community and seen something you'd like to change? I have, and that is why if I was elected to lead my community, I would work hard to serve others, and make changes to benefit everyone.

One of the things I would focus on is trying to help people who don't have tools to repair their houses and properties. Because the economy is slow, and there are low-paying jobs, many communities have programs to share tools that are expensive. In these groups, individuals in the community have access to a volunteer-run tool lending library. If they need a specific landscaping or carpentry tool they have a resource to borrow tools to repair their houses or yards. Instead of needing to purchase a tool that they would only use once, community members just borrow the tool and, with advice from the library's staff, fix their homes.

I would need to encourage people to donate tools and to volunteer as staff. I would seek out and encourage individuals who work as plumbers, electricians, carpenters or engineers, or are retired, to staff the library and share their knowledge with the next generation. In this way, people who are unable to purchase tools or pay a workman could still repair their homes. By opening a tool library, the value of many houses would increase. This would be a valuable investment for the community.

The second thing I would focus on is promoting food and clothing drives. Many people do not have sufficient clothing for cold weather, while other people have spare jackets, hats, gloves or warm socks they could donate. I would try to get people enthusiastic and excited to help others in need. My school already has programs set up where we can donate food and clothing, but students should be made more aware of how they can help other community members. I would tell people that there is a need, and promote the idea, then community members would act on their own.

Looking around our community, I see people who do not have enough food, while others have food to share. Food drives would help people who don't have enough food. Publicity and creating enthusiasm are the best ways to get people to donate. By putting up flyers, the food drive would be more efficiently publicized. By getting people excited about the food drive, community service, and helping others, I would get individuals in the community more aware of the situation, and they would be more likely to help.

In conclusion, if I led my community, I would remember the words of Dr. Martin Luther King, Jr.: "Everyone can be great, because everyone can serve." I hope that if you see anyone you can help, please do what you feel is right, and always look out for your neighbor in need.

LOCAL GOVERNMENT
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If I led my community...

Maine Municipal Association | 7th Grade Essay Contest Winner

Grace Dennison

Elm Street School – East Machias

If I led my community, I would promote community activities. As a small town, activities are limited right now. These activities will attract tourists and others to spend time and money in our community. Cleaning up our community and making it attractive would also be a priority.

With activities being limited, I feel our citizens need some things to do. They don't have to be big, but just something to get people out of their houses. Just adding a day where people could come and have a town picnic at a park would be a start. This would not only be a day to have fun, but people would also have a chance to meet other people in their town. I would organize more activities by applying for grants. With those funds, we would be able to have activities that our town needs in order to be a better place to live and work.

If we get some activities together, we could also draw in tourists. Tourists would come and spend money, so our town would benefit a great deal. If tourists like what they see, they might come and visit more often. If we can get tourists to come more, we would have more money to start getting more activities planned.

Cleaning up our town is one of the top priorities. I think our town needs to focus on becoming "greener." We could schedule certain days each year to clean up our town. If we get our town looking clean, I think this would attract more tourists. Community members may get out and go for walks more often, using our trail system and parks. We don't want our town looking like a trash dump; we need to get that all cleaned up.

It is clear that there are some things our town needs to improve. Getting more activities for locals and tourists, attracting more tourists to come and spend money and increase revenue in our community, and getting our town cleaned up and looking spotless are three of my main priorities as town manager.

LOCAL GOVERNMENT
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If I led my community...

Maine Municipal Association | 7th Grade Essay Contest Winner

Alanna LaPointe

Reeds Brook Middle School - Hampden

If I led my community, I would most likely start out with cleaning up the town by having volunteers go around and pick up trash and recycle it. My main goal would especially be wanting to decrease any pollution and do my part by taking care of our home.

Next, I would put more trash and recycling bins around the town so that people would feel a little more obligated to pick up their trash, and there is more easy accessibility to the bins.

Then, I would invest some money into a place for people to hang out and get together with their friends. I feel that the youth community hangs out over the phone instead of in person, and if they had more fun and safe places to go, I feel that would decrease the over excessive use of technology a lot. The main things I would want there is some playground equipment, a basketball court/basketball hoop and a place for picnics. All of these would attract many different crowds of people and would keep the park occupied.

After that, I would want to open up a local center to help people out with finding jobs, how to write a resume, and some tips on how to maintain their job. People are often looking for a job, and you can often find cases where they just aren't as educated in the working community. By opening this center, that would help people contribute to the economic community.

Additionally, I would open up local low-income housing programs to help with local homelessness. I feel that homelessness is a large epidemic throughout the country, and if we can even take the smallest steps towards eradicating it, then we would be helping.

Furthermore, I would want to have some local fundraisers to help increase the amount of money we can use to benefit our town. We always need money to increase the amount of possibilities we have to benefit the town.

Lastly, I would create a place in our town hall where people could formally submit their ideas and opinions for the town leaders to discuss. I feel that everyone's ideas should be heard and are very important. The best way to lead a community is to keep people happy. That way you are more likely to get voted into/stay in office, and the best way to keep people happy is to make sure that they are heard and are listened to. I would always make sure to address the ideas, and put the best consideration into how it would benefit our community.

Leading a community would be difficult and I'm not sure I would enjoy it very much. I would want to give the opportunity to an individual who would want the job and has had more experience in the political community. I would want to keep in the interests of the citizens in my community and by electing an alternative government official, I would be benefiting them.

LOCAL GOVERNMENT
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If I led my community...

Maine Municipal Association | 7th Grade Essay Contest Winner

Rachel Wheelden

Veazie Community School

If I led my community, the first thing I would do is add a library to Veazie. It would be nice to have a local library where people can go every day to borrow a book or sit in a quiet space to read. Reading is very important and it is also a great hobby. Libraries can bring people together and offer more than just books. For example, they could have story time for young children, and have authors come visit to talk about their books. A library would be a wonderful addition to the community of Veazie, and citizens could donate books. To figure out where to place the library, I would visit the town office to see if they have any available buildings I could use.

I would also love to add a community park. There are lots of towns and cities in the area that have parks, so why not have one of our own? Community parks are a good way for people to get outside and get fresh air. A community park would be a great place for people to walk their dogs, kids to play on a playground, and even a nice place to go on a walk. The community park could also have some events like fundraisers and sports. Also, we could create an ice rink in the winter for skating and hockey, and there could even be a flower garden with benches so the senior citizens of Veazie could enjoy the park as well. The park would need to be somewhere in a forested area, and Veazie has a lot of options.

I think it would be important to add more houses to Veazie so that more people can come live in our town. There are a lot of empty places in Veazie that would be perfect for building houses. Since Veazie is a wonderful place to live in, I think it would be helpful to build even more houses in our town.

There is a riverside park in Veazie that I would like to change a bit. The riverside park is a nice place to go visit, but there could be more there. In the summer, there could be activities such as arts and crafts for adults and children. For example, there could be rock painting, and creating art out of nature. The park is a beautiful place and it would be great to see it visited more often.

If I led my community, I would add these three things to make Veazie even better than it already is. These would be great additions to my community because a library, community park and more houses are all important things that could be added to Veazie, Maine.

LOCAL GOVERNMENT
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Virus elixir: Three towns take pro-active steps during pandemic

Leaders in Ashland, Bucksport and Scarborough say emergencies present opportunities to lead. They are innovating, and the changes may stick.

By Susan Cover

The unprecedented impact of the coronavirus has challenged Maine cities and towns to get creative to keep citizens safe, help them weather the economic downturn and ensure they have timely information from their local government.

Though the Aroostook County Town of Ashland, Hancock County Town of Bucksport and the Cumberland County Town of Scarborough have little in common, all have launched efforts to address the uncertainty of the global pandemic.

At a time when many are looking to federal and state governments for help, these municipal leaders have decided to step up their efforts as the level of government closest to the people.

Elderly check-ins

Ashland Ambulance Director Patrick Long said it became clear early on that town officials needed to do something to make sure the senior citizens in their community would be safe. Following a meeting with police and fire department officials, they settled on weekly phone calls to about 70 elderly residents in town.

Every Tuesday, they call to see if residents need food or a prescription. Sometimes it's just a quick check in on Facebook.

"People are loving it," he said. "They think it's the greatest thing."

Town Manager Cyr Martin, who also serves as police chief in Ashland and Washburn, said it's particularly important to check in by phone because town hall is closed. People they

would normally see at the municipal building are not leaving their homes, he said.

"There's a lot of people, especially the elderly, who are really kind of scared of this whole thing," he said. "We reassure them that things will be normal again eventually."

Long said elderly residents are taking the governor's stay-at-home order seriously, so when they need a prescription, he and others offer to drop it off outside their door. They also give them their phone number in case something comes up between weekly calls.

"A lot of them are lonely," he said. "It's pretty hard sitting in the house for three or four weeks now. Hopefully it won't be much longer."

Martin said the police department in Washburn is checking on 20-25 elderly residents there as well. Even after the stay-at-home order is lifted, Martin said he may continue regular check-ins as a way to prevent potential problems before they start.

"Who knows, it might continue a little longer too," he said.

Paying it forward

An idea that hit Bucksport Town Manager Susan Lessard at 2 a.m. one Sunday, later became the town's "Pay it Forward" Program.

Lessard proposed, and the council approved, spending \$115,000 of the town's undesignated fund balance to provide grocery store gift cards for residents who lost jobs or had reduced hours, grants for local businesses and additional funding for a senior meal delivery program, the local food pantry and an area homeless shelter, she said. The town money got an additional boost when Bucksport native,



Cyr Martin

and IDEXX Corp. Chief Executive Officer Andrew Silvernail and his wife Shelby, offered to kick in an additional \$60,000 to the program.

So far, the town has handed out 55 food cards valued at \$150 each; 53 small business grants of \$600; and, donated \$7,500 to the food pantry and \$7,500 to the homeless shelter. In addition, the typical fee for meals to be delivered to senior citizens has been suspended, assuring that three times a week, hot meals are dropped at the doors of the community's most vulnerable.

Lessard said she helps deliver meals once a week and hears from residents who say the program has helped boost morale in a difficult time. In return, the town is asking residents to do something for someone else – rake a yard, call an elderly neighbor – to carry out the spirit of paying it forward.

"I think a community has a responsibility to do more than collect trash, put out fires and arrest bad guys," she said. "This investment of a small

Susan Cover is a freelance writer from Augusta and regular contributor to Maine Town & City, mainefreelancer@yahoo.com.

amount is an investment in our people and our businesses. We are planning a path through a difficult time.”

The program is designed to be available for April and May, although Lessard said the town could offer up an additional \$115,000 for June and July if necessary. The town has \$5.5 million in undesignated funds, a balance built up over decades by town leaders who saved money to help weather financial hardships, including the 2015 mill closure that collapsed the town’s valuation by 40 percent, Lessard said.

She said she doesn’t anticipate seeking state or federal reimbursement for the program, noting that those funds are typically earmarked for public safety, personal protective

equipment or increased staffing needs because of the global pandemic. She said the 7-0 vote by the council to back the program showed their courage and willingness to “step out on a limb.”

Council member Paul Bissonnette said his decision to support the program stemmed in part from his professional experience working for an electronic medical records company. He was part of a team that planned for a worst-case scenario – and then carried out the plan as concerns about the virus shuttered many workplaces. He started working from home March 16 and was prepared to step up as a council member.

“It was kind of a no-brainer,” he said. “You either sit back and watch what happens or you lead.”

Bissonnette, first elected in 2018 to a three-year term, said he was thankful prior council members and managers had set aside money for a rainy day. Since the program started, he’s gotten positive feedback from residents and said he was glad the town didn’t oversell what they are able to do.

“Until state and federal help could kick-in we were trying to be that bridge,” he said.

Moving forward, Bissonnette said he’s hopeful Bucksport residents will start to get help from other levels of government. But he’s prepared to re-

examine how the program is working and see if there is a need for the town to provide additional help.

“What worked? What didn’t? Who needed additional help and why? Will they be fine 30 days from now?” he asked. “I think it’s something we should at least have on our radar.”

More than Zoom

Like many municipalities, Scarborough is using the Zoom platform that allows the public to participate and observe meetings. But the town has also gone a step further by creating its own YouTube channel that makes it easy for residents to watch in real time and review meetings that have already happened, said Town Manager Thomas Hall.

“In many respects, there’s more opportunity for public involvement than we’ve ever had,” he said.

While Zoom requires users to follow a few steps, YouTube does not require an account or sign-in to participate, he said. It’s one of the key ways he and others are making sure residents stay connected to the town during a time when the office is closed. The town is also active on Facebook and Hall said even though he typically shies away

SCARBOROUGH IN TOUCH

Town Manager Thomas Hall and his staff employ various means of keeping residents informed, including:

- Frequent Facebook posts and short videos
- Making public meetings available on Zoom and YouTube
- A twice-monthly e-newsletter
- Broadcasting meetings on a local access cable channel



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from the limelight, he's done four or five videos to help keep residents informed.

"We've found the best way to communicate is through short videos," he said, noting that in Scarborough, residents are especially interested in beach access.

And while the town had an e-newsletter prior to the coronavirus epidemic, subscriptions have "increased exponentially" since the virus hit Maine, he said.

Town Council Chairman Paul Johnson said while the town also broadcasts its meetings on a local access cable channel, he's noticed an uptick in public participation either via YouTube or Zoom. He and Hall work together to keep agendas focused on only the most essential business and Johnson said he tries to run the meeting in a way that's similar to a typical council meeting.

He and Hall also record a portion of their regular one-on-one meetings to share with other members of council so everyone has access to the information discussed by the manager and council chairman, Johnson said. That may be something that continues even after things return to normal.

Hall said like all city and town managers, he's trying to strike the right balance between public safety and public access to needed services. While Scarborough had planned for a natural disaster – which is typically short in duration – dealing with the

uncertainty that comes with a situation that is constantly evolving has been a challenge.

"I don't think any of us can say with any degree of confidence we were prepared for this," he said.

To add to the difficulty, Scarborough is at the tail end of a multi-year project to open a new public safety building. At a time when first responders are on the front lines of the pandemic, those in Scarborough are also moving police, fire and dispatch to a new location, he said.

With budget concerns looming, Hall also made the decision to alert 77 non-union employees that their hours would be reduced starting in early May, through the end of July. It's given him a sense of predictability so he can plan for when town hall is open again and residents start coming back into the building for things such as beach passes and new car registrations.

"I'm feeling a bit comforted by making decisions for the next three months," Hall said. "It gives me a bit of comfort instead of rolling anxiety. ■



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Washington County towns win funds, plan permanent projects

For Danforth, the focus is making the most out of beloved Union Hall. In Machiasport, it's turning 27 community acres into something special.

By Janine Pineo

As one Washington County town looks to preserve its past, another seeks to build a future with seed money awarded as Maine Bicentennial Community Grants.

Danforth and Machiasport applied for project grants that were announced in early March, providing funds for scores of applicants, including numerous municipalities. Combined with the first round of grants awarded in October 2019, the commission has given \$574,545 to more than 160 applicants. Deadline for the last round of grants is June 1.

Maine Bicentennial Commission Chairman Bill Diamond acknowledged in early April that while the intent of the grant program was to fund activities for the state's 2020 bicentennial, the threat of COVID-19 has altered the course this year.

"In the midst of the pandemic response, the Maine Bicentennial Commission recognizes that many bicentennial events and programs must be postponed," he wrote. "The commission hopes that the funding provided to you will be used when it becomes safe to do so, to honor the spirit and intent of your application. To be clear: We do not expect that you return your grant money.

"If it is impossible for you to re-schedule within 2020, please look to the year ahead," he continued. "We have every confidence that despite any delay, you will help us celebrate 200 years of statehood by showcasing the best of what you do and who you are."

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



Danforth Union Hall's first floor is used for everything from town meetings and elections, to dances, plays and visits from Santa. (Photo by Stephen Wintle)

Preserving the past

It doesn't get any more multi-purpose than Union Hall in Danforth, yet the town is looking to make it even more so with its bicentennial project.

Town Manager Ardis Brown said Danforth selectmen decided in 2018 to collect and compile historic items and display the collection for everyone to see, with the ideal location being the hall.

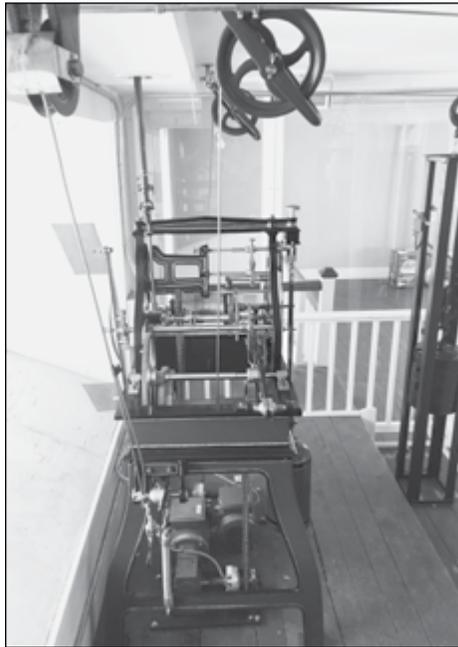
On the National Register of Historic Places since 1987, Union Hall was built in 1890 (the document filed at the National Register notes that local lore has differing dates, while

a newspaper put the date at 1890). The architect was a Mainer: Edwin E. Lewis from Gardiner. In 1906, the Masonic and Odd Fellows lodges bought the upper floor of the hall, with the Masons still there today. Meanwhile on the first floor ringed with an upper gallery, the town holds municipal meetings, while the same auditorium with its stage is used for theatrical productions. Down in the basement was the jail with a cell remaining there.

Located in the Danforth village center, Union Hall still serves as a venue for public and private meetings, Brown said. Not only for town busi-



Danforth Union Hall circa 1920. (Photo by Stephen Wintle)



Danforth Union Hall's clock tower is home to a Seth Thomas Clock that continues each day to chime every hour. (Photo by Stephen Wintle)

ness such as meetings and elections, it is also the site for dances, concerts, dinner theaters, plays, the food pantry and visits from Santa Claus. Brown said it once served as the gymnasium for the local school after a fire at its gym. It even housed troops for a time during World War I as they guarded the Maine Central Railroad line.

"Everything happens here," she said. "The building is full of memories and history. It is a huge part of our history and so very special."

The two-story structure with its three-story clock tower may soon have even more history within as the town uses its \$500 grant to add display cases to hold historic memorabilia donated by residents or owned by the town.

Alignment of goals

"When the bicentennial grant be-

came available, its goals aligned well with ours," Brown said. "Our history project is such a big part of who we are, we decided to utilize the funding for something that would be able to be enjoyed for years to come. People are willing to donate their treasures to the town, but we must ensure that they can be displayed safely and not damaged or lost."

Among the items destined for display are bank books, timber receipts, train tickets, dinner ware, souvenirs and scrolls. Brown said they have a plate that likely was sold out of a local store painted with the words 1913 and Danforth, Maine. And the scrolls are graduation announcements.

Then there is the siren. Functional for most of the 1900s, its last location was atop the Town Office in the 1970s. "When a fire call

(or) emergency occurred," Brown said, "the siren would sound a code that would inform the firemen where the fire was located so that they could respond."

The code was a combination of long and short bursts that identified the targeted area of town.

There were at least two other locations where the siren was located, as Brown found out from a resident. It was positioned atop a funeral home, she said, with an upstairs apartment rented and wired with the switch used to send out the coded bursts.

At some point, the siren was moved from the funeral home to the roof of the home of the aforementioned resident, who told Brown it stayed there until it was struck by lightning. Then it was moved to the Town Office roof.

Brown said a search for a display case is under way to find "the right piece that fits the time period." With a total budget of \$900, the goal is to purchase an antique case or cases and refurbish them.

BICENTENNIAL WEBSITE

Maine's 200th anniversary of Statehood is this year, and the Maine Bicentennial Commission is leading the State's Official Commemoration. The commission has compiled a great amount of information, and many valuable resources, at its website: <http://www.mainebicentennial.com>.

Included among the offerings:

- A children's book called, "The Maine Birthday Book."
- Images about the future of Baxter State Park and Mount Katahdin.
- A photo gallery spanning many parts of the state.
- A Master Maine Guide.
- A look at 200 summers of Maine romance.
- Ways to buy Maine Bicentennial hats and t-shirts.
- And, much more.



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The project is part of a larger plan to open Union Hall to the public, Brown said.

"We would love to have our Union Hall become a destination for all to enjoy," she said. "The goal is to be able to take our visitors back in time within Union Hall with a tour of the building, which will contain pictures that re-create the town, memorabilia and oral histories."

Brown said the goal is to have the cases installed by this summer, ideally by the town's Summer Fest, which is held in late July/early August.

"People love history," Brown said.

Planning for the future

Behind the Machiasport Town Office lies 27 acres of land. Inside the Town Office is the 2009 Comprehensive Plan.

Town Clerk Marcia Hayward said when she took a look at that plan, "It reinforced this is a good idea. There was a need. There is a need."

The idea is to take those 27 acres of field and woods and develop them for the town in multiple ways and even multiple uses.

What started Hayward thinking was a seminar at the Maine Municipal Association Convention in October 2019. Two people from the Maine Bicentennial Commission gave a presentation that included information on the grant funding.

"Everything just clicked," she said. "After the seminar, I came back and started sketching things."

The vision for that acreage includes ambitious logistics and proj-

ects. The bicentennial grant of \$4,500 is meant to start the ball rolling.

The plan is to build not only a public works garage, but also a recreation center with a stage and kitchen facilities. Another part of the plan is to harvest pulp wood from the forested section that would provide needed funds while also helping to create a hiking trail system and a place for the Tricentennial Pine Grove as part of the state's bicentennial projects.



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A pond will be created too, deep enough for the fire department to use to fill the tanker and for ice skating in the winter. There are plans for a picnic area, playground, outdoor basketball court and a tennis court.

Where the work begins is a matter of timing. While harvesting the wood first was the initial plan, Hayward said it may begin with trails being marked and brush being cleared.

“The cutting of wood was meant to get the project off the ground,” she said.

“We’re still trying to get somebody to cut it,” said Selectman Jeff Davis. About half of the trees are pulp, but with wet ground and a short winter, it complicated any possible harvest the first of the year.

“The whole wood market down here is limited,” Davis said. “We don’t have as many commercial harvesters.”

Another factor in finding someone to do the work is because it is considered a small job.

Meanwhile, the town had a forester look at the wood and give an estimate.

At the time, there was no money in the pulp market, Davis said. Hayward said the estimate when submitted was for the town to net \$7,000.

Pulp prices have shot up, Davis said, because the pandemic has increased demand for products such as toilet paper. The town is hoping to get more money now if the wood is harvested while prices are high.

Involving families

In the meantime, Hayward wants to involve parents and students from the Fort O’Brien School with marking the trail along the property edge and behind where the public works garage would be. The school, she said, wanted to build a trail and hiking network on the 27 acres. She said the

BICENTENNIAL SERIES

Throughout 2020, Maine Town & City will feature articles about municipal efforts to celebrate Maine’s 200th birthday, written by freelancer Janine Pineo of Hudson. The Maine Municipal Association also wants to highlight your community events at the special Bicentennial area of our website: <https://memun.org/bicentennial>. Please email information about your happenings to me at: econrad@memun.org. We hope you enjoy our articles and featured website offerings. Let’s party.

Eric Conrad, Editor

grant money will help purchase hand tools to be used to start clearing what they can.

“Really, it’s hard to visualize anything while it’s all overgrown,” Hayward said.

The trail will be educational, featuring stations along the way that tell the history of Machiasport. Once finished, it will provide a destination for field trips. “We want the kids to be really involved in the whole process,” she said.

Selectman Brian Smith said the timeline for this undertaking will “flow along as we get the money.”

Hayward would like to see all of it completed in five years, her personal goal. She is on the lookout for grants with sufficient amounts to help propel the project as fundraisers have had to be canceled because of the pandemic.

“We’re going to do it eventually,” Selectman Davis said. ■

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To watch any of these videos, go to
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PEOPLE



Robert Malley

Thirty-four years after taking over the town's Public Works Department, **Robert Malley** has called it a career. In all, he has worked for the town more than 40 years. He started as public works director at age 28, at that time believed to be the youngest director in Maine. He recently announced he will retire effective July 31. Malley began his career in Cape Elizabeth in 1979, stopping his college studies to take a job as the department's clerk and payroll processor. He finished his education in 1983, earning a degree in business administration. He is known for his drive and passion for his job. He won recognition and awards throughout his career and was most proud of two missions accomplished under his leadership. One was the rehabilitation of a neighborhood, where infrastructure projects included replacing roads and installing water and sewer lines. The second project was gaining approval and overseeing the construction of a new public works facility in 1999. When the director's job opened in 1986, Malley did not apply, thinking he was too young to run the department. That changed when he was recruited to apply.

A beloved career police officer, retired **Cpl. Dana Duff**, died April 10 at the age of 66. He worked for the town's police department for 42 years, training many officers and sharing his good nature and folksy ways with the residents of the Aroostook County town of 5,600. He was expert at diffusing confrontations with his calm bearing and infectious smile. A Houlton native, Duff joined the department in late 1974 as a patrol officer and retired as a corporal. He was known for treating people fairly, but firmly when necessary – always in a respectful way. He was presented the "Lifetime Achievement" award in December 2018. Duff was an avid sportsman who enjoyed hunting, fishing, boating and camping with his

If your municipality submits a news item for the *Maine Town & City*, consider sending a corresponding photo to: [Eric Conrad: econrad@memun.org](mailto:Eric.Conrad@memun.org)

family and friends. After retiring, he kept working: He drove a bus with students to out-of-town schools and mowed lawns for SAD 29.



Edward Barrett

In all, Barrett worked in municipal government for 45 years, including as assistant manager of Wichita Falls, Texas, after a stint in the budget office for the City of Tucson, Ariz. Barrett is well-known and respected by his municipal peers. Among his many accomplishments in Lewiston was the revitalization of Lisbon Street, the city's main downtown artery, as well as helping lead the development of three long-term planning efforts that will guide the city into the future. Barrett was praised for his strong leadership in righting the city's financial ledger following the "Great Recession" of 2008. Barrett was named the Linc Stackpole Manager of the Year in 1997 by the Maine Town, City and County Management Association. He also served on the Maine Municipal Association Legislative Policy Committee.



Denis D'Auteuil

Assistant City Administrator **Denis D'Auteuil** will replace Barrett, effective when Barrett leaves next month. A Lewiston native and resident, D'Auteuil was hired by the city in 2017 after he served seven years for the City of Auburn's Police Services division, and then as assistant manager for about 18 months. He was named acting Auburn city manager in September 2016 before joining the city staff just across the river in Lewiston. Barrett, who hired D'Auteuil, said he had faith in D'Auteuil's skills, abilities and temperament to handle the top job.



Rick Paraschak

Rick Paraschak, a former selectman and 25-year member of the town's fire department, died March 29 at the age of 66 of complications from COVID-19, the disease caused by a novel coronavirus. Paraschak was among the first Maine victims of the disease who was publicly identified. Paraschak was eagerly awaiting the birth of his first grandchild in May. He was a longtime employee of the Maine Department of Transportation. A New Jersey native, Paraschak moved to Maine with his wife and children in 1987. He was the father of two a daughter, Esther, and Ephrem, currently town manager of Gorham and former manager of the towns of Denmark and Naples. Paraschak's public service also included stints on the regional school board and the town planning board. During it all, Paraschak also ran his own excavation business.



Charles Harlow

Former Portland City Councilor and Mayor **Charles Harlow** died March 28 after a long illness. He was 77. In addition to his municipal service, Harlow also served in the Maine House from 2004 to 2010. The Rumford native served on the city council from 1990 to 1999. He was elected by his peers to serve as mayor in 1992. He pushed for education, lower taxes, rezoning the waterfront and revitalizing the downtown. He also was known as a strong advocate for equal rights. Harlow earned a bachelor's degree in education in 1965 from the University of Maine, and a master's in education from the Orono university in 1968. He was a football player in high school and college and a runner who completed five marathons. He taught and coached for 39 years at four different school districts. He was college placement director at Cheverus High School for many years. He is survived by his wife of 55 years and two daughters. ■

STATEWIDE

At its April meeting, the Maine Municipal Association's Executive Committee unanimously voted to support the two bond questions that will appear on the July 14 primary election ballot. Question 1 asks voters to approve \$15 million in borrowing for investments in high-speed internet infrastructure for unserved and underserved areas, to be matched by up to \$30 million in federal, private, local or other funds.

Question 2 asks voters to support issuing a \$105 million bond for transportation purposes. Of the total, \$90 million funds improvements to highways and bridges and remaining \$15 million will fund investments in multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects, to be matched by an estimated \$275 million in federal and other funds.

BETHEL

Developers plan to build a \$10 million 38-unit condominium complex, located near the Bethel train stop. Maine passenger rail service is expected to be expanded and the new complex will be a major benefactor. The project has been named Residences at Bethel Station not far from Sunday River ski resort in the abutting Town of Newry. The seven acres purchased by Bethel Station LLC is part of a 25-acred subdivision created in the 1990s to accommodate expected and future train traffic. The seven acres sold for \$399,000. The new owners hope to begin construction by late this year and will take a year to 18 months to complete.

CARIBOU

City Clerk Jayne Farrin is encouraging residents to vote by mail for the July 14 election, delayed from June because of the global pandemic caused by a new, lethal and especially contagious virus. Farrin's urging follows a late April poll showing Americans strongly support voting by mail. In Aroostook County, a quarter of all voters are age 65 or older and particularly vulnerable to the virus. Farrin said residents may request an absentee ballot from the state of Maine website or call the Caribou City Office to request one. Maine lawmakers changed

NEW ON THE WEB www.memun.org

Highlights of what's been added and updated at www.memun.org since the last edition of *Maine Town & City*.

Coronavirus. The Maine Municipal Association continues to build an extensive COVID-19 resource area on our website. In addition, Executive Director Stephen Gove is posting weekly updates about MMA's efforts to advocate for, and to continue to serve, our members during this challenging time.

Training videos and Zoom events. MMA now has more than 100 training videos available, offered through our Risk Management Services Department and general training for elected and appointed officials. We are doing live training via Zoom as well, including a webinar on regulating vacation rentals on May 27.

the law several years ago so citizens no longer need a reason to vote by absentee ballot. Voters also are now allowed to submit their absentee ballots right up until Election Day. Caribou voters also will be able to vote in person from 8 a.m. to 8 p.m., Farrin said.

HERMON

Town councilors are opposed to allowing a town resident who was convicted of dealing drugs from her home to pay her back taxes and get the property back. She has sued the town to get her foreclosed property back in Penobscot County Superior Court. According to legal advice, the state allows municipal officials to deny such a request. They sometimes will accommodate residents who have had legitimate reasons for not paying their property taxes, usually because of financial or medical hardships. In this case, the council denied her request because she used the house from which to sell drugs. Her request to sell the house and allow the town to approve a potential buyer also was rejected. She owes five years of back taxes. The home was valued at \$69,700 in 2017.

LEWISTON

The city planning board in April approved three commercial solar power projects with a total construction cost of \$13 million. Now the city and developers must hope the state chooses the projects this summer; officials are optimistic. The developer, based in Massachusetts and California, has 14 projects at some stage of the approval process in Maine. The firm, NextGrid, has submitted 10 projects

to the Maine Public Utilities Commission, which will announce the first round winners in the summer. The effort is part of a new law requiring the PUC to approve projects in the effort to boost clean energy. In addition to the three Lewiston projects, NextGrid has proposed projects in Bangor, Mechanic Falls, Poland, Auburn, Biddeford, Howland, Waterville, Monroe, Manchester and Winslow. Two projects are on deck in Bangor. There is a single project in all other municipalities. The PUC is looking for small-scale generation that totals 375 MW. The first round will choose projects up to 5MW. Winners will be awarded 20-year contracts with either Central Maine Power or Emera Maine.

STONINGTON

The Hancock County island town of about 1,000 residents is considering investing in a charging station for electric vehicles. Under a proposal pitched by A Climate to Thrive, a Maine-based non-profit, the group would pay to install and equip the station, using foundation grant funds. The town would pay the electricity or could decide to charge users. Regardless, the town would pay annual network charges of \$320 and a maintenance fee of \$450. The select board plans to take up the proposal at a future meeting.

MUNICIPAL BULLETIN BOARD

PLEASE NOTE

Due to uncertainty surrounding the coronavirus outbreak, we are promoting selected events starting on May 27 and scheduled after that. At press time for this magazine, we had postponed or canceled in-person MMA events running through June 10. Please view our website (www.memun.org) for updates and details about events, as they are subject to change. Thank you for your patience.

ZOOM WEBINAR

MAY 27

Regulating Vacation Rentals

Websites with non-hotel vacation rentals appeal to travelers to such a degree that home, apartment and condo rentals seem to be popping up everywhere. That creates challenges for local officials, from site regulation to traffic to safety and noise complaints. Attendees will come away from this Zoom-only session with a legal update on permitted regulations and a look at municipal “best practices.”

This webinar will run from 1:30 p.m. to 3 p.m. at no charge to MMA members. It will be instructed by Kristin Collins, attorney with Preti Flaherty in Augusta, and Werner Gilliam, planner and code enforcement officer, in the Town of Kennebunkport. Advanced registration is required. *Please see our website, www.memun.org, for details. Click on the Training and Resources tab.*

JUNE 11

Elected Officials Workshop: Machias

Attorneys and staff from MMA’s Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on June 11 at the Lee Pellon Center on Main Street/ U.S. 1 in Machias. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state’s Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$65 for MMA members and \$130 for non-members.

JULY 14

MMTCTA’s I’ve Got the Job – What Now? Augusta

The Maine Municipal Tax Collectors’ and Treasurers’ Association will hold this popular course at the MMA Conference Center in Augusta, on July 14. It addresses many aspects of being a tax collector and treasurer, including the nature of the position, duties, dealing with delinquent property taxes – and more.

Stu Marckoon, treasurer in the Town of Lamoine, is the instructor. The program opens with registration at 8:30 a.m. It will conclude at 3:30 p.m. Cost is \$55 for MMTCTA members and \$85 for non-members.

SPECIAL SESSION!

JULY 21

Diversity Immersion: Augusta

This workshop, which received strong reviews during its debut in 2019, is designed to help officials and employees who view themselves as “change agents,” and want to be more effective in that role. It emphasizes learned traits such as recognizing diversity, building equity and being inclusive.

It will be held on July 21 at the MMA Conference Center in Augusta, and it will be led by instructor Susan Gallant.

This workshop is interactive and includes hands-on activities and exercises. It begins with registration at 8:30 a.m. Cost is \$85 for MMA members and \$170 for non-members.

JULY 22

New Clerks: Orono

The Maine Town and City Clerks’ Association will hold this workshop, designed for clerks who are new to their profession, on July 22 at the Black Bear Inn and Conference Center in Orono. Kim McLaughlin, town clerk in Old Orchard Beach, and Merton Brown, town clerk in Kennebunk, are the instructors.

The course is designed to familiarize clerks with all aspects of their offices. It is relevant to clerks from small towns and larger cities. It begins with registration at 8:30 a.m. and ends at 4 p.m. Cost is \$60 for MTCCA members and \$80 for non-members.

JULY 30

Planning Board/Boards of Appeal: Houlton

Attorneys from MMA’s Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on July 30 at the Houlton Fire Station on Military Street.

The workshop is designed as an introduction for new or less experienced members, but veteran board members may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$65 for MMA members and \$130 for non-members. ■

All of the upcoming workshops can be found on the MMA website.

Use the following link:

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



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LEGAL NOTES

Three Legal Notes Reprinted

The following Legal Notes, though published previously, seem especially pertinent now during this public health crisis and the resulting financial strain on municipalities, so we reprint them here. The applicable laws have not changed as of this writing.

Financial Emergencies & Unanticipated Expenses

(from the December 2016 *Maine Townsman Legal Notes*)

We're often asked whether selectmen have some inherent authority under State law to overdraft an account or to spend from surplus or some other source to address emergencies or pay for unanticipated expenses. The answer generally speaking is no, they don't.

Any authority to exceed budgeted appropriations in case of emergency or unanticipated expense must come from town meeting (the budgetary authority in most municipalities). Unless the voters have already (1) established a contingency fund for emergencies, or (2) authorized the selectmen to spend from surplus or unexpended appropriations, or (3) funded a reserve account, a special town meeting will be required to authorize an overdraft or appropriate additional funds.

Ideally, this should take place before additional expenditures are made. (A special town meeting can be called with only a seven-day warrant.) But we recognize this may not always be possible or realistic, so where immediate action is imperative – for example, replacing a broken furnace in January – the selectmen may choose to authorize the expenditure anyway and trust the voters to ratify it afterward. This strategy is dependent on the good faith of both the selectmen and the voters, however, and should be employed only if and as absolutely necessary since the selectmen may be personally liable for the expenditure if the voters later refuse to ratify it.

As we said, there is generally no emergency spending authority under State law, but there are two exceptions. For road maintenance (including snow plowing) and repairs, 23 M.R.S.A. § 2705 authorizes the road commissioner, with the written consent of the selectmen, to spend up to 15% more than was budgeted if that amount is insufficient (see

MUNICIPAL CALENDAR

ON OR BEFORE MAY 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 (22 MRSA §4311).

MAY 25 — (Last Monday in May) Memorial Day observed. A legal holiday (4 MRSA §1051); a school holiday (20-A MRSA §4802). Municipal officers shall direct the decoration of veterans' graves. (30-A MRSA §2901).

"Winter Road Budgets," *Maine Townsman, Legal Notes*, March 2014).

Also, for general assistance, because municipalities have a statutory obligation to provide aid to eligible persons whether or not sufficient funds have been appropriated, the authority to overdraft the GA budget, if necessary, is implied (see "Failing to Fund GA," *Maine Townsman, Legal Notes*, June 2011).

For more on overdrafts and budgeting generally, see Chapter 8 of MMA's *Municipal Officers Manual*, available free to members at www.memun.org. (By R.P.F.)

Tax Anticipation Notes

(from the December 2014 *Maine Townsman Legal Notes*)

Question: Our auditor has recommended using tax anticipation notes to fund current municipal operations pending our receipt of property taxes. What are tax anticipation notes?

Answer: Tax anticipation notes or TANs are promissory notes issued by municipalities to secure financing, usually for current operational expenses, in anticipation of future tax payments. As such, TANs represent temporary borrowing to bridge the gaps in the municipal revenue cycle caused by the fact that taxes are payable only once or twice a year. Because they are short-term loans secured by tax revenues, TANs are readily available from lending institutions, typically at low interest rates.

Unlike other forms of borrowing, TANs do not require authorization by the municipal legislative body – a vote by the municipal officers (selectmen or councilors) is sufficient (see 30-A M.R.S.A. § 5771). The amount borrowed, however, cannot exceed the total tax levy for the preceding fiscal year. Also, TANs must be repaid within one month after the end of the fiscal year in which they were issued

and out of money raised by taxation. (The limits on the amount borrowed and the time for repayment extend to 18 months if a municipality is transitioning to a new fiscal year.)

Maine law authorizes similar "anticipation" notes or borrowing for revenue-sharing and state or federal aid (see 30-A M.R.S.A. §§ 5771, 5773, respectively).

For the record, Maine's statutory limits on municipal debt do not apply to anticipation notes (see 30-A M.R.S.A. § 5703(1)). (By R.P.F.)

Borrowing from Reserves

(from the March 2015 *Maine Townsman Legal Notes*)

Question: We have some reserve funds set aside for long-term needs like replacement of vehicles, repairs to municipal buildings, and so forth. Can we avoid the cost of a short-term loan for operational expenses by borrowing from our own reserves instead?

Answer: No, at least not without authorization from the municipal legislative body (town meeting or town or city council).

As we've noted here before, municipalities are authorized by statute to establish reserve or non-lapsing funds for a variety of purposes (see "Reserve Funds," *Maine Townsman, "Legal Notes,"* December 2004). They are established by the legislative body, but they are managed by the municipal officers (selectmen or councilors).

As the trustees of reserve funds, the municipal officers are strictly limited to expending them only for the specific purpose for which they were established. Our belief is that even a temporary "loan" of reserve funds for some other purpose could breach the municipal officers' fiduciary duty to safeguard them solely for the purpose for which they were originally set

LEGAL NOTES

aside. (The unauthorized use of reserve funds is a Class C crime, see 30-A M.R.S.A. § 5802(4).)

The legislative body, however, could permit the use of reserve funds for other purposes, either by authorizing a short-term “loan” and providing for future repayment or by permanently reallocating the funds. Whether doing so would be reasonable or prudent would depend on the circumstances. For example, raiding a “rainy day” fund established for financial emergencies could have adverse consequences on a municipality’s credit rating.

If temporary funding for current operations is the problem, perhaps a better solution is a tax anticipation note. As we pointed out recently, they’re widely available and typically at low interest rates, and they don’t require approval from the legislative body (see “Tax Anticipation Notes,” *Maine Townsman*, “Legal Notes,” December 2014). (By R.P.F.)

‘Town Manager’ – Not Just a Job Title

We’ve heard of several instances recently where a town’s administrative assistant has asked the selectmen for a promotion to “town manager.” Or where the selectmen have sought to demote a town manager to “administrative assistant.” All without any authorization or approval by the municipal legislative body (town meeting in each of these cases).

These examples are concerning because they suggest the parties may not fully understand that “town manager” is not simply a job title – it’s a particular form of local government known as the “town manager plan.”

Under the town manager plan, the administrative functions of local government are split off from the selectmen and given over to the manager, who is generally responsible for the hiring and supervision of all employees and appoint-

tees (except for boards and assessors) and for the administration of all municipal departments and operations. The manager, of course, is hired by and is ultimately responsible to the selectmen, who may discipline or remove the manager, but they have no role in daily operations or in supervising the manager’s subordinates. However, the selectmen do retain, along with the voters, the all-important policy-making prerogatives of local government.

The town manager plan represents a significant departure from the basic selectmen-town meeting form of government in which the selectmen are responsible for both the administrative and executive functions of local government, with perhaps the assistance of some office staff.

Towns can implement the town manager plan either by simply adopting the off-the-shelf statutory plan (see 30-A M.R.S. §§ 2631-2639) or by adopting charter or ordinance provisions spelling out their own plan in detail. Either way, the plan can be adopted (or revoked) only by the voters.

We should note here that, unlike the town manager plan, an “administrative assistant” is not a recognized form of local government. This position is nowhere mentioned in statute, there is no “model” definition or job description, and the powers and duties vary widely from town to town where there is one. For more on the differences between town manager and administrative assistant, see “Manager vs. Administrator,” *Maine Townsman*, Legal Notes, November 2007.

For a detailed description of the town manager plan, the manager’s powers and duties, and the respective roles of the manager and the selectmen, see MMA’s “Information Packet” on the subject, free to members at www.memun.org.

And for an in-depth and enlightening history of the town manager plan in

Maine, where professional management of municipalities both large and small got a comparatively early start over a century ago, see “The Manager Plan in Maine” (Second Edition) by James J. Haag, also free to members at www.memun.org. (By R.P.F.)

Got an ADA Question?

Do you have a question about whether or how the Americans with Disabilities Act or ADA applies to your building, project, or activity? We get them occasionally, too, and when we do, we almost always recommend contacting the New England ADA Center.

The New England ADA Center is a Boston-based nonprofit that provides information, guidance, and training to businesses, state and local governments, schools, and individuals on how to comply with the ADA. The Center is not a regulatory or enforcement agency, so it does not make or enforce the law. But it is an excellent technical and advisory resource, and most of its services are free.

If you have a question about the ADA, contact the New England ADA Center by phone (1-800-949-4232), by fax (1-617-482-8099), or by email (ADAinfo@New-EnglandADA.org). Or send your question directly to the Center by using the “Ask a Question about the ADA” form at www.newenglandada.org/contact.

MMA also has information on the ADA in our “Information Packet” and “HR Toolkit” on the subject, both available free to members at www.memun.org. But specific questions should be addressed to the New England ADA Center or other ADA specialists. (By R.P.F.) ■

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

MMA’s services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs.

For more information visit the MMA website: www.memun.org



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