

# Maine Town & City

The magazine of the Maine Municipal Association

DECEMBER 2022

## Legislative Preview

Policy committee adopts its two-year legislative platform.

### ALSO IN THIS ISSUE:

Updates on Legislative Studies

Municipal Election Results

De Novo Review of CEO Decisions





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# Maine Town & City

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## FEATURES



**FAREWELL ADDRESS.** Thanks and appreciation is the theme of Jim Bennett's final address as MMA President. **PAGE 5**



**STUDIES, TASK FORCES & COMMISSIONS.** Over the last two years, MMA staff and municipal officials have served on and followed the progress of several temporary inter-session and permanent working groups convened at the request of the Maine State Legislature. Look no further for updates on EMS, housing, and remote meetings related studies. **PAGE 9**



**WHAT TO DO ABOUT A PROBLEM CALLED SHORT-TERM RENTALS.** While there is some disagreement over the extent to which the proliferation of short-term rentals has impacted year-round housing inventories in Maine, it is nevertheless a very serious issue for several tourism and vacation-based communities. **PAGE 21**



**THE EVOLUTION OF RECREATIONAL PROGRAMS: A SERIES.** In this series, Maine Town & City explores the important role recreational programs play in communities across Maine. The final edition of this series examines the evolving role these programs played when COVID-19 social distancing requirements were in place. **PAGE 27**

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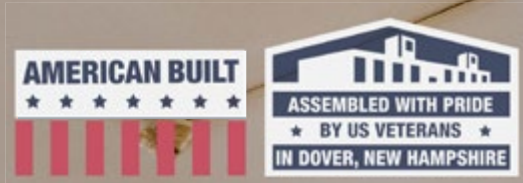
**ABOUT THE COVER**

Holiday festivities are underway in Maine, which includes the lighting of the lobster trap tree in Rockland. (Photo by Rebecca Lambert of MMA)

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# A MESSAGE FROM MMA

BY JAMES A. BENNETT / PRESIDENT

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## With Thanks & Appreciation

Through my last opportunity to use this forum as the MMA President, I want to thank you for everything you have accomplished this past year, as well as to extend my warmest wishes for the holiday season. As you celebrate, may the experience lift you and your loved ones to new heights and usher in an atmosphere of joy, love and community that is both enduring and fulfilling.

Each of you and those who are part of our municipal family have made a difference in the lives of neighbors and community members. We are so blessed to have the opportunity to truly make a difference and witness the numerous outcomes.

For example, seeing the infectious smiles on the faces of an engaged couple as they apply for a marriage license. An EMT feeling the grasp of a senior citizen's hand, silently and simultaneously signaling fear and trust in the staff. Seeing a young boy straighten up and proudly salute a police officer. A friendly wave as a plow truck goes by during the storm. The uncontainable enthusiasm and joy on a coach's face as a child succeeds and thrives through participation in one of our many recreational programs. Hearing people discuss all the wonderful changes that are happening in their communities.

These are just some of the examples of why Maine local government works. It is these, and many other "whys" that fuel the passion for municipal service.

As the premiere municipal league, your team at MMA understands that serving is not always easy. I have seen firsthand their commitment to be there for us, and I can report with great confidence that we are well served by those who proudly call themselves MMA staff. On your behalf and that of the entire MMA Executive Committee, I publicly thank them for protecting our interests and responding to our need for innovative and evolving programs and services. Again, they have served us well.

I would be remiss if I did not thank our members for the opportunity to serve in this prestigious role. I will be ever grateful to the Executive Committee for their dedication and support. I also need to thank the Biddeford team. Every member supported me; Mayor Casavant, the Biddeford City Council, and our talented staff. It is your pursuit of excellence for your community that makes MMA service so enjoyable.

Finally, service is not possible without the love and support of my family, especially my wife, Deb. I am truly blessed to have such a great life partner in this public service journey.

Although my term as president will expire, I will continue to support the work of MMA and look forward to assisting Elaine Aloes, Chair of the Solon Selectboard, as she assumes the responsibilities of MMA President. We are truly in great hands next year.

So as 2022 ends, my wish for 2023 is that each of your municipal days are filled with way more "why" moments; your personal time is filled with the kind of memories that are retold time and again; and your family and friends join you in finding joy in the experience of service.

From my family to yours, happy holidays. ■



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# Supporting State Policy Priorities Via Collaboration

*MMA's Legislative Policy Committee seeks legislative changes necessary to facilitate effective implementation of state priorities.*

By Kate Dufour, Director, Advocacy & Communications

Let's discuss the elephant in the room.

The 130th legislative session (2022) ended with state and local leaders at odds, to put it mildly, over the adoption of several initiatives, more pointedly, the enactment of LD 2003 (PL 2021, c. 672).

Commonly referred to as the Speaker's housing bill, LD 2003 seeks to increase the volume, mix and quality of much needed housing stock throughout Maine; a goal wholeheartedly supported by municipal leaders across the state. Although there are concerns with the many provisions in the housing initiative, including its impacts on local level decision making authority, the law is now in effect and planning boards, councils, comprehensive planning committees, as well as residents participating in town meetings are tackling the directives.

However, as is the case with newly adopted laws, refinement is occasionally necessary.

To that end, the Legislative Policy Committee's (LPC) 2023-2024 legislative platform is focused on identifying opportunities to work collaboratively with state lawmakers to advance initiatives that provide municipal partners the resources, technical assistance, and direction necessary to ensure efficient implementation of important state policy goals.

The initiatives advanced by the LPC seek changes to better support the implementation of affordable and workforce housing goals; reduce property tax burdens on Maine senior homeowners; provide relief to Maine's most vulnerable populations in all areas of the state; and mitigate the unique health-related challenges facing Maine's first responders.

**Housing.** For example, included in the platform is an initiative to broaden the authorities found under the tax increment financing laws to accelerate the development and availability of affordable housing throughout communities. Additionally, the policy committee is proposing the implementation of a Pine Tree Housing Zone, designed to provide private sector developers the economic incentives necessary to build workforce housing. Considering the state has not yet adopted the rules or provided municipalities with the technical and financial assistance necessary to appropriately implement LD 2003, the policy committee is advancing legislation that extends the timeline for adopting provisions of the law to July 1, 2025.



**Senior Property Tax Relief.** Via the homestead exemption program, municipal leaders are supporting an initiative to provide up to an additional \$25,000 exemption to homeowners that are 65 years of age or older and who meet certain household income thresholds.

**General Assistance.** Significant amendments to the state statutes guiding the General Assistance program are also in play. The changes proposed implement training requirements for municipal administrators and the state officials responsible for oversight of the program; increase state reimbursement for program expenses, including interpreter and administrative costs; and require investment in the state level supports

municipal officials need to implement the program.

**Public Safety Employees.** To curb the current trend of addressing first responder health issues via presumptions of workplace injuries under the Workers' Compensation law, the policy committee is advancing legislation focused on prevention by requiring statewide access to the unique health and wellness programs public safety officials, who are routinely exposed to traumatic events, need.

Initiatives seeking to expand law enforcement training opportunities; address delays associated with attaching municipal infrastructure on the common space of utility poles; require a portion of adult use cannabis sales and excise tax revenues to be shared with municipal partners; as well as amendments to the Tree Growth Tax laws, and the school budget validation referendum process, are also on the list of issues for consideration by the 131<sup>st</sup> Maine State Legislature.

Updates on the policy committee's legislative platform, as well as information on all bills of municipal interest to be debated when the Legislature is convened in 2023, will be found in the *Legislative Bulletin*, which is published weekly during the session. The first edition of the bulletin is likely to be published in mid to late January. If you'd like to subscribe to the Bulletin, contact Laura Ellis at [lellis@memun.org](mailto:lellis@memun.org).

For information on the policy work done by mid-session working groups, commissions, and task forces, please see the legislative study article published in this edition of the *Maine Town & City*. ■



## Norridgewock Saves \$40,000/Year with Energy Upgrades

Richard LaBelle, Norridgewock Town Manager, worked with Efficiency Maine to upgrade lighting and heating for Norridgewock's town buildings including the public library and the fire department.

*"These incentives are too good to leave on the table. Like most municipalities, we face the ever-expanding pressure to keep taxes down. We were able to upgrade our lighting and install heat pumps at a fraction of the cost. The new lighting transformed these buildings, and the heat pumps enabled us to remove window air conditioners, dehumidifiers, and heaters under staff desks. To me, that shows we're doing what's best for our community by being a wise guardian of the taxpayer dollar."*

By matching Efficiency Maine's incentives, LaBelle estimates the town of Norridgewock is saving more than \$40,000 a year.

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# In Augusta Policy-Making is a Never-Ending Job

*EMS, remote meetings, housing, and the issuance of concealed weapons permits, just to name a few, were topics of legislative study over the last six months.*

By Rebecca Graham and Neal Goldberg, Legislative Advocates, Advocacy & Communications

For the casual enthusiast of legislative affairs, the periods of adjournment may appear less busy or productive. In reality, intersession and post-session months are packed with a potpourri of legislative studies, working groups, committee meetings, and public comment sessions. Due to the relative intricacy and infrequency of these activities, as compared to the routine of the full Legislature, fewer eyeballs are watching what happens “under the dome” when the legislature is adjourned.

MMA, however, is eternally paying attention to the inner workings of Augusta. In preparation for the incoming 131<sup>st</sup> Maine State Legislature, a recap of the post-session activities is merited as it points to the potential policy priorities of the next legislature which will begin its work in earnest in January 2023.

## **Right to Know Advisory Committee (RTKAC) Leaves No Stone Unturned**

Few advisory committees covered a broader range of policy topics than the RTKAC and its copious subcommittees.

One topic of keen interest to municipalities and some members of the committee, is the expansion of the use of remote meetings for all public bodies. After years of requesting authority to conduct remote or hybrid meetings, municipal officials are generally satisfied with the statutory permission that the 129<sup>th</sup> and 130<sup>th</sup> Legislatures provided. However, ambiguity in statute still exists regarding the authorizing municipal jurisdiction, and cost barriers or insufficient broadband speeds still prevent municipalities from ubiquitously enabling remote participation.

MMA staff presented these municipal perspectives and in response, the Remote Participation Subcommittee is recommending clarifying language to statute to enable the local governing body to enact a remote participation policy for all committees in the jurisdiction, creating a grant or rebate program for technology solutions, and producing a checklist or training program for public officers to prepare for the use of remote or hybrid meetings.

Another cohort of committee members used this post-session period to dive into disciplinary records of public employees. The ensuing subcommittee questioned why the personnel records of public servants, specifically law enforcement officers, are not more readily available to the

public and prospective employers. During a presentation to the subcommittee, MMA raised many concerns with interfering with municipal authority to engage in collective bargaining agreements. Ultimately, the subcommittee unanimously voted to recommend prohibiting unions from negotiating destruction timetables of disciplinary records of under 20 years.

The full RTKAC invited MMA to present on the committee’s 2021 request to gather municipal data on public records requests. As most public officials would agree, the bulk of public records requests are rational, reasonable in scope, and simply part of the ordinary workflow of municipal officials. However, MMA used the presentation as an opportunity to highlight the alarming rate at which municipal officials are fielding nuisance requests, especially those that are hostile, intentionally disruptive, or repetitive.

## **Environment & Natural Resources Committee Discusses CDD**

Occasionally lawmakers’ good intentions reveal a more intricate policy landscape that requires numerous legislative sessions to fully flesh out. In response to dismal recycling rates of construction and demolition debris (CDD), legislators last year took aim at the volume of waste flowing across state borders and into Maine’s landfills or consuming the limited recycling capacity of in-state recovery facilities.

The heart of the issue is out-of-state waste taking priority over Maine generated waste. The offense is compounded by the observation that the state’s primary recovery facility for CDD, ReSource Waste Services, continues to fall short of mandated recycling and beneficial reuse goals while hundreds of thousands of tons of Maine generated CDD go unrecycled every year.

Maine Department of Environmental Protection (DEP) data from 2018 and 2019 provides the clearest snapshot of the issue. In those years, Maine generated about 900,000 tons of CDD, of which 94% is disposed of in state landfills and just 2.3% is recycled or beneficially reused. In that same timespan ReSource received about 450,000 tons of CDD, of which only 9% was generated in state. Conversely, 91% of the facility’s capacity is devoted to waste from Massachusetts and New Hampshire.

To its defense, ReSource Waste Services can’t and

shouldn't be the sole destination of all Maine generated CDD as it must balance geographical constraints, capacity limits, and private sector interests.

This is where the Environment and Natural Resources (ENR) Committee left off at the end of the last legislative session. Over two interim meetings in October, ENR heard presentations from DEP, ReSource, Casella, Natural Resources Council of Maine, Associated General Contractors of Maine, and MMA.

The committee invited MMA's perspective on the position of municipalities to influence positive change in CDD recycling. MMA reiterated its continual support for Maine's solid waste hierarchy and relayed the dire state of affairs. Solid waste management is one of the fastest growing cost centers in municipal budgets, and every increase in tipping fees and transportation costs due to a shrinking marketplace is directly passed to the property taxpayer without relief. Most worrisome is the growing rev-

enue shortfall of local solid waste programs that makes management an increasingly tax dependent service.

Given the strain of solid waste management on municipalities, MMA suggested that local ordinances, regulations, fees, goals, and targets be encouraged rather than regional or statewide solutions that have uneven impacts across communities. As in the past, sweeping changes to state waste policy will leave municipalities in competition for contracts with haulers, recovery facilities, and landfill capacity. There is also a documented uptick of illegal dumping anytime solid waste costs rise and ease of disposal declines.

Finally, was the concern that economic disincentives to demolish or functionally adapt buildings could encourage leapfrog development of virgin soil rather than redevelopment.

The interim meetings produced no formal policy recommendations, they only set the stage for incoming legislators to make quick work of rectifying

the state's CDD woes.

### Distributed Generation 2.0

Since the adoption of a law in 2019 encouraging the development of renewable energy through distributed generation (think small- to mid-sized solar farms), there has been an explosion of solar development, with even more slated for installation. The law change was so successful at attracting applications for solar farms that now the Governor's Energy Office (GEO) is reviewing the distributed generation program to address unintended consequences and produce a 2.0 version to be implemented between 2024 and 2028.

Last year GEO initiated the review by convening a stakeholder group, which includes an MMA designee, to make recommendations by the end of 2022. From the outset stakeholders generally agreed on the urgency to deploy renewable energy, however many perspectives were still at odds.

For instance, much to the chagrin



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of advocates of local food production and Maine's legacy farming industries, working lands have been targeted by solar developers as primary candidates for farms. Solar farms are contributing to the 10,000 acres of working lands that are lost to development every year.

Municipal budgets are also victims of solar development. While solar arrays are taxable, municipalities only receive partial payment as the state gives an exemption to renewable energy equipment. When this concern is raised by municipalities, opponents argue that development is always beneficial because it brings net increases in valuation. This argument ignores the desires of local communities that may prefer housing or commercial development over solar. Uncompromising solar proponents wish to see a loosening of local solar ordinances, streamlining of site location laws, or creation of a permit by rule application. Local communities also have concerns about environmental contamination and decommissioning plans.

One issue with the distributed generation status quo has near unanimous agreement. This pertains to the interconnection fees that electric power companies charge to connect

new solar farms to the grid. Excessive, some would say extortionate, interconnection fees have pushed the cost of projects beyond expectations and are signaling further electric rate increases if the status quo continues. Central Maine Power and Versant claim they are merely passing on their real-time costs to the developer.

Tangentially, although just as consequential, is the need for energy storage. These projects will be co-located with solar arrays and create much of the same challenges as renewable energy development.

Before the distributed generation stakeholders make their final recommendations, the group is awaiting an expert report examining multiple variables of distributed generation programs, including size, capacity, and energy credit amount, to determine the best fit for Maine. The stake-

holder group must report out its recommendations by January.

### Blue Ribbon Commission to Study Emergency Medical Services in the State

The Blue-Ribbon Commission to Study Emergency Medical Services (EMS) in Maine convened this fall, with the commission's members representing publicly and privately funded EMS providers, as well as Bradley town manager, MMA Executive Committee and Legislative Policy Committee Member, Melissa Doane, who brought the municipal perspective to the table. The commission was charged with studying needed financial supports, staffing shortages and the delivery of emergency medical services in all areas of the state.

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calls, these reimbursements are predominantly funded by Medicaid and Medicare programs and at levels below actual costs for the provision of services. As such, volunteers and property taxes have been used to fill the ever-growing gaps in employee ranks and operational revenues.

The commission's recommendations to the next legislature will include requests for a significant finan-

cial appropriation to support an EMS system that is on the verge of collapse; to explore enhanced training options through the community college system; and supplemental funding for health care services EMS provide on scene but without reimbursement from insurance programs.

The commission also recommends continuing to study the challenges facing emergency medical service

providers and programs into the 131<sup>st</sup> Legislature, recognizing the recommendations are just the tip of the iceberg for all levels of public safety employment and service delivery statewide.

### **Commission to Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals**

The 2021 housing discussions launched by a special commission, continued this fall with familiar faces at the table. In addition to protracting the study of housing-related municipal land use ordinances, the commission explored the impacts short-term rentals have on available housing stock. (See related commission story on page 21.)

Throughout the discussions, stakeholders from several municipalities shared with the commission how disparate forces were working in tandem to decrease housing availability and affordability. As market forces favoring location, such as proximity to natural resources, increased vacation

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over residential usage in some communities, in other municipalities the seasonal rentals previously used for workforce housing were actively being converted to additional luxury rental offerings. Additionally, municipal attempts to regulate the affordability of housing developments often pushed market rate purchases into adjacent communities that were once affordable.

Again, developers lamented the financial implications when courts become involved in contentious local opposition to affordable housing proposals. Rarely is housing of choice a factor in the development of affordable housing for either the potential renter or community, particularly when a return on investment is necessary to secure funding. Their solution was to recommend the development of a state level advisory appeals board made up of industry interests to filter appeals against affordable housing development and require the posting of a bond for all complainants that attempt to stop such developments.

Not all recommendations were anti-community in their framing, however.

MMA used the meetings to high-

light a tidal wave of evictions facing Mainers who had benefited from an expiring housing and rental assistance program. Without a proper plan in place, individuals amid personal crises will have to navigate their way through an overwhelmed municipal general assistance process often to find out they do not qualify. The commission recommended finding a replacement for the rental assistance program regardless of availability of federal funding, along with addressing evictions for issues not of landlord purview like tenants not registering their motor vehicles, the collection of application fees without a return of those fees to unsuccessful applicants, and the forced eviction of trailer owners in parks that change ownership while increasing lot lease terms to force owners to abandon their own property.

The full recommendations are available for review here: <https://legislature.maine.gov/doc/9239>

### Studying Concealed Weapons Permit Issues

Following a summer study and drawn-out committee process last session, the Criminal Justice and Public

Safety Committee opted to send stakeholders back to restudy the process of issuing concealed weapons permits in municipalities without a law enforcement presence. Unsurprisingly, the expanded group of stakeholders again came to the same conclusions from the first study; primarily that municipal officials do not have legal access to the data necessary to make an informed decision and that the state lacks resources to take responsibility for issuing the permits in all communities.

For the concealed handgun permit process to maintain integrity, a law enforcement entity must conduct the required background checks and determine whether a permit is issued. Additionally, unlike in Maine, most states do not issue handgun permits to non-residents without a valid reason, such as employment in the



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non-residential state, active military deployment or another compelling reason.

The stakeholder group which included legislators, sheriffs, municipal law enforcement officers, state police, and MMA will again recommend a path that allows the state or other law enforcement agency to be involved in all concealed handgun permit decisions. However, it will be left to the legislature to decide how to balance the recommended policy amendments with available resources.

### County Corrections Professional Standards Council

After a rocky procedural start, the County Corrections Professional Standards Council began meeting in earnest in October, following the adoption of a remote meeting policy and the appointment of a chair. The council meets the second and fourth Thursdays of each month via Zoom to establish the reporting standards for jails that will provide the Commissioner of the Department of Corrections (DOC) with the information neces-

sary to request appropriate levels of funding in the county corrections line of the state's biennial budget.

Along with trying to develop a uniform reporting process to the DOC, the council will explore ways to easily capture the stresses of state policy on the budgets of county jails in an effort to move the bar on providing appropriate support for these pressures away from the county tax assessment paid for by property taxpayers. Additionally, recognizing that not all county jails have the same space and technological capacity, the Committee to Ensure Constitutionally Adequate Contact with Counsel has asked the commission to develop attainable standards to allow jails to uniformly provide in person, telephone, and file access for incarcerated individuals to adequately allow secured communications between the individual and legal counsel.

Information about the meetings, which are open to the public, is posted

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on the Maine Sheriffs' Association's website with Zoom links available here:

The link for the second Thursday of every month is: <https://us02web.zoom.us/j/84707724099>

The link for the fourth Thursday of every month is: <https://us02web.zoom.us/j/86746425240>

### Committee to Ensure Constitutionally Adequate Contact with Counsel

As mentioned above, this committee was charged with examining the issues around the disclosure of sensi-

tive communications between incarcerated individuals and legal counsel following an investigation that uncovered constitutionally protected conversations had been recorded and turned over to prosecuting teams in several facilities. At the heart of the problem was a rapid shift to video and phone meetings that would have been in-person visits with counsel that were made necessary during the pandemic to protect vulnerable institutionalized populations.

Jail telephone systems now have the ability for counsel to register their phone numbers with corrections

phone systems that automate the process of flagging communication as constitutionally protected. Additionally, jails have technical systems that allow for virtual visits with the same process. The committee has also asked for the ability to electronically and in paper form transmit documents for individuals to review and space for retaining those documents in the facility. This will be a challenge to provide, as most facilities lack both the space and the staff to uniformly meet this requirement.

The recommendations also direct the County Corrections Professional Standards Council, in consultation with district attorney offices, Maine Association of Criminal Defense Lawyers, Maine Commission on Indigent legal Services and Maine Sheriff's Association, to develop a consistent set of policies and procedures to be implemented by all law enforcement agencies, district attorney offices, jails and correctional facilities which acknowledge that attorney-client communications are absolutely confidential and provide a path for remedy when there is a breach of confidentiality.

### Next Session

While all the recommendations from the various commissions, task forces and working groups fight for legislative air in the coming months, MMA staff will continue to emphasize the need for the continued development of municipal partnerships that staff hope all legislators will remember and honor.

MMA is grateful for the contributions from the municipal officials who participated in these study groups, and the incredible time and energy expended to help personalize the municipal impacts of the legislative proposals. Without your efforts and willingness to share those stories, our jobs would be nearly impossible. But as these intersession studies have highlighted, there's no time to rest for municipal officials, or those who advocate on their behalf. ■



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# Municipal election results from November

By Liz Mockler

The following are among the official results from November 8 municipal elections. For space considerations, unopposed incumbents and challengers are not included in the listings unless they served previously or ran unopposed to fill a vacant seat.

The names of challengers are also not included unless they are former council or select board members.

The results are based on news reports, interviews with town clerks and researching municipal websites. They are listed in alphabetical order by county and municipality.

## AROOSTOOK COUNTY

**Caribou:** Incumbent **Joan Theriault** and Planning Board Chair **Dan Bagley** were elected to three-year terms on the city council. Theriault received 1,704 votes for another term, while Bagley collected 1,469.

**Fort Fairfield:** **Keith Thibeau** and **Patricia Canavan** received 885 votes and 552 votes to replace **Melissa Libby** and **Mitch Butler**, who did not seek reelection.

**Houlton:** Voters elected **Jane Torres** with 1,426 votes and reelected **Eileen McLaughlin** with 1,348 votes for three-year terms on the town council. Incumbent **Dennis Harmon** was an unofficial write-in candidate and lost his seat to Torres.

## CUMBERLAND COUNTY

**Brunswick:** District 1 incumbent **David Watson** held onto his town council seat by defeating a challenger by a vote of 728 to 601. **Nathaniel Shed**, one of four declared write-in candidates, received 135 votes to represent District 6.

**Cape Elizabeth:** **Penny Jordan** was reelected to a third three-year term and **Caitlin Jordan** won

a fifth term on the town council. They held off a challenger with 3,836 votes and 3,250 votes, respectively.

**Gorham:** In a crowded race for three seats, voters elected **Seven Siegel** with 3,864 votes, **Robert Lavoie** with 3,191 votes and **Philip Gagnon** with 2,914 ballots. Incumbent **Janet Kuech** was defeated in the seven-way race for the three open seats. Councilors **Benjamin Hartwell** and **James Hager** did not seek re-election.

**Portland:** At-large incumbent **Pious Ali** received 75% of the vote in a three-way race to serve another term. Pious collected 22,184 votes compared to 5,070 votes and 2,218 votes for his challengers. In Ward 3, **Regina Phillips** garnered 3,869 votes to defeat a challenger.

**Scarborough:** **Karin Shupe** received 8,489 votes in her uncontested bid to replace **Ken Johnson**, who did not seek reelection.

**South Portland:** Newcomer **Natalie West** received the most votes in a four-way race for two city council seats. West collected 7,115 votes and **Richard Matthews**, a former school board member, pulled in 6,448 votes to win the second seat. They replace **Susan Henderson**, who did not seek reelection, and to fill the seat vacated by **Katelyn Bruzgo** last April.

**Westbrook:** Incumbent **Victor Chau** defeated a challenger by 50 votes, 671 to 621, to serve another term on the council. The Ward 2 councilor has served since 2009.

**Windham:** John Henry received 7,043 votes in an unchallenged bid to replace Edward Ohmott, who did not seek reelection.

## HANCOCK COUNTY

**Bucksport:** Incumbent **Edward Rankin, Jr.** held off two challengers to win reelection with 1,418 votes.

**Castine:** **Roberta Boczkiewicz** defeated incumbent **Peter Vogell** by a vote of 262 to 187 to win a three-year term.

**Ellsworth:** Former City Manager **Michelle Beal** and **Tammy Mote**, the city's former finance director, collected the most votes in a seven-way race for three open city council seats. Beal received 2,475 votes, while Mote collected 1,901. The third winner, **Jon Stein**, received 1,282 votes to defeat three other challengers and incumbent **Robert Miller**, who garnered 1,029 votes.

## KENNEBEC COUNTY

**China:** Incumbent **Blane Casey** defeated two challengers to win another term. Casey received 1,434 votes.

**Hallowell:** Newcomer **Ryan Martin** ran unopposed to replace **Diana Scully**, who did not seek reelection.

**Waterville:** **Brandon Gilley** received 558 votes in a solo bid to replace **Michael Morris**, who resigned in July when he moved to a different ward. Gilley will serve two years. Morris received 773 votes in his unopposed bid to fill the three-year Ward 5 seat vacated by **Richard Foss**.

**Winslow:** Incumbents **Lee Trahan** and **Jeffrey West** held off former Councilor **Benjamin Twitchell** to win back their at-large seats. Trahan received 2,051 votes, while West garnered 2,045.

**Winthrop:** In a five-way race for two seats, incumbent **James Steele** and newcomer **Shannon McDonnell** were elected to three-year terms with 1,482 votes and 1,111 votes, respectively. Steele was the lone incumbent in the field of five and was first elected earlier this year after the death of former councilor **Rita Moran**.

## KNOX COUNTY

**Cushing:** Voters elected **Michael James** to fill the remaining term of **Alton Grover**, who resigned in August after 38 years on the select board. James held off a challenger by a vote of 410 to 385 to serve until March 2025.

**Rockland:** Newcomer **Adam Lachman** was elected to the city council in a four-way race that ended in a dead-heat between incumbent **Nathan Davis** and **Penelope York**. Lachman received the most votes with 1,549. Davis, an incumbent, and York, both collected 1,328 votes, while a fifth candidate drew 903 votes. A recount was held the Saturday following the election and York defeated Davis by a single vote. Davis is not contesting the outcome.

## PENOBSCOT COUNTY

**Bangor:** Newcomer **Cara Pelletier** garnered the most votes in a five-way race for three seats on the city council. Pelletier received 6,067 votes, while incumbents **Dan Tremble** collected 5,973 votes and **Rick Fournier**, mayor and council chair, received 5,254 votes to take the trio of three-year terms. Fournier was reelected council chair in November, the first time in 80 years the chair served two consecutive years.

**Brewer:** Incumbents **Michele LaBree Daniels** and **Soubanh Phanthay** received the most votes in a five-way race for two city council seats. Daniels won 1,971 votes, while Phanthay received 1,319 votes to serve three-year terms.

## SAGadahoc COUNTY

**Bath:** **Miriam Johnson** ran unopposed to replace **Aaron Park**, who did not seek reelection. Johnson received 592 votes and will represent Ward 7.

**Bowdoinham:** Newcomers **Allen Acker** and **Peter Feeney** held off two challengers to win seats on

the town council, with Acker picking up 1,043 votes – a third were write-in ballots. Feeney collected 760 votes. They replace **David Engler** and **Jeremy Cluchey**, who did not seek reelection.

**West Bath:** Incumbent Suzanne Andresen held off two challengers to win another term with 532 votes.

## SOMERSET COUNTY

**Fairfield:** Incumbent **Stephanie Thibodeau** will keep her seat for another term after collecting 1,465 votes. Former Councilor **Peter Lawrence** held off another challenger to win the second seat with 1,385 votes. Lawrence replaces **Michael Taylor**, who did not seek reelection.

**Pittsfield:** Two newcomers bested incumbents to win first terms on the town council. **Heather Donahue** received 584 votes, finishing ahead of at-large incumbent **Lindsay Holmstrom**, who collected 577 votes. **Howard Margolskee** defeated District 3 incumbent **Peter Logiodice** by a vote of 232 to 182.

## WASHINGTON COUNTY

**Eastport:** Incumbent **William Boone** defeated two challengers to win reelection with 441 votes.

## YORK COUNTY

**Kittery:** Incumbent Town Councilor **Mary Gibbons-Stevens** defeated a challenger by a vote of 846 to 788 to claim another term.

**Saco:** Ward 4 City Councilor **Michael Burman** held off former Saco mayor **Don Pilon** by a vote of 918 to 651 to win his first full term. Burman had been appointed last December to fill the remainder of **Lynn Copeland's** term after she was elected to the Maine House. Ward 5 Councilor **Philip Hatch** was unopposed to keep the seat he was appointed to in April 2021, vacated when **Alan Minthorn** resigned.

**Sanford:** City Councilor **Becky Ann Brink** ran unopposed to clinch a two-year term as mayor. She replaces **Anne-Marie Mastraccio**, who did not seek reelection. In the race for Brink's seat, **Peter Tranchemontagne** received 4,075 to claim the win. Incumbent **Robert Stackpole** received 3,161 votes to serve another term, while **Philip Hatch, III** held off two challengers to win the third open seat with 1,142 votes.

**South Berwick:** Newcomer **Jessica Cyr** finished first by 50 votes, defeating incumbent **Abigail Kemble**. The vote was 804 to 754. ■



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# How big an issue are short-term rentals?

*A legislative affordable housing commission hopes a statewide registry can be the first step toward unraveling a complex issue.*

By Maureen Milliken

There's no way to know what impact short-term rentals (STRs) have on the state's affordable housing crisis until the state can get a handle on the short-term rental market, a legislative commission has determined.

A statewide short-term rental registry is the top recommendation of the Commission to Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals, which has drafted 14 recommendations for the Legislature (a final draft was not complete by press time) for the upcoming session.

The commission agreed that a statewide registry is a necessary starting point if the impact of short-term rentals is going to be understood.

"We can't get the data, because it's just not there," Sen. Craig Hickman, D-Winthrop, chair of the commission, said in an interview.

Short-term rental property owners would register with the state, with the state maintaining and controlling access to the information, according to the draft recommendation.

The commission comes after a similar panel last year reviewed affordable housing, zoning and land use. Its recommendations resulted in L.D. 2003, which was enacted as emergency legislation in April.

LD 2003 addresses zoning, density, further allowance of accessory dwelling units, and a variety of other issues designed to incentivize affordable housing development and make it easier for municipalities to take part.

It also allows municipalities to establish and enforce short-term rental regulations in order to achieve statewide or regional housing production goals. The recent commission's task was to drill down on how that would work, as well as continue to look at land use and other factors driving the housing crisis.

Hickman said it's obvious that short-term rentals have an impact on affordable housing in many areas of the state "but we don't know the extent." Regulating short-term rentals doesn't make sense until that extent is known, he said.



State Sen. Craig Hickman, center, leads a meeting of the Commission to Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals, which has recommended a statewide short-term rental registry. Also pictured are commission members Rep. Joshua Morris, left, and Heather Spaulding, of Maine Organic Farmers and Gardeners Association, right. (Maureen Milliken photo)

## Eye-opening move

Bar Harbor is the poster town for how eye-opening a short-term rental registry can be.

The town thought it knew what its short-term rental (STR) landscape was – a majority of local homeowners using extra space or in-law apartments to help supplement taxes and cost of living.

But then the town ordinance went into effect, including a two-tier registration system that separates owner-occupied STRs from those that aren't.

It was eye-opening, Town Manager Kevin Sutherland told the commission.

The registry revealed that 521 of the town's 666 short-term rental units – 81% – are not owner-occupied.

The ordinance allows 9% of the town's housing to be used for short-term rental, with the idea that the income allows property owners to remain in the community. Instead, "We're seeing a lot of our housing stock go to a business model, or an investment model," Sutherland said.

Short-term rentals make up 15.5% of the town's housing stock, since units already in place when the ordinance went into effect were grandfathered. The 9% will be reached through attrition, as a short-term rental unit must be eliminated at the end of the year that a property changes hands.

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Kevin Sutherland

While that part of the ordinance wasn't popular with property owners, who said it would make their property lose value, Sutherland said, there's a pay-off. "That value is there for someone who's in the first-time homebuyer market."

The town of 5,500 feels that lack of housing acutely – businesses can't hire workers, some seasonal workers camp out in tents, the town itself can't fill positions since those offered jobs can't



Nate Rudy

find a long-term rental or a house they can afford to buy. Sutherland, who holds the highest-paid position in the town's government, has to live in a neighboring town because he can't afford to live in Bar Harbor.

#### An ethical conundrum

Gray, with a population similar to Bar Harbor, is grappling with different issues.

High-end development along the

town's lakeshore roads, which are private but have a public maintenance easement, has resulted in a push for road improvements that could lead to even more development. Development, more paved roads, and increases in both is damaging the quality of Little Sebago Lake, within Gray's borders, and the greater Sebago Lake watershed.

Town Manager Nate Rudy told the commission, "I believe an unfettered short-term rental market will contribute to that degradation and contribute to uncontrolled evolution of those shore-front properties in a way that might undo 50 years of growth-management work."

Improving lakeshore roads that once housed seasonal camps, but are now dotted with luxury homes, creates an "ethical conundrum" for town staff and elected officials, he said.

"We're looking at active participation, perhaps, in the environmental destruction of one of Maine's most beautiful places."

There's an immediate issue as well,

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one many communities face. As the state's Emergency Rental Assistance Program ends – it stopped accepting applications Sept. 30 – Rudy said the pressure on general assistance is growing. The town budgeted \$10,000 last year but increased it to \$40,000 this year.

Given the pace of applications so far this fall “that won't be nearly enough,” he said.

In October, Gray passed an ordinance that will require short-term rental property to be registered. Rudy said that estimates are the town has anywhere between 30 to 100 units. Once the number is clear, the town can discuss permits, licensing, and more, he said.

### **An unknown quantity**

About a dozen Maine cities and towns have regulated short-term rentals in some way, but they, as well as most of the state's cities, towns, and unincorporated territories, have yet to fully understand the impact of the short-term rental market.

“There is a lot of emphasis on short-term rentals because it kind of came out of nowhere and totally changed the real estate market in ways we're trying to catch up to, so there's urgency but there's also some confusion about what we know and don't know,” Rudy told the commission.

A MaineHousing study using data from AirDNA, which curates short-term rental statistics, found that 24,028 short-term rental units in Maine were rented for at least part of 2022, which is about 3% of the state's housing units. Of those, 21,537 were entire apartment units or whole houses.

But the impact of those numbers on long-term housing isn't clear. MaineHousing said many short-term units are seasonal or not something that would be

available for long-term affordable housing if it weren't a short-term rental.

The conclusion MaineHousing suggested was that short-term rentals aren't a major housing factor in most Maine municipalities. However, the 3% of the state's housing stock they represent is distributed unevenly enough that where they do have an impact, it's felt severely. Bar Harbor, ski-area town Newry, and other small towns with a seasonal economy can't afford the hit to their limited

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housing stock.

Another study, published in the Harvard Business Review last year, found that short-term rentals increase local development. The boost may outweigh, or even remedy, lack of affordable housing development long-term, the study said.

Rudy is among those who are skeptical. "Market forces will not create affordable housing on Maine's shorefront lake and pond properties," he told the

commission. They will instead "create more investment housing, more very expensive homes, more short-term rentals and investment-grade housing."

The Harvard study also found that small towns without other lodging options benefit economically by having visitors who stay and spend money in town. While that's likely true in many Maine towns, it's not a factor anyone's officially looked at.

While there's widespread acknowledgement that local property owners with short-term rentals benefit economically, which is a good thing, even that has its nuances.

In Bar Harbor, property that's not owner-occupied is owned by a mix of people from away as well as town and area residents. Still, "It's primarily those with more money making more money, so it's not helping the community thrive," Sutherland said.



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### Data consistency, tax revenue

Some municipalities have established registries to keep tabs on short-term rentals, but it's less than a dozen, and others have found resistance.

In Rockport last year, discussion of an ordinance that included a registry got so heated the select board tabled it rather than include it on the town meeting warrant.

The commission grappled over whether a registry should be voluntary, allowing towns to opt out. The majority



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of members, however, said the problem can't be fully assessed without a complete statewide registry.

"One of the challenges we've seen is data consistency, data comparability across communities," said Rep. Traci Gere, D-Kennebunkport, at the Oct. 24 commission meeting.

Regulating short-term rentals is also hampered by the fact they are not defined in state law. This means they're not taxed as a commercial entity.

Kerry Leichtman, town assessor for Camden, Rockland and Rockport, told the commission that when a property is sold to someone who plans to use it for short-term rental, the price is often higher than it would've been for traditional residential use.

Since there's no official differentiation between the two uses, the higher price "gets figured into the mix and winds up affecting value," Leichtman said. For instance, if someone pays \$800,000 for a Colonial valued at \$400,000, assessments for Colonials in town will go up because of that higher price.

Another issue is that property that generates income, including bed and breakfasts, hotels, and more, are valued differently than residential properties. But short-term rentals aren't.

Leichtman said that the fact STRs aren't categorized and defined means

the potential tax revenue is missed "by not valuing these homes for the value that they truly represent."

The commission has recommended the Legislature create a category for short-term rentals that would reduce the impact on residential assessments. The recommendation includes making the distinction between owner-occupied property and property not owner-occupied.

### Part of a Larger Problem

While short-term rentals were part of the commission's charge, it recognized that there are many issues contributing to Maine's affordable housing crisis. In general:

Lack of state growth management requirement enforcement, mostly because of state staff cutbacks.

Poor communication among the many state agencies that oversee land use and planning, which causes confusion and lack

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of action at the municipal level.

Lack of funding for regional planning agencies – which many municipalities rely on for planning and growth help – to the point that some have gone dark.

Hickman said in an interview, cuts in state government over the past decade or more in the name of “efficiency,” coupled with a lack of legislative oversight, has driven the crisis.

“Affordable housing in Maine just isn’t being developed,” he said.

Aside from short-term rental recommendations, the commission’s draft also includes a recommendation that GrowSmart Maine’s Policy Action 2023 plan policies be adopted. The plan includes proposals to increase communication among state agencies, make the state’s Growth Management Law more flexible for communities, allow residential projects to apply for Historic Preservation Tax credits, and more.

Other commission recommendations revolve around tenants’ rights, strengthening emergency rental help, making affordable housing development

in smaller communities more viable, and more.

Sutherland told the commission that creating a short-term rental policy “only slows the transition of long-term housing to short-term housing. It isn’t going to solve the challenges we have.”

He also said solutions have to be addressed at a regional level.

When Bar Harbor regulated short-term rentals, the issue shifted to surrounding, smaller, towns that don’t have the resources to deal with it. He says it’s had an “outsized affect” on those towns.

“It shows what happens when one town regulates and no one around them does,” he said.

Bar Harbor is still grappling with the issue as it evolves.

“Local government is actually in the real estate business,” Sutherland said. “The more value we have, the more money we have to pay for services that we want or need. So, from that perspective, short-term rentals are a good thing for small towns.”

“The problem is, we lose our community,” he said. ■

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# Obstacles & Opportunities

*As social distancing protocols were put into place during the pandemic, ingenuity won the day as recreational programs evolved to meet growing demands.*

By Janine Pineo

Obstacles, opportunities and outdoors might be the three best words to sum up the past three years for the state's recreation departments.

Without a doubt, the COVID-19 pandemic ripped a hole in funding for departments reliant on program fees that dried up overnight and put more pressure on staffing troubles, even as it shed light on community needs and offered a unique chance to reassess, refocus and redirect.

"Parks and recreation departments have always been versatile, excelling in problem solving and adaptation," said Nicole Welch, Lewiston's recreation director since April 2021 and Buxton's before that. "The pandemic simply brought the industry potential to center stage."

Welch, who is the current board president for the Maine Recreation and Parks Association (MRPA), said, "Once the pandemic began, the big question was, in an industry whose big purpose is to create community and bring people together, how do you carry on your mission statement while staying apart from one another?"

"We had to be talking ... every week," said Deb Smith, MRPA executive director. The 100 communities and nearly 300 individual members of MRPA devoted a large part of the conversation to revenue and ways to generate it, she said.

As always, meeting the needs of the people in the community was the priority, and those needs weren't necessarily what might be considered the purview of a recreation department. But there is a reason why they were part of the solution: "They are the people in their community," Smith said, "when something needs to be done that they go to."



*A scenic overlook at Little Duck Pond is part of the 750-acre East Windham Conservation Project under way in Windham.*

## Obstacles and opportunities

"It was an amazing feat and one that blew our minds," said Karyn MacNeill, director of Yarmouth Community Services.

That feat? Serving and delivering 12,997 meals for children ages 2 to 18 during the summer of 2020.

To understand the scope of such an outcome, a little history about the town's food program gives perspective. Hunger is a perpetual concern across the state, and the pandemic only exacerbated it, especially for children. Yarmouth has run a summer food program called Lunch Crunch since 2015. It had evolved over the following years, MacNeill said, and included both breakfast and lunch, along with a Thursday trip for an outdoor educational adventure.

"What we saw as a food program became a mentorship and role-model program led by many of our high school

---

*Janine Pineo is a freelance writer from Hudson and regular contributor to Maine Town & City, [jepineo@gmail.com](mailto:jepineo@gmail.com).*

students who gained leadership roles at the same time they gained community service hours,” MacNeill said. By 2019, Yarmouth was serving 1,300 to 1,500 meals per summer, including fresh produce to the families each Tuesday from the community garden and sending home a “weekend bag” filled with milk, juices, snacks and items for breakfast and lunch for the children.

The second summer of the pandemic saw just under 10,000 meals served, with delivery continuing as an option. Those numbers fell sharply in 2022 when the state, which reimburses participants in its Summer Food Service Program, did not make a decision until the end of June on whether eligible meals could be delivered as they had been previously. “The decision ... to allow delivered meals was announced too late to hire more staff — who were already too hard to find — and change the days of the week of operations,” MacNeill said.

The number of meals served was 1,365.

In Windham, the recreation program fund took a hit since nearly all of the programs offered were free, said Linda Brooks, director of parks and recreation.

“Our department did not experience any layoffs, which was fortunate since in many ways we were busier than ever,” she said. “One of our employees was assisting Social Services in doing daily food deliveries to patrons that could not leave their homes to obtain groceries, while we also initiated a free weekly lunch program for seniors that was supported by local businesses and restaurants.”

Even before the pandemic, Windham was having difficulties with staffing, particularly recruiting lifeguards. Brooks said some new recruitment practices were being initiated, but the pandemic meant most pools could not be open for any reason. “As for other staffing issues,” she said, “as someone who has been in this profession for



Children play in Kennedy Park Pool this past summer in Lewiston.

over 30 years, this is the most trying time I have ever experienced.”

Even as interest has surged for recreational activities, Windham had to cap its 2022 summer camp numbers because of staffing shortages and a lack of RSU 14 bus drivers, who handle the buses used in the summer. The town hasn’t been able to fill a seasonal park maintenance position for two years, and paid internships also have been empty.

Bath, too, struggled with the financial impact of the pandemic. Traditional programs were not run because facilities were closed, or crowd number limitations were imposed. Steve Balboni, director of the Parks, Recreation, Forestry and Cemeteries Department, said staffing issues are in the area of seasonal maintenance workers.

“We have been very fortunate for programming folks, but it has been a

huge struggle finding people to mow and do maintenance,” he said.

Jenn Shea, Arundel’s parks and recreation director, believes staffing also is suffering from worker burnout from the stress of operating during the pandemic and the ever-present risk of exposure for employees as well as participants, along with changing rules and restrictions. “This was the first summer in my 22 years in the field that I’ve had trouble finding enough help,” she said. “We had camp counselors come and go and had at least one open camp counselor position all summer. It required more effort from our team to

make up for those shortcomings and led to physical and emotional exhaustion for all of us.”

In the beginning of the pandemic, Arundel turned to daily, invitation-only, YouTube video activities for the children, including a virtual talent show and pet show, where families sent in videos. “One of our tech-savvy staff members put [the videos] into a show for everyone to log in and watch,” Shea said.

One employee called the elders weekly, she said, and “offered to leave books, knitting supplies and the like on their doorsteps to try to help alleviate some of the intense isolation that people were feeling, especially elders who lived alone.”

Arundel wasn’t the only one to pivot to video. Farmington jumped straight into developing online programs within the first week of the shutdown, said Matt Foster, director of parks and



**POTHOLES  
& POLITICS**

MMA’s new podcast **POTHOLES & POLITICS**, *Local Maine Issues from A-Z*, is now live!

Hosted by MMA’s Legislative Advocates, each episode will take deeper dives on municipal issues. Check out episodes here: <https://potholesandpolitics.buzzsprout.com>

recreation. The department made the hard decision to cancel all in-person programs and close its Community Center for nearly 18 months.

“By the end of a few weeks, we had gained quite a following on our Facebook page,” he said, “and by the end of the first three months of COVID, we had over 100,000 views from people all over Maine, the U.S. and more than 14 countries around the world.”

The department held online events for holidays and had programs for school breaks, sports clinics, sign language lessons, couch to 5k, along with physical and mental health tips from local experts. In one year, Foster said, the staff created more than 500 videos. “I believe our team had a tremendous impact on not only our local community but also reached people in need all over the world,” he said.

### The future is ... outdoors?

The good news is that recreation programs are on their way to recovery if they aren't there already. “We're well on our way back,” said MRPA Executive Director Smith.

“Some of the programs we initiated during COVID ... have been continued because it allows us to serve many more people than we were formerly able to with a new, efficient process,” said Windham's Brooks, who pointed to the drive-through Trunk or Treat as an example. “So, we have learned a lot by adapting some of our programs.”

Foster said Farmington is mostly back to normal operations and is continuing some of the virtual programming to reach people they normally wouldn't.

MacNeill said Yarmouth intends to keep building on its food program, while Lewiston is working on rebuilding the service to its Kennedy Park Pool, located in the downtown.

Welch said the pool was closed for two years and the goal on its reopening was to track information about its use to develop long-term goals for the facility. “We were also able to re-evaluate the programs and work with more local nonprofits to allow them to utilize the pool at no cost,” she said. Additionally, the city partnered with YWCA Central Maine to help recruit lifeguards and aquatic leadership, opening doors to future collaborations.

The city also has added an age-friendly coordinator position that will offer new programs to older adults. “Social connectivity and physical well-being is important for all ages, and offering programs for seniors combats isolation and sedentary lifestyles,” Welch said.

The most obvious outcome of recreation activities has been the focus on the outdoors.

“The outdoors became our new platform, so we started running programs in the parks,” said Bath's Balboni. “We even opened our parks to local gyms, yoga and karate studios for programming. Like everyone else, we

## Resources

- MRPA provides professional development and advocacy for recreation professionals. Executive Director Deb Smith said the state's recreation departments provide scores of essential services to their communities, including childcare, meals and entertainment, as well as facilities management and employment opportunities, along with sports, camps and field trips, to name but a few.

The association's website, [merpa.org](http://merpa.org), has information on events, resources, and membership. “You don't have to reinvent anything,” Smith said.

- For more information on the Land and Water Conservation Fund grant program and the process to apply for a grant, visit [maine.gov/dacf/parks/grants/land\\_water\\_conservation\\_fund.html](http://maine.gov/dacf/parks/grants/land_water_conservation_fund.html) for detailed instructions.

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saw a big uptick in outdoor activities. People were once again discovering their very own community from trails and parks.”

Smith said there has been a huge resurgence in money for parks and recreation to develop trails, parks, and greenspace. In particular, the Land and Water Conservation Fund (LWCF) is providing grants for projects that develop public outdoor recreation facilities.

One such project under way is in Windham. The East Windham Conservation Project is a collaboration with the Presumpscot Regional Land Trust to protect 750 acres of land. “This project will create the largest wildlife habitat and trail access corridor in Greater Portland,” Brooks said, “providing 200 acres of conserved land and a 30-mile trail network connecting Windham’s Lowell Preserve and the North Falmouth Community Forest and Blackstrap Hill Preserve in Falmouth.”

Part of the \$3.7 million funding will be from an LWCF grant, along with a \$1 million Land for Maine’s Future award. The town itself voted for a \$1.8 million conservation bond in June.

Ten new miles of multi-use trails will be built and connect to 20 miles of existing trails. The uses run the gamut of what people want to do in the Maine outdoors: walking, hiking, mountain biking, fishing, horseback riding, bird and wildlife watching, snowshoeing, cross-country skiing, snowmobiling, ATV riding and hunting.

As the third anniversary of the shut-down approaches, recreation departments and what they bring to their communities are still in high demand.

“People are definitely craving more events, programs and parks,” said Foster. “There is a lot of pressure to do more, create more and take on other programs.”

The challenge will ever be departments pursuing funds and staffing to meet those needs. ■

## ABOUT THIS SERIES

Often overlooked and underfunded, the municipal recreation department has a reputation of being the home of youth sports, possibly summer day camp and not much else. In this series, *Maine Town & City* looks at how directives guide the goals and programs of several municipalities to build a broad platform that welcomes all ages to recreate in a myriad of ways. Funding is always a top issue, as are fees that might prohibit residents from participating. The aftermath of the COVID-19 pandemic has brought staffing challenges even as interest in programs has increased and departments have found new purpose in new directions. The third installment looks at how the pandemic affected departments and what the future may hold in several municipalities.

## Maine Town and City Managers Association *Professional Managers and Political Neutrality*

**DID YOU KNOW?** In 1917, Auburn became the first Maine community to adopt the Professional Manager form of government. Since then, nearly 60% of Maine’s local communities and counties have a professional manager overseeing the operations.

A professional manager is charged with implementing the goals, policies, and objectives of the elected officials in their community or county. They also must impartially oversee numerous employees and the day-to-day functions of their local government. A professional municipal or county manager is ethically bound to be neutral and unengaged in politics in order to effectively accomplish their charge without the real or perceived influence of political action.

The International City/County Management Association (ICMA) has established a Code of Ethics that professional municipal managers follow to effectively and fairly perform the complex role of the job. This code has been adopted by the Maine Town, City, & County Management Association and its members.

This code includes a neutrality tenant, and requires professional managers to “refrain from all political activities which undermine public confidence in professional

administrators.” This neutrality tenant was established by ICMA in 1924, following the end of the Progressive Era; a time of sweeping changes across the county, including the expansion of professionally managed towns and cities in response to the corruption and “pay-to-play” schemes that had become all too common in local government due to overtly political management (see “Tammany Hall”).

Professional municipal and county management offers a risk-averse approach to the complex management of a broad portfolio of services, and millions of dollars of investment in public assets. Neutrality is a vital foundation of this approach and should be protected for the benefit of the public.

Especially in these politically charged times, MTCMA believes impartial and apolitical management is critical to ensure the public can trust that its local government is working for everyone and that party politics play no role in the day-to-day operations of their town or city. And so do the 233 members who voluntarily ascribe to our Code of Ethics.

For more information about professional municipal and county management visit <https://www.mtcma.org/>



# MMA INSIDER.

## Financial Management - Who keeps track?

By Sarah Ledoux / CFO / Director / Financial Services

Sarah Ledoux joined MMA in the Finance Department in January 1996. Starting as an Accountant she was promoted to Senior Accountant, Controller and is currently the Chief Financial Officer and Director of Financial Planning. She holds a bachelor's degree in Accounting from the University of Maine, Orono and an MBA from Thomas College.

MMA is a relatively large and complex financial enterprise, with annual operating revenues and investments just shy of \$300 million under in-house management. In addition to the financial management of MMA general and designated funds, financial services are provided for the independent insurance programs: MMA Property & Casualty Fund (PC); MMA Workers Compensation Fund (WC); MMA Unemployment Compensation Fund (UC) and Maine Municipal Employees Health Trust (MMEHT). The Finance Department handles the finances of 10 affiliate groups plus the Maine Service Center Coalition. Services performed by the department include a full range of financial management for all programs administered by the Association, including accounting and reporting; accounts payable; accounts receivable; budgets/funding models; cash and investment management; and payroll. Department staff work primarily behind the scenes to ensure accurate and timely accounting for all the programs.



Back row (l-r) Audrey Fredericks, Beth Johnson, Sherry Emmons, Rhonda Pelletier, Kimberly Pollard. Front row (l-r) Sarah Ledoux, Lisa Wilson, Renee Reny.

## Background

In the 26 plus years I've worked for MMA in the Finance Department, there has been very low employee turnover. As such, staff developed skills and absorbed ever-increasing responsibilities as MMA and the group insurance programs grew. When COVID-19 hit in 2020, the department had just launched a major upgrade to the Association's financial software. With a seasoned staff, we were poised to meet the inevitable challenges of upgrading the 20+ year old software. Like everyone else, the new work environment thrust onto the department to handle the challenges of COVID-19 further increased an already heavy workload. Finally, our almost "breaking straw" moment came in the form of the loss of our beloved colleague, Doug Eugley, who died suddenly in July of 2020 shortly after being diagnosed with a rare form of cancer.

Through all these challenges staff, including long term employees, Diane Hinckley, Dotty McDonald, Christine Longley, and Diane Kelly kept the department functioning seamlessly. These staff members came to the office every day, implemented new procedures to assist our members working remotely and managed the increased burden of sending information to remote coworkers all while continuing to manage the financial software upgrade. Unfortunately, but not surprisingly, the retirement "bug" hit the Finance Department. In the last year all four of these dedicated staff have left MMA. True to form, retiring staff left our department with documented standard operating procedures in place and remained extra weeks to help train new staff. Losing this institutional knowledge has been challenging, as there is a very long learning curve to fully understanding all the financial intricacies of MMA.

## Meet the "New" Finance Team

The ability to promote from within coupled with having qualified candidates apply for open positions, means our current staff (other than myself) all have less than three years' experience here at MMA. Our new team of highly qualified individuals have worked diligently to ensure the services we provide both within MMA and for our members remain at the highest level. In addition to the primary



responsibilities, staff are cross trained to provide adequate backup and meet our strict internal control policies.

For these reasons, it is my pleasure to introduce the staff who are working collaboratively with each other and other departments within MMA and answering inquiries from our members and vendors.

**Lisa Wilson - Controller.** Lisa is responsible for managing the day-to-day operations of the department. She coordinates the staffing, provides oversight and guidance to staff for accounts receivable, accounts payable and payroll processing, and ensures accurate financial processing of the data used for monthly management reporting and quarterly board reporting. Most importantly, she directly supports me in my position as the Chief Financial Officer. Lisa started as Senior Accountant in August of 2020 and having shown very strong technical and leadership skills, was promoted to Controller in January of 2022.

**Beth Johnson- Accountant - Investments and Cash Management.** Beth joined the department in August of 2021. She came to us with a wealth of knowledge having worked in various accounting and commercial lending positions. Her experience has allowed her to take on much of the cash management, investment tracking and monthly reconciliations responsibilities, as well as the lead on working through the intricacies necessary to ensure funds are properly accounted for and banking arrangements are being followed. Beth's determination to understand details ensures what is produced is accurate.

**Kimberly Pollard - Accountant Operations.** Kimberly is our newest employee. The position was recently restructured based on a realignment of the workflow within the department. Kimberly is a direct support to the Controller, oversees payroll processing, the accounting activity for MMA and the affiliate groups, and maintains expense tracking worksheets used for quarterly and year end reconciliations.

**Renee Reny - Accountant Assistant.** Renee joined MMA in November 2021 as a Senior Account Clerk taking on the responsibilities from the retiring Diane Hinckley. Renee quickly learned the aspects of the position and contributed greatly to the 2021 year-end reconciliations for Runyson, Kersteen and Ouellette, the firm providing MMA's auditing services. During a sudden absence, Renee took on many of the Accounting Assistant duties, including filing the affiliate groups' IRS 990 forms. During the extended absence, she became so adept in the role that when the position opened up with the retirement of Dotty McDonald, Renee easily

ascended into this role. She takes pride in processing payroll accurately, as well as the monthly financial reports for the affiliate groups.

**Audrey Fredericks - Senior Account Clerk.** Audrey joined MMA in June 2019 as an Administrative Assistant in the Central Services Department. She moved to Finance as a Senior Account Clerk in January 2020. Audrey is responsible for all the monthly premiums received for the MMEHT program. During 2022, she played a key role when the health trust department transitioned to the new billing and enrollment system. New workflow procedures were developed and communication with health trust department staff was essential to ensure the accuracy of the new system. Audrey also processes other miscellaneous receipts and operational expenses for the MMEHT program. Finally, Audrey works closely with MMA staff tracking travel expenses through credit card processing and mileage logs to ensure adherence to MMA policies.

**Sherry Emmons - Senior Account Clerk.** Sherry joined MMA in August 2022 with 34 years of experience in municipal government service. Sherry's primary responsibilities include processing the receipts of the quarterly, and semi-annual contributions for the UC, PC and WC programs and reconciling information to the underwriting records. Sherry also processes all the miscellaneous receipts for the funds and operational expenses for MMA and risk management group insurance programs.

**Rhonda Pelletier - Account Clerk.** Rhonda joined MMA in September 2022. She brings her 30 years of experience in processing accounts receivables to this position. The primary responsibilities are posting receipts into the Personify system for payment of MMA dues, affiliate group memberships, and training programs and seminars. Rhonda works closely with the educational support team to ensure proper recording by group and program. She provides support for both the Senior Account Clerks, taking up excess workload that is associated with the monthly workflow. ■



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#### ABOUT THIS SERIES:

The MMA Insider is a special series focused on improving communications with our members and shedding light on the internal workings of the Association. Future editions of the *Maine Town & City* magazine will include articles written by MMA employees featuring the services provided to our members.

# Training Opportunities

MAINE MUNICIPAL ASSOCIATION & AFFILIATES 2022-2023 TRAINING CALENDAR

## DECEMBER

12/13	Tues.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
12/19	Mon.	Understanding the Freedom of Access Act	Zoom Webinar	MMA

## JANUARY

1/19	Thurs.	Elected Officials Workshop	Zoom Webinar	MMA
1/25	Wed.	Municipal Summer Internships Information Session	Zoom Meeting	MMA
1/25-26	Wed-Thurs.	Athenian Dialogue: I Am Malala	Zoom Meeting	MTCCA
1/30	Mon.	Education Partnership with Thomas College Info Session	Zoom Meeting	MMA
1/31	Tues.	The Legislative Process A-Z	Zoom Meeting	MMA

## FEBRUARY

2/7-8	Tues.-Wed.	MTCCA Title 30A - Town Meeting & Local Election Law	Zoom Webinar	MTCCA
2/9	Thurs.	MEGFOA Winter Training Webinar	Zoom Webinar	MEGFOA
2/14	Tues.	MWDA GA Basics	Zoom Webinar	MWDA
2/16	Thurs.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
2/16	Thurs.	MFCA Legislative Breakfast	Augusta - Senator Inn	MFCA



If I led my  
community...

### 2022-2023 Citizen Education Essay Contest

Middle School principals throughout the state received an email message from MMA inviting their 7th grade teachers to participate.

**MAIL SUBMISSIONS (with entry form) TO:**  
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**FOR MORE INFORMATION, PLEASE CONTACT:**  
Carol Weigelt at: [resourcecenter@memun.org](mailto:resourcecenter@memun.org)

#### TOPIC

If I led my community, how would I make my city or town a better place to live?

#### SUBMISSION DEADLINE

On or before Friday, February 10, 2023

#### PRIZES!

Students: \$250 Gift Card for the top three essays. Teachers of Participating Students: Names to be entered into a drawing for a gift card to be used for classroom supplies.

#### FOR MORE DETAILS VISIT:

<https://www.memun.org/Training-Resources/Local-Government/Citizen-Education>



**ENCOURAGE YOUR 7TH GRADE TEACHER AND STUDENTS TO PARTICIPATE.**

# People

**Curt Andrick** is the new chief deputy sheriff for Knox County, effective December 2. Andrick worked for the Camden Police Department for 26 years, beginning in 1995, and left with the rank of detective sergeant. Andrick holds an associate degree in criminal justice from Beal College in Bangor, and has participated in numerous training programs, including an FBI leadership program. Andrick replaces **Dwight Burtis**, who served three months before retiring on November 1.

**Bonnie Baker** has resigned as Farmington deputy town clerk after four years to work as an appraiser for Maine Revenue Services. Baker came to Farmington from nearby Embden, where she worked for 10 years as town clerk, treasurer, and registrar of voters. She was a recent member of the Skowhegan Board of Assessors, serving more than five years.

The Sidney fire and rescue departments received the SHAPE Award on November 7, which recognizes exemplary safety and health management. The Safety and Health Award for Public Employers is presented by the Maine Department of Labor. The town of Sidney is one of 84 businesses in the state to be accepted and certified for the coveted award. "We are honored to be recognized for this award," select board Chairman John Whitcomb said in a prepared statement. "None of



Daniel Courtemanch and Richard Jandreau, Jr.

it would have been possible without all the hard work of our employees and volunteers that help make (the town of) Sidney a safe place to work." Rescues Chief **Daniel Courtemanch** and Fire Chief **Richard Jandreau Jr.** were praised for working together to win the award.

**Kristy Cyr** has been named Biddeford city clerk, succeeding **Carmen Bernier**, who retired earlier this year. Cyr, who joined the city 18 years ago, was named deputy tax collector, a job she held nine years before being promoted from her job as tax collector to city clerk. Cyr said she liked her work as tax collector but looks forward to working with the pub-

lic more and taking on new challenges. Cyr will work toward state certification, which covers the myriad issues she will deal with as city clerk.



Leanne Dickey

Longtime Farmington Town Clerk **Leanne Dickey** resigned effective October 14 to take the job of Somerset County deputy county administrator and human resources director. Dickey began her municipal service career at the age of 19, when she ran for Anson town clerk. She worked as Waterville General Assistance caseworker from 1996 to 1999 and was named Farmington clerk in September 1999, a job she held for 23 years.

Andover Selectman **Jeffrey Elkie** resigned in November because he lacked the time necessary to do his town business. Officials expect to hold a special election to fill the seat before the August 2023 annual town meeting.



Richard Fournier

Bangor City Council Chairman **Richard "Rick" Fournier, II** will be presented with the city's top business award in a Chamber of Commerce ceremony in January. Fournier was recently reelected as chair of the council, making him the first councilor in 80 years to serve two straight years as chair. The chamber will present Fournier with the Norbert X. Dowd Award for his commitment of time, talent and resources that has made Greater Bangor a better place "to pursue one's livelihood and dreams." The chamber will also honor the city's recently-departed community and economic development director, **Tanya Emery**. She resigned this fall after working 11 years for the city to accept the job of economic development director for the Maine Connectivity Authority. She will receive the M. Jane Irving Community Service Award. The chamber has created a new award, the **Sarah Dubay** Professional Award, in honor of the Bangor councilor who died last year. The new award will be presented to banker **Kristen Alpine** for epitomizing Dubay's "generous spirit, donating over an extended period of time

(her) expertise to both the chamber and the community at large."



Doug Howard

**Doug Howard** has been named new Scarborough public works director, effective in October. Before arriving in Scarborough, he worked for 20 years in public works for South Portland. He was hired as operations manager in Saco, where he served nine years. He then returned to South Portland as public works director for 10 years before moving on to Scarborough. He was excited about his new job because of the major projects underway or planned, as well as wanting new challenges. He replaces **Michael Shaw**, who retired last June after 25 years with the city.

Camden's new town planner began work on October 24, a promotion from code enforcement and working in the planning office. **Shenley Neely** is a former planner in Florida for both Levy County and the City of Gainesville. She earned a master's degree in urban and regional planning from the University of Florida School of Architecture.

Former Freeport Town Councilor **Robert Stevens** has been named one of 10 Mainers featured in the Portland Press Herald as someone to be thankful for in 2022. Stevens was chosen for his dedication to addressing climate change and for founding Freeport Climate Action Now last year. This year, Stevens was pivotal in starting the town's first farmers' market as a small way to impact climate change by purchasing more local produce and products.

**Brad Timberlake** is the new director of the Franklin County Regional Communications Center, effective December 5. The county commissioners' vote to hire Timberlake was 3-0. Prior to taking the county job, Timberlake served as a supervisor at the Lewiston/Auburn 9-1-1 center for five years. He has served 16 years in emergency dispatch, including 12 as a supervisor. He has worked as a dispatcher for Livermore Falls and Jay, as well as for Somerset County. He also has served as a police officer for Franklin County and the towns of Wilton, Jay, and Livermore Falls. ■

# NEWS from Around the State

## BIDDEFORD

City officials have lost patience with residents who put trash into their recycling bins. An ordinance passed last month gives residents two chances before the city refuses to pick up their waste. The offenses must occur in one calendar year. A recent study showed that Biddeford's recycling contamination was almost 20 percent. Some strange items have appeared in recycling bins: a brake rotor and a bowling ball, as examples. Another contained a sandbag full of sand. The lower the recycling rate the higher disposal fees the city will pay for solid waste disposal; recycled items removed from the waste stream keep down the tonnage and fees. The public works department has tried educating residents about what is recyclable and what is trash, but with mixed results.

## BROWNVILLE

The Eastern Maine Railway must pay more than \$9,000 in restitution to the five towns that responded to fires along the rail tracks last May, a superior court judge has ruled. The Canadian company was charged with failure to maintain or equip any of its locomotive's with fire prevention devices. The judge ruled the Piscataquis County towns should therefore be reimbursed for their firefighting costs. The five towns are Bowerbank, Brownville, Dover-Foxcroft, Guilford and Milo. The restitution ranges from a low of \$801 to Bowerbank to \$3,878 to Brownville. The railway is headquartered in Saint John, New Brunswick.

## BRUNSWICK

The town council has voted unanimously to purchase nearly 300 acres of land near Maquoit Bay for a price of \$3.8 million. The land was being considered as a site for a 900-unit apartment complex, but a die-off this summer of softshell clams stirred the town to action. The die-off was blamed on warmer weather and nutrient runoff. Following the die-off, the town imposed a development moratorium in the Maquoit Bay watershed, which has been extended. Officials hope to close the land deal by year's end.

## DEER ISLE

The town is on notice that it must reduce a massive pile of construction ash created by a burn pit that is now 40 times the size allowed under Maine law. Earlier this year, the town was told by state regulators to close the burn pit and the landfill and remove the contaminated ash and soil. Town officials fear they will need to find an out-of-state firm that will take the ash, considered hazardous waste under law, at a cost that could reach \$1 million or more. The pile's size is estimated at 1,000 cubic yards.

## MOUNT CHASE

Two towns near the site of a proposed mining operation, Hersey and Stacyville, have approved the plan to develop a precious metals mine on the remote unorganized territory of Pickett Mountain. The two communities are the only ones to green-light the plan, although no local action is necessary for it to proceed. Canadian company Wolfden Resources promises at least 300 construction jobs if it builds the mine. Environmentalists worry whether the company wastewater treatment plan is adequate to protect wildlife and fisheries. The project is seen as a first test of Maine's new stricter mining rules. Wolfden, the Ontario-based investment group behind the mine proposal, wants to build on 600 acres in northern Penobscot County, in proximity to Aroostook County, and the Katahdin Woods and Waters National Monument.

## SEARSPORT

As state and local officials seek out a site for offshore wind, about two dozen people toured the town last month to scope out two potential areas. The offshore wind project would require 100 acres of land to allow enough room for the staging area and wind turbines that could reach 800 feet tall. The group included representatives from state marine and environmental

departments, other state agencies and local government. One site is Sears Island – which the public staunchly opposes. Mack Point is the second possible site, which is preferred by the local environmental group Friends of Sears Island. Both areas are deep-water ports. The state is expected to choose either site by next year.

## SKOWHEGAN

A growing demand for packaging and specialty papers will boost investment in the Somerset Mill by \$418 million through 2025, according to Sappi Global officials. The money will finance the conversion of a paper machine from producing graphic paper to solid bleached sulphate board. The machine's capacity will nearly double by the time the project is done, Sappi officials said in a statement. The Somerset Mill produces coated woodfree graphic papers, packaging and label papers and bleached chemical pulp. There hasn't been any news about possible new long-term jobs at the mill.

## YARMOUTH

The town and several of its neighbors have joined a pact to begin recycling clothes at transfer stations rather than take them to the landfill. The New Hampshire-based Apparel Impact provides drop boxes and collects the clothes for donation or recycling. Textiles are the new biggest item of landfill material in the country, officials said. Apparel Impact has 125 boxes for clothes and shoes throughout Maine, expanding steadily since 2019. Other towns where clothing bins can be found include Cape Elizabeth, South Portland, Freeport, and the Maine's Veterans Home in Scarborough. The Ocean View retirement community in Falmouth has its own clothing box, keeping clothing out of the landfill stream. Officials expect to see a drop in solid waste – and its disposal cost – as more cities and towns join the effort. ■

If your municipality submits a news item for the  
*Maine Town & City*, consider sending a corresponding photo to:

Sue Bourdon: sbourdon@memun.org

Kate Dufour: kdufour@memun.org

# Legal Notes

## COURT URGES *DE NOVO* REVIEW OF CEO DECISIONS

For the second time in two years, the Maine Supreme Judicial Court has “strongly urged” municipalities to amend their land use ordinances to provide that local appeals of code enforcement officer (CEO) decisions are reviewed on a *de novo* rather than an appellate basis.

A local ordinance may allow a board of appeals (BOA) to consider appeals “*de novo*,” meaning the BOA conducts the entire permit review or violation determination anew by assembling its own record, taking testimony from interested parties, and making its own independent decision on the matter.

Alternatively, a municipal ordinance may direct the BOA to consider appeals on an “appellate” basis, which generally limits the BOA to reviewing the record (file) compiled by the CEO and determining if the original decision was clearly erroneous based on the information in that record. No new facts or testimony are considered. (An ordinance may also expressly provide for direct appeal of CEO decisions to Superior Court.)

The BOA’s standard of review is important because if a CEO’s decision is later appealed to court, the court will review the most recent *de novo* proceeding. If the local BOA conducted an appellate review, the court would review the record created by the CEO.

In both *29 McKown, LLC v. Town of Boothbay Harbor*, 2022 ME 38, and *La-Marre v. Town of China*, 2021 ME 45, the Court reviewed appeals of CEO decisions where the local BOA had considered the appeal on an appellate basis. In both cases, the Court determined that the record compiled by the CEO was insufficient to allow for judicial review because the CEO’s decision did not contain written findings of fact based on substantial evidence in the record sufficient to allow the court to determine the basis for the decision. Moreover, constitutional due process concerns arose because abutters and other parties had no opportunity to provide input to the CEO or BOA.

In both cases, the Court remanded the entire matter back to the town, directing the CEO to issue a reviewable decision after providing due process for the parties.

## MUNICIPAL CALENDAR

**BY DECEMBER 15** – Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to [GeneralAssistance.DHHS@maine.gov](mailto:GeneralAssistance.DHHS@maine.gov), or sent to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

**DECEMBER 25 — Christmas Day**, is a legal holiday (4 M.R.S. § 1051).

**NOVEMBER-DECEMBER** – In towns that elect officials by secret ballot per 30-A M.R.S. § 2528, nomination papers must be available 40 days before the filing deadline, which is 60 days before the election date. Most towns with March elections must make papers available during November or December, depending on the date of the election.

**JANUARY 1 – New Year’s Day 2023** is a legal holiday (4 M.R.S. § 1051).

**BY JANUARY 1** – Owners or keepers of dogs or wolf hybrids aged 6 months or more must obtain a license from the municipal clerk, an authorized veterinarian agent, or via the state’s online portal. A late fee applies after January 31. (7 M.R.S. §§ 3922, 3923-A).

**BY JANUARY 15** – Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to [GeneralAssistance.DHHS@maine.gov](mailto:GeneralAssistance.DHHS@maine.gov), or mailed to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

Without faulting CEOs, the Court noted in *29 McKown* that “planning boards, and some boards of appeals adjudicate; that is their function. In contrast, adjudication is not a usual CEO task.” Although the typical procedures involved when a CEO reviews a permit application or issues a notice of violation do not lend themselves to creation of a detailed record or opportunity for input from parties, these deficiencies are generally cured when a local BOA conducts a *de novo* review if the decision is appealed.

To address the Court’s concerns and avoid costly and time-consuming court proceedings, municipalities may either: (1) establish local procedures enabling the CEO to provide due process to interested parties and to create a sufficient record and decision, or (2) provide for *de novo* review when CEO decisions are appealed to the BOA. Given the workload and responsibilities of CEOs, we recommend the latter option.

For more information on appeal procedures and for sample ordinance language establishing *de novo* review of CEO decisions, contact MMA Legal Services at [legal@memun.org](mailto:legal@memun.org) or 800-452-8786. (S.F.P.)

## REQUIRED REVIEW FOR SHORELAND ZONING ORDINANCES

Municipal shoreland zoning ordinances and ordinance amendments are not effective unless approved by the commissioner of the Maine Department of Environmental Protection (DEP). If an ordinance or an amendment adopted by a municipality is inconsistent with or less stringent than state minimum shoreland zoning guidelines, the commissioner’s approval may include conditions imposing the minimum standards. If the commissioner fails to act within 45 days after receipt of an ordinance or amendment, approval is automatic. 38 M.R.S. § 438-A(3).

To obtain formal approval from the DEP commissioner, a certified copy of the ordinance or amendment, attested and signed by the municipal clerk, should be submitted after it has been adopted by the municipality’s legislative body (town meeting or council), along with a copy of the zoning map if the map was amended or a cover letter confirming that the current map remains unchanged.

As DEP’s staff are currently working remotely, they ask municipalities to scan

# Legal Notes

attested ordinance copies as pdf documents and email them to the staff member serving the municipality's region. Those staff members are:

- Central Maine region: Colin Clark, (207) 441-7419 or colin.a.clark@maine.gov;
- Eastern & Northern Maine regions: Dawn Hurd, (207) 356-8318 or dawn.m.hurd@maine.gov; and
- Southern Maine region: Jeffrey Kalinich, (207) 615-7044 or jeffrey.c.kalinich@maine.gov.

At this time, copies should be mailed only if the municipality is unable to send the documents electronically.

To document DEP's receipt of an ordinance and the beginning of the 45-day approval period, municipalities should retain a copy of their email filing; or if mailing, send the ordinance via certified mail, return receipt requested.

Don't forget that DEP's Shoreland Zoning staff possesses a wealth of knowledge on shoreland zoning and mapping requirements and are available for consultation and technical assistance during the development of ordinance and map updates. Any municipality considering ordinance amendments would be well-advised to consult DEP staff early in the process to identify and resolve issues that might otherwise prevent approval or that would require DEP to impose conditions

of approval correcting or amending the ordinance.

For more information on shoreland zoning requirements, see DEP's webpage at [www.maine.gov/dep/land/slz/](http://www.maine.gov/dep/land/slz/) and see "Shoreland Zoning Reminders," *Maine Town & City*, Legal Note, October 2021 for a list of some recent legislative changes that must be incorporated into shoreland zoning ordinances. (S.F.P.)

## IT'S TIME TO UPDATE EEO POSTERS

Employers take note: The U.S. Equal Employment Opportunity Commission (EEOC) recently issued a new poster intended to replace its long running "EEO is the Law" poster.

Entitled "Know Your Rights: Workplace Discrimination is Illegal," the new poster includes updated formatting and information that the EEOC believes will more clearly inform employees and applicants of their right to be free from unlawful workplace harassment and discrimination under federal laws prohibiting job discrimination based on race, color, sex (including pregnancy, sexual orientation, or gender identity), national origin, religion, age, equal pay, disability or genetic information, and retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding. The poster includes information on how to file a complaint, including a QR code on the printed version and a hyperlink in the digital version for faster digital access to EEOC resources.

Covered employers (see: [www.eeoc.gov/employers/coverage-0](http://www.eeoc.gov/employers/coverage-0)) must post the poster in a conspicuous workplace location where notices to applicants and employees are customarily posted. Note that the Americans with Disabilities Act requires that such notices be available in a location and format accessible to disabled applicants and employees who have limited mobility or limited ability to see or read. The EEOC recommends that employers also consider posting a digital version of the notice on their websites to inform remote or hybrid workers of their rights.

The EEOC has not set a deadline for compliance, but strongly encourages employers to update their posters as soon as possible.

Access all versions of the poster and related guidance on the EEOC's website at: [www.eeoc.gov/poster](http://www.eeoc.gov/poster). **Note:** EEOC revised the poster soon after it was issued. Be sure to post the most recent version, which says "Revised 10/20/2022" at the bottom of the last page of the poster.

For more information on hiring practices and harassment generally, see MMA Legal Services information packets on "The Hiring Process" and "Harassment and Sexual Harassment in The Workplace," available free to members on our website ([www.memun.org](http://www.memun.org)) (S.F.P.)



## NEW MMA LEGAL SERVICES DIRECTOR

MMA Staff Attorney Rebecca McMahon has been promoted to the position of Director of MMA's Legal Services program, taking over the department's leadership on September 19th.

Rebecca began her career at MMA in 2016 as a Staff Attorney. Immediately prior to her employment with MMA, she served as General Counsel for the Yurok Tribe in Klamath, California. She has also previously held positions with the Hoopa Valley Tribe in Hoopa, California and with the National Oceanic & Atmospheric Administration.

Rebecca has practiced law for over 14 years. She is a graduate of the University of Maine School of Law and is licensed to practice law in Maine, Massachusetts, and California. She is very excited about her new role and is dedicated to continuing the delivery of high-quality legal services to our members. We are all excited to work with her in her new capacity. (S.F.P.) ■

## PROFESSIONAL DIRECTORY



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# MAINE MUNICIPAL BOND BANK

## 2023 SPRING BOND ISSUE SCHEDULE

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

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

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

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

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

**Wednesday, February 8<sup>th</sup> – Application Deadline**

**Wednesday, March 15<sup>th</sup> – Application Approval (MMBB Board Meeting)**

**Monday, April 3<sup>rd</sup> – Preliminary opinions and loan agreements due from bond counsel of each borrower**

**Wednesday, April 5<sup>th</sup> – Last date for signing school contracts and rates in place for water district. PUC approvals due**

**Week of April 17<sup>th</sup> – Maine Municipal Bond Bank Pricing**

**Monday, May 8<sup>th</sup> – Final documents due from bond counsel**

**Wednesday, May 17<sup>th</sup> – Pre-closing**

**Thursday, May 18<sup>th</sup> – Closing – Bond proceeds available**

If you would like to participate in or have any questions regarding the 2023 Spring Bond Issue, please contact Toni Reed at [treed@mmbb.com](mailto:treed@mmbb.com) or (207)622-9386 ext. 213.



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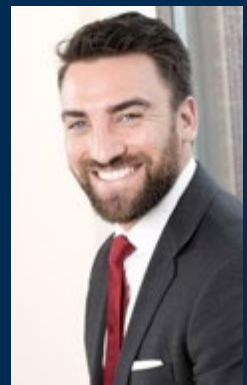
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**Get to know us. We're the Property Tax and Valuation team.**

We counsel municipalities on local property taxation, property valuation, and assessment, helping you to understand how property will or should be locally assessed for property tax and economic development purposes.

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