

Maine Town & City

The magazine of the Maine Municipal Association

MARCH 2022

Sharing Code Enforcement

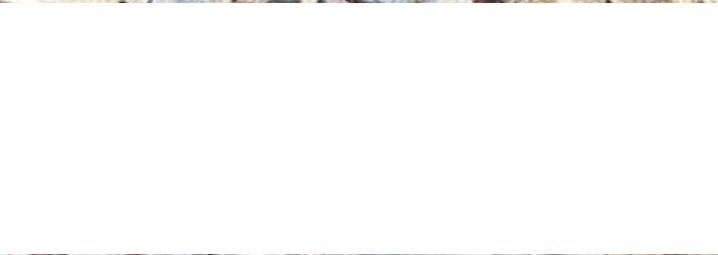
Partnerships play a vital role in delivering needed services.

ALSO IN THIS ISSUE

Meet Capital City's New Manager, Susan Robertson

Varied Ways Municipalities Are Expanding Broadband Access

Reflecting On the Transformative Impacts of the Pandemic





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Maine Town & City

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FEATURES



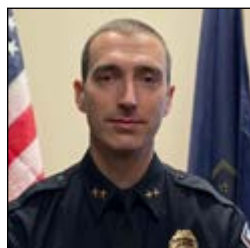
EXPANDING BROADBAND. With the Maine Connectivity Authority up and running and American Rescue Plan Act revenues at the ready, the opportunity to move Maine into a technologically sound future is within sight. However, there is no one perfect solution. Municipalities are exploring all options to determine which avenue will deliver the product the community needs. **PAGE 9**



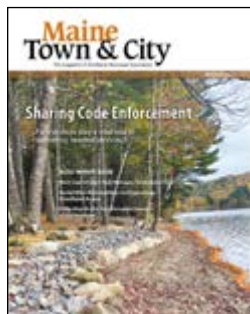
SHARING CODE ENFORCEMENT. Communities are exploring the options available to find the staff to enforce local land use ordinances and state codes amid an all-time high scarcity of code enforcement officers. Interlocal agreements are growing in popularity and necessity. **PAGE 13**



RANKED CHOICE VOTING. A new trend for municipal government? With the process thoroughly tested in Portland and a procedure now adopted in Westbrook, will more municipalities consider electing municipal officials by a majority rather than a plurality? **PAGE 17**



ADDRESSING THE OPIOID CRISIS. As the public sentiment is changing, communities are focusing efforts on aiding individuals struggling with substance use disorders in ways that include engaging in partnerships to connect individuals with resources. **PAGE 23**



ABOUT THE COVER:
A finished erosion control project on residential lot on Wilson Pond in Wayne, Maine. (Photo courtesy of Chip Stephens, CEO, Town of Wayne)

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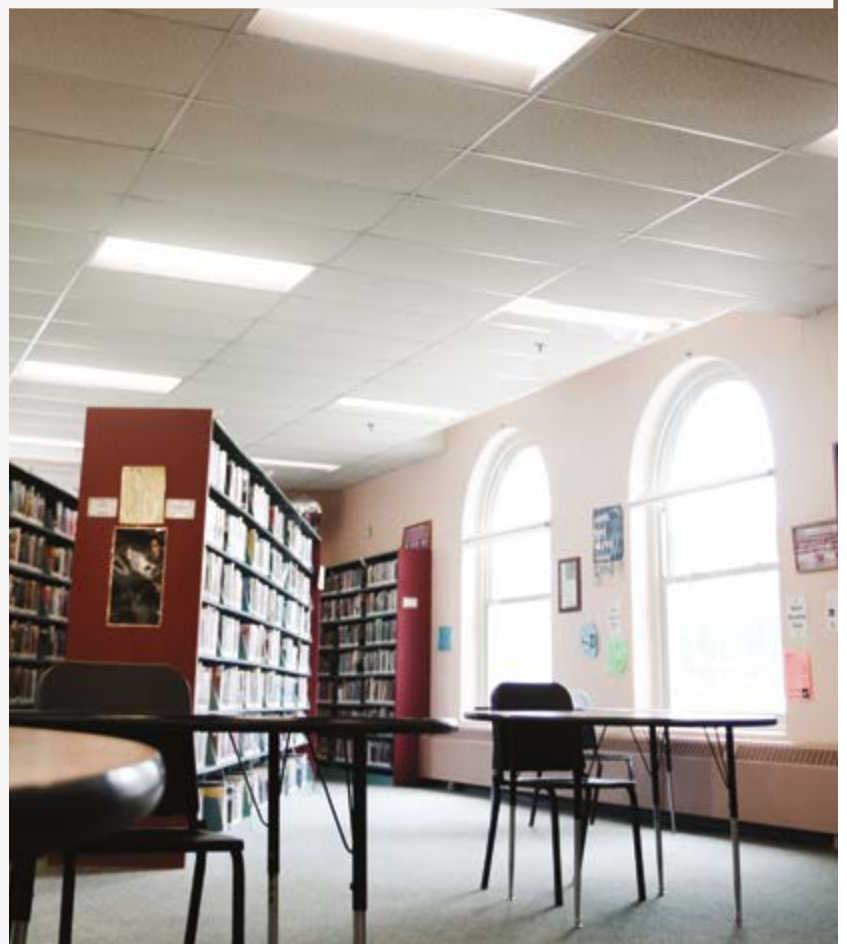
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A MESSAGE FROM MMA

BY CATHERINE M. CONLOW / EXECUTIVE DIRECTOR

What a long, strange trip it's been.

Most of us think back to March 2020 and remember it as a watershed month.

News reports of the fast-spreading Coronavirus fueled concerns about the impact this infection would have on our nation, states, and communities. We watched in alarm as governments and countries, one-by-one, boarded up businesses and public places and further restricted free movement. As events quickly turned into a global pandemic, we wondered what it would mean for Maine.

By mid-March municipalities had begun to implement measures to protect residents and vulnerable populations, which included widespread stay-at-home orders. By March 23, Governor Mills had stepped in and implemented state-wide measures to protect Maine and prevent its healthcare system from being overwhelmed by the highly transmittable virus. The pandemic evolved so quickly that local governments had to adapt on the fly to continue to provide important public services, with no models in place to emulate and implement. To make matters worse, this all occurred at lightning speed.

When the virus finally encroached into the Northeastern states, many of our members were deep in budget preparation and adoption processes. The financial uncertainty brought on by the crisis, including mass closures of businesses, reduced collection of excise taxes, delays in property tax payments, increases in unemployment levels, among others, required municipalities to look hard at reducing expenditures. Local taxes were increased, layoffs were implemented, and services were cut in anticipation of drastic reductions in revenue. Municipalities spent unbudgeted and unprecedented amounts of funds to acquire personal protective equipment, absorb the costs of adaptive technologies to ensure public access and equity, and communicate with a very worried public. Adding to the strain was the lack of certainty around unanticipated costs and services that drastically changed overnight.

In just a few months, municipalities showed their resiliency by continuing to respond to the day-to-day issues of service delivery, as well as tackle the larger issues presented by the pandemic, climate change, infrastructure, public health, and public safety. Local leaders could not have anticipated the way in which the pandemic would transform local government service delivery and our communities. To illustrate this, pre-pandemic municipal governments largely viewed broadband as an important tool for economic development and job creation. Today, municipal leaders fully understand that the lack of broadband access creates significant gaps in the delivery of government services, education, and equity among all our residents. The use of technology to deliver

public services, went from a novelty to a necessity essentially overnight. It was a transformational moment for governments of all sizes.

Municipalities, above all, adapted quickly to the needs of their residents throughout this evolving crisis. What was not clear in the spring of 2020 was that the short- and long-term impacts on municipal finances would be buffered by overall reductions in expenditures and increased state and federal funding targeted to help communities offset pandemic related expenses. As a result, local leaders and communities now find themselves at a turning point.

We are emerging from this crisis exhausted but are also exhilarated about the opportunities and possibilities that lie ahead. With the help of our state and federal officials, Maine municipalities have been provided access to once in a generation funding via the federal American Rescue Plan Act. These funds are providing an opportunity to make meaningful changes in service delivery, housing development, economic development, climate change, infrastructure, and more, based on the adaptability lessons learned during the pandemic.

It is strange, that in a time when there is increased political acrimony in our day-to-day lives, working with our state and federal partners on mitigating and adapting to emergencies seems clearer than it has in decades. Working together can make lasting changes within our communities that address the important issues facing our residents.

Not only have we identified gaps in the way all government services are delivered, we have also embraced new and more inclusive ways for providing these important services. Utilizing remote meetings, our residents can participate in public discussions while tending to children, caring for an elderly parent or when unable to participate in-person due to another barrier.

The use of technology to register vehicles and dogs, to name a few, started municipal governments down the path to modernizing services and the way in which local leaders communicate with residents of all ages. More importantly, the need to act quickly has reignited local ingenuity, which led to the use of drive-in town meetings, increased use of natural resources and parks, and amendments to local ordinances to allow businesses and restaurants to provide services, at times when interactions were severely restricted.

While at times frightening, this collective experience has changed, strengthened, and improved the way local government services are provided. Returning to the "old norm" is no longer an option. The time for change is ripe, and it's up to us to move our beloved state forward. ■

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Augusta's new manager says housing, new police station will be top priorities

By Liz Mockler

Susan Robertson began her municipal career as a management intern for Alachua County, Fla., in 1982. Over the next 40 years, she would serve numerous states in various leadership roles.

Robertson's experience includes stints as public works assistant director, housing and development director and as human resources director for the City of Augusta, in conjunction with her work as assistant city manager.

She was recruited by former City Manager William Bridgeo and the city council to succeed Bridgeo, despite her reluctance to take a long-term job since she hoped to retire in the near future.

After 225 years, Robertson is the first female to manage Maine's capital city.

Her most recent work includes assistant city manager for Canandaigua, NY., from 1992 to 1995; village administrator for Fox Point Wis., where she worked for 17 years; and city administrator for Sun Valley, Idaho. She was hired as Augusta's assistant manager and human resources director in 2019. She served as interim manager while the council searched for Bridgeo's replacement – and found her right under their noses.

The council was impressed by the work Robertson performed as assistant manager and interim manager. One councilor said the board received applications for the job and interviewed some candidates, but their search only reaffirmed their belief that Robertson clearly was the best choice.

Q: Your career spans nearly 40 years, including managing Idaho and Wisconsin municipalities. Is Augusta different from your previous communities and is there anything critical missing here?



Susan Robertson

A: Certainly, Augusta serving as the site of the capitol of Maine is a primary difference from previous communities I have been involved in managing. It gives Augusta many opportunities to work collaboratively with the state on projects that are beneficial to both entities. It is also easier to access decision makers when dealing with law and regulation establishment or amendment.

One thing that has not occurred in Augusta in a substantial way over the last 30 to 40 years is the expansion and renewal of its housing stock. Modernized housing at all income levels is needed to meet the demand. The Augusta Housing Authority and some private developers have been making strides in this, but more is needed.

Q: You were planning to retire but were recruited by the city council to replace the outgoing manager. You agreed. What keeps you interested after such a long career?

A: The variety of the work I do continues to make local government management interesting; it never ceases to amaze me the number of new situ-

ations or issues that come up to be addressed. The other thing for me is the ability to contribute to making a difference in the lives of the citizens and employees.

Q: What is the best aspect of Augusta; residents, public spaces, infrastructure or growth, for examples?

A: We have some beautiful and notable areas in Augusta. However, I think it's the feeling of community here that makes the real difference. Augusta residents have a lot of pride in their community. They are very generous in donating their time and/or financial resources to make it a better place to live. If someone brings a problem to their attention, they are willing to jump in feet first to help!

Q: What is your philosophy about working with an elected board to engender a good and productive working relationship?

A: It's important to understand the role and needs of the elected board you work with. Responsiveness to requests, providing good information and recommendations on which they can base decisions, and frequent communication are critical. It's almost universal that elected officials hate to hear for the first time about something the city's doing from someone at the grocery store! Sometimes it can't be helped but striving for "no surprises" is a good tenet for maintaining a good working relationship.

Q: What are your top priorities now that you are the city manager?

A: Continuing to work cooperatively with the city council to address the goals they establish is a top priority. Ensuring the successful construction of a new police station, continuing to attract and retain quality employees, and facilitating the construction and/or rehabilitation of housing in the community are top priorities. ■

Liz Mockler is a freelance writer from Caribou and regular contributor to *Maine Town & City*. lizmockler@hotmail.com.



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Expanding Broadband Infrastructure Statewide

There is no one perfect solution; municipalities are exploring all options to determine which avenue will deliver the product the community needs.

By Stephanie Bouchard

With millions of dollars earmarked for broadband infrastructure projects across the state municipalities large and small, rural and urban, are eager to learn how they can bring high-speed internet services to their residents.

More than \$250 million in federal funds are expected to be funneled to Maine in the foreseeable future for the purpose of expanding broadband to all communities. Back in 2020, \$5.6 million from CARES Act Coronavirus Relief Funds was put into internet infrastructure projects in an effort to get students in rural parts of the state internet access so they could participate in remote education while in-classroom instruction was suspended.

Newer funding announced within the last year includes \$129 million through the American Rescue Plan Act, \$21 million through the state's Maine Jobs & Recovery Plan, and, just announced at the end of February, an additional federal grant of \$28 million.

"There's a good amount of federal funding to address our connectivity goals – more than we've ever had – and it's an unprecedented opportunity. It's still probably not enough to really address our long-term goals and needs," said Andrew Butcher, president of the Maine Connectivity Authority (MCA), a quasi-governmental agency established through bipartisan legislation in 2021 that has more statutory flexibility to proactively identify broadband needs and apply appropriate resources toward those needs than does the ConnectMaine Authority (CMA), he said.



"Our need for high-speed internet infrastructure is only growing as our societal demand for digital infrastructure grows," he said. "It's not a luxury. It is a central component of the state's economic development strategy now and in the future; the central component of a healthcare strategy; of education and retainment."

Since this influx of money will not be enough to pay for broadband expansion to all Maine residents, the state's broadband advocates, such as MCA and CMA, are hoping that the funding will be enough to spark the creation of public-private partnerships that will get the job done.

"We really do need to think proactively about partnerships and opportunities for the future that make sure that we're making long-term investments with a high return on investment. In order to do that, we need a stack of capital and we really need partnerships with municipalities,"

Butcher said. "We need municipalities to be proactive in participating with us."

Municipalities eager to get reliable high-speed internet to their residents can look to other towns that have already had success in achieving community connectivity – or are in the process of getting there – for examples of projects MCA and CMA can support.

Take for example the joint municipal effort by Calais and Baileyville. Without taxing residents, the two municipalities, using \$3 million in commercial loans, worked with a lawyer to form their own municipal broadband utility in 2017, the Downeast Broadband Utility (DBU), to create an open access, fiber network. The town of Alexander has since joined the utility. The towns partnered with Houlton-based Pioneer Broadband to build and operate the network, said DBU's president, Dan Sullivan.

Stephanie Bouchard is a freelance writer from Nobleboro and regular contributor to Maine Town & City, stephanie@stephaniebouchard.net.

“The way (the loan) gets paid back is when you pay that 60 bucks to Pioneer for your 100 by 100 connection, a portion of that Pioneer sends back to DBU for every subscriber on the network,” said Sullivan. “That portion is what pays the loans back, what pays to maintain the network, to operate the network, to do any kind of repairs we have to do. And the beauty of this system is once that loan is paid, that’s a revenue stream (for the towns).” Sullivan said the towns estimate it will take 15 to 20 years to pay off the loans.

Like many communities in Maine, Calais and Baileyville tried to work

with the major internet service providers in the state before they decided to create their own utility, said Sullivan. “We did give them the opportunity to join us. They chose not to. And I’m glad in the end that they didn’t.”

But for some communities, like Bremen in Lincoln County, working with their local communications service provider made the most sense for their timeline, budget, and needs, said Brian Withers, a member of the town’s broadband committee. “We did consider a public utility and there were definitely members of the committee and the public who were more in sup-

port of that,” he said, but ultimately, he said, it came down to expediency.

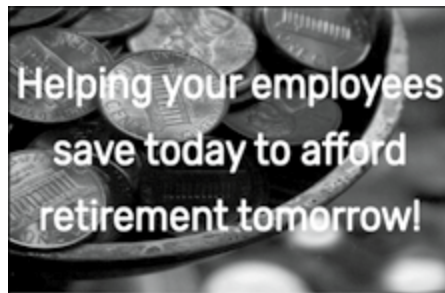
“Quite honestly (it was) who can do this the fastest? And since Tidewater (Telecom) is basically our sole provider here – our ILEC – they are responsible for maintaining our copper phone line infrastructure – we knew that they could come along and just latch onto their existing infrastructure . . . and they wouldn’t have to go through any process to apply for space on the telephone poles because they already had it,” he said.

Bremen’s biggest hesitation in partnering with a single service provider

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came from the knowledge that the town was locking itself into a pricing situation where there was no competition, he said. “But they were really our best trusted partner,” he said. “We knew that if we went with them, they have the motivation to get this done as soon as possible.”

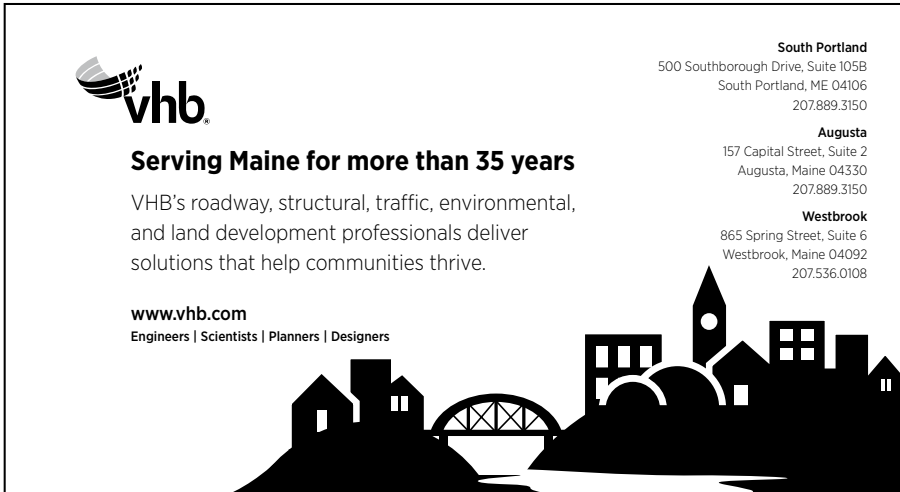
The town didn’t contribute any public funds toward the fiber broadband project but was able to get a \$120,000 ConnectMaine Authori-

ty grant to put toward it; Tidewater Telecom contributed the remaining \$619,000. The town also tapped the skills of its broadband committee members and residents as well as staff to make (documented) in-kind contributions. Some committee members, for example, with the appropriate skills and experience, went out to homes to help with the wiring.

Trying to evaluate what a community’s internet needs are, how inter-

ested the residents are in broadband service expansion, determining who to partner with, how to fund a broadband project, and whether to create a municipal utility or to partner with a single service provider can be overwhelming. But there’s a lot of hard-earned experience waiting to be tapped. Those who have been there are available and willing to chat, and offer these tips:

- Scale up, said Debra Hall, a former member of the select board in Rockport and the chair of the Midcoast Internet Coalition, a group of about a dozen towns, including Rockport and Camden, that has created a nonprofit regional utility district, the Midcoast Internet Development Corporation, for the purpose of building an open access fiber network in the area. “Everybody who really knows what they’re doing in this area will tell you the bigger, the better,” she said. Capital markets and investors want to see regional projects, she said. “If you do it on a regional basis, you’re far more viable.”



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- Don't do the day-to-day work, said Roger Heinen, chair of Islesboro Municipal Broadband, the town-owned internet network. If a town opts for its own broadband utility, owning the infrastructure is one thing, but operating and maintaining it is another. It's better to put that work out to bid. "For most municipalities it would be a really bad decision to actually run and maintain the network," he said. "There are plenty of companies – in our case GWI – but also Pioneer and others . . . that can be a successful partner."
- Hire technical consultants. Most municipal broadband committee

members do not have the expertise to evaluate the technical details for broadband projects, Heinen said. "We have pretty smart, technical people from the town side, but we could not have done it ourselves. We just couldn't have done it without the assistance of the technical people who really understand the ins and outs of this."

- Develop a sound community outreach strategy, said Brian Withers of Bremen. Send out surveys to find what the internet needs are and what the level of interest is among your residents, he said. Bremen sent its surveys via email and direct mail and also had them in the town office so when residents were there to do business, they could just fill one out then and there. "Trying to reach everybody in as many ways as possible was key," he said. In addition to surveying the community, educating them about the reasons why a broadband project needs to be done and being transparent about project plans are important to get community support, Dan Sullivan of the Downeast Broadband Utility said. Be aware that you may have

to push back against misinformation campaigners, he said, such as service providers who don't want to have to compete for business. Get project advocates out into the community to make presentations at community events, such as chamber of commerce breakfast meetings, or to local clubs, such as the Lions Club or Rotary International.

- Get in touch. Contact these individuals and organizations to ask questions, get answers, swap stories, and brainstorm ideas:

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Maine Connectivity Authority

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Sharing Code Enforcement Officers

The scarcity of code enforcement officers is leading to the development of partnerships to get the work done.

By Janine Pineo

Any number of municipal jobs gain little notice until there's no one to fill the position.

Code enforcement would be one.

It's no secret that Maine's work force is graying and has been for a number of years. Couple that with the dynamics of the pandemic, the fallout of which has not only upended the job market status quo but also fueled a spike in permitting in numerous municipalities across the state, and you have the potential for a disruption of an essential service if a code enforcement officer can't be found.

"The demand for code enforcement outstrips the supply," said Anthony Wilson, Belgrade town manager.

One of the state's regional planning commissions is tackling this by offering to partner with two communities — or more pairs if warranted — to hire a full-time code enforcement officer.

Kennebec Valley Council of Governments has issued a request for proposals from its member communities in Kennebec, Somerset and part of Waldo County. The plan would help shoulder the financial burden while creating a salaried position with benefits.

"Code enforcement is as essential to a community as firefighting," said Wilson, who is also vice president of KVCOG's Board of Directors.

"The reason we're looking for a full-time officer is for the stability it offers," he said.

The KVCOG plan has some ground rules for any pairs of communities submitting a proposal.

- The two communities must fund 80% of the position and may split the funding and allocation of time however they want, while KVCOG will fund the remaining



Benjamin Breadmore

20% for other work.

- The two communities can be no more than a drive of 30 minutes apart.
- The two communities must be paid KVCOG members for the duration of the contract.
- The salary will range between \$55,000 and \$65,000, plus benefits, which is calculated at an additional 35%.
- KVCOG will be the employer of the code enforcement officer, who will be based at KVCOG except for work hours in each community.
- KVCOG will be responsible for the code enforcement officer's licenses, certifications, designations, and general liability insurances.

"This idea is not a groundbreaking idea," Wilson said. The KVCOG plan is an attempt to serve the needs of its member communities for a municipal position that in most small towns is often only a part-time role without benefits for work that requires numerous certifications along with continued education to maintain certification.

"We have spent a lot of time looking at code enforcement," said Jay Kamm, Senior Planner at Northern Maine Development Commission, KVCOG's counterpart for Aroostook and Washington counties. "We worked for many years and never could really get stuff off the ground."

What stymied them, he said, was funding.

Kamm said that in the County, for example, just a handful of code enforcement officers are full time, while others only have the equivalent of full-time work because they work part time for multiple municipalities.

Some areas of municipal services have been regionalized to share the burden, Kamm said, pointing to solid waste programs as a typical example. He sees opportunity elsewhere, including municipalities sharing public works and highway departments.

As for code enforcement, Kamm said the question that must be asked is "How do we start to bring new people in?"

So far, he said, getting a code course in the local schools hasn't happened yet for NMDC.

The interlocal model

Partnering with other municipalities to provide necessary services isn't a new idea, although the words describing it vary.

One such longstanding partnership is that of Mapleton, Castle Hill and Chapman in Aroostook County. The towns' interlocal agreement got its start in 1947 when Mapleton and Castle Hill agreed to share a town manager. In 1974, Chapman became part of the agreement when it adopted the town manager form of government. The current interlocal agreement was approved in 2009 and further amended in 2015. Among the items addressed in the 31-page document are the cost sharing of joint expenses, administration configuration and the joint budget process.

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

Two Kennebec County towns forged their own interlocal agreement two years ago to create a full-time code enforcement officer position. Readfield and Wayne had had turnover in their part-time positions and found themselves with vacancies at the same time, said Wayne Town Manager Aaron Chrostowsky.

“We already had an existing relationship. Readfield has the transfer station,” he said.

Chrostowsky said the code enforcement position in Wayne didn’t have a

set schedule or regular office hours. “The way that we had it was so loosey goosey,” he said. “I felt really unsatisfied. I felt we were just stuck.”

So, he approached the board with the idea for this position and it was approved. Chrostowsky said that Readfield Town Manager Eric Dyer was “instrumental” in drafting the final arrangement, which has a full-benefits package. “We share the cost 3-2,” he said, with Wayne having the code enforcement officer in town Tuesdays and Thursdays and in Read-

field the other three days of the work week.

The uptick in building permits and other code work has hit Wayne, too, he said, with new houses under construction in town. Each town probably could use an extra day each with the amount of work right now, he said, but the 3-2 split is working. “It’s a guarantee to have a person here,” Chrostowsky said. “The nice thing about this is that this guy is available.”

The guy would be Chip Stephens, a 1979 University of Maine graduate who had moved back to Maine from Connecticut. “I wasn’t planning on working,” he said.

He was approached last March about the position and was hired, despite not yet being certified. State law allows municipalities to hire individuals as code enforcement officers as long as they complete the applicable certifications during a 12-month grace period.

Like many who take on the code enforcement role, Stephens had a mentor for a couple of months who took him under his wing as he began working on his certifications, the last of which he completed in late February.

“It seems to work out well,” Stephens said of the Readfield and Wayne agreement.

Stephens said he sees some stumbling blocks when it comes to code enforcement in the state. For a professional position that has legal re-

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quirements for certification followed by continuing education, “I think that the pay is rather low,” he said.

It also requires a certain type of person, he said. “Above all, they’ve got to be able to work with people.”

Wearing more than one hat

Belgrade found itself looking for a code enforcement officer last year when their CEO of 30 years died unexpectedly in September, Town Manager Wilson said.

The town tried to partner with another community, but when that didn’t happen, Belgrade hired someone not yet fully certified but capable of learning the job, Wilson said, making sure their new CEO also had a mentor. And it wasn’t a part-time position created: It was full time with 24 hours in code enforcement and 16 hours in facility maintenance.

Wilson said Belgrade has seen a jump in demand for code enforcement. Just last year, building permits hit a record 104, up from 87 in 2020 and 84 in 2019. “You’ve got to have that job,” he said.

The town’s new CEO, Richard Grenwald, is already working on his second certification. “Each time he

passes (an exam), we increase his wage,” Wilson said.

Benjamin Breadmore knows what it’s like to wear multiple hats. Not only is he Holden’s town manager and economic development director, he’s also the code enforcement officer.

“I like wearing multiple hats,” he said. “I really love what I do.”

Breadmore got his start in code enforcement in Brewer before he came to Holden in 2014, saying the council

was supportive of his serving in more than one demanding position.

For Breadmore, it connects the dots on how different positions within town government are linked and how it affects outcomes. “You get to see it come full circle,” he said. “It does give appreciation to where the money comes from and where it goes to.”

It might be a challenge to find a more enthusiastic code enforcement officer than Breadmore, who last year was elected by his peers to serve



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on the International Code Council (ICC) Board of Directors for a three-year term. The ICC has 38 member countries, Breadmore said, and has an impact on nearly two billion people globally.

He is the first individual elected to serve from Maine and represents the smallest jurisdiction on the board. "I'm hoping to have a successful career on the board," he said. It gives him an opportunity to meet people from all over the country and exposes

him to different approaches and viewpoints.

Back home, Breadmore is on the Technical Building Codes and Standards Board of MUBEC, the Maine Uniform Building and Energy Code. He's also a certified municipal-county manager from the Maine Town, City and County Management Association.

Holden has seen an uptick in code enforcement work with the pandemic, Breadmore said. Pre-pandemic it averaged 50 to 80 building permits

annually. Last year it was over 100 permits, he said.

He has an assistant now to help in the code enforcement area, someone who also works in the fire department, he said, who is learning the ropes.

Breadmore, who is in his early 30s, sees the need for bringing more young people on board to meet the needs of municipalities. He cited a code course at Eastern Maine Technical College that is teaching those learning the building trade so that they know the code books from the ground up. Not only does it give them a better foundation, but it opens up other employment opportunities, such as in municipal settings.

"To be a code enforcement officer, it takes a certain kind of person," he said. ■

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Ranked Choice Voting for Municipal Elections

It may not be for every community; assessment prior to implementation advised.

By Stephanie Bouchard

Over a decade ago, Portland became the first municipality in Maine to institute ranked choice voting (RCV). Since then, RCV has been adopted at the state level but by only one other city. Last fall, Westbrook's residents voted to adopt RCV beginning with this year's election cycle.

As municipalities in Maine have seen how RCV works on the state level and how it has worked in Portland, more and more have been exploring the idea for their town or city, said Anna Kellar, the executive director of the League of Women Voters of Maine and Maine Citizens for Clean Elections. These advocacy organizations, said Kellar, are sometimes asked by Maine's towns and cities to share information about alternative election methods, such as RCV.

A bill sponsored by Rep. Seth Berry (Bowdoinham) that would allow non-charter municipalities to use RCV in municipal elections has also caused communities across the state to ask questions about adopting it, Kellar said. The bill, LD 859, was carried over to the current legislative session from last year.

Kellar, who uses they pronouns, said that recently they have spoken to town leaders in Cumberland, Kennebec, and Hancock counties, where either town leadership or residents have raised the question of possibly adopting RCV.

"I don't necessarily see this as going to be sweeping the state and tons and tons of towns will take it on," Kellar said, "but I think it can be a really good option, especially for communities that might be facing really entrenched or polarized politics or places where they're seeing lots of competition for a few seats."

Whether a town or city should adopt ranked choice voting is something only



Angela Holmes

each individual community can decide, said Nick Mavodones, who was a city council member in Portland when the city adopted RCV. What may be a good fit for one town may not be as appropriate for a neighboring town, he said. "It's definitely unique to each community."

Presently, there are about 43 cities across the United States that used RCV in their last election, said Chris Hughes, the policy director and lawyer for the Ranked Choice Voting Resource Center, a division of the Election Administration Resource Center, a national nonprofit that seeks to provide a variety of supports, including best practices, for RCV. Within the next two years, he said, the resource center expects the number of cities to expand up to 50.

Municipalities typically explore RCV for two reasons, Hughes said. The first is to save money by eliminating primaries. "Municipalities don't have a ton of money," he said. "Running elections is expensive." Some cities in Minnesota and Utah that have adopted RCV have been able to eliminate low turnout primary elections. "They didn't have to run two elections," he said. "They could

just run a single general election using ranked choice voting."

The other reason municipalities have been turning toward RCV is a desire to change how candidates are elected, he said. "As we've seen national politics become more and more vitriolic, more and more just intense, people are looking to change how candidates get elected, change how people get power, so that people have to campaign in more constructive ways instead of destructive ways," he said.

Even though most local races don't get as nasty as the national races can, people are seeing how RCV can improve the way local campaigns are run, he said. "Especially in municipal elections (where) there's not normally as big of a gap between all the candidates . . . rank choice voting . . . allows a politics of consensus community building instead of one that's sort of premised on tearing your opponents down," he said.

Communities weighing using RCV for their elections need to do some thinking and research say Kathy Jones, Portland's clerk and Angela Holmes, Westbrook's clerk and assistant city administrator.

"Before a town looks into adopting ranked choice voting, (they) may want to look at past elections to see if there were more than two people applying for one seat," Kathy Jones said. "If you just normally have one or two people, it wouldn't trigger a ranking."

That said, in the event that there is an election that bucks the norm, having ranked choice voting is a nice option to have if you need it, and having it as an option won't negatively impact the process when there are only one or two candidates running for one seat, she said.

Towns and cities should also take into account the costs of implementing RCV, said Angela Holmes. "There is cost associated with implementing

Stephanie Bouchard is a freelance writer from Nobleboro and regular contributor to *Maine Town & City*, stephanie@stephaniebouchard.net.

ranked choice voting,” she said. Westbrook is currently figuring out its fiscal budget for next year and working with its election partners to determine what the costs of its first RCV election will be, she said in early February.

“Some of the preliminary cost esti-

mates that we got last year were in the \$25,000 to \$30,000 range,” she said. “I think that’s going to be adjusted as we move forward, but we’ll get more information in the coming weeks.”

Included in the costs for running its first RCV election is the city’s contract

with the vendor that currently supplies the election equipment and software, potential additional costs for printing longer ballots, and a contract with a new-to-the-city vendor that will provide the equipment and in-person expertise to manage the ranked choice tabulation aspect of the process.

Holmes expects that once the election staff and volunteers have gone through the ranked choice voting process once, they’ll be able to handle it without outside consultants so that will eliminate some of the costs that are built into this upcoming first RCV election. “Eventually, this is something that I anticipate we may be able to do on our own in the future, but especially since this is new to us, this is the first time we’re doing it, we want to have the professionals there who can walk us through how it works, how to do it, and set us up for success in the future.”

Other costs that need to be built into the budget for the first RCV election include time for additional testing and for voter education efforts, she said.

“Before every election, we go through an extensive testing process,” she said. “We create a test deck of ballots and we mark them in all sorts of ways. Then we

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hand tabulate them. Then we run them through the machine to make sure that it is reading them the way they're intended to be read. For the ranked choice voting races, we'll need to build in some additional logic and accuracy testing time, just time to spend with this, to make sure that everyone's very comfortable with it – not just me, but also the other staff who might be helping out on election night – to give them some exposure to this new process of what will the results look like (and) how does this actually work?"

Since ranked choice voting has been used at the state level and voters are used to that now, Holmes doesn't think

there will be as many hurdles for Westbrook to overcome from a voter education perspective, but the city still believes it's important, she said. "There will always be questions," she said.

Part of the education they will be doing will be to point out what will be the same as doing RCV for a state race and what might be different. For example, Westbrook's policies around how votes are counted for blank votes or overvotes may not be the same as the state's policies, and that needs to be explained to voters, she said.

"From my perspective, the voters of Westbrook decided they want ranked choice voting, and it's our job to deliver

it in the best, most accurate, smoothest, cleanest, most transparent way possible," she said. "It's a matter of how to communicate this information so that it is as easily consumable as possible."

What a community's policies will be for RCV is another thing Holmes says needs to be thought through as towns and cities contemplate whether or not to adopt RCV. The needs of a particular community may not be the same as they are in Portland, or on the state level, and so how particular scenarios would be handled needs to be worked out in advance.

In addition to all the internal evaluation, towns and cities that are considering RCV should make use of the resources out there, said Holmes, Jones, and Kellar. "My biggest advice really is to work cooperatively with each other," Kellar said. "There are really good supports."

Some of those supportive resources include:

The state's clerk network

State election officials

Angela Holmes
Westbrook clerk and assistant city administrator, 591-8115

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MMA INSIDER.

With Town Meeting Season Happening Now, MMA's Legal Services Director Offers Timely Advice on Drafting Warrant Articles

By **Susanne Pilgrim** / Director / Legal Services / Maine Municipal Association



SUSANNE PILGRIM began her career at MMA as a staff attorney in 1999, leaving MMA in 2001 to work in a private practice. She returned to MMA in 2006 and was promoted to the Director of Legal Services in 2016. Sue has an A.B. from Bowdoin College and a J.D. from Harvard University.

For an overwhelming majority of Maine's 486 municipalities, the town meeting is the municipal legislative body, empowered to elect officials and adopt ordinances and budgets.

The town meeting "warrant" calls the town meeting, notifies voters to assemble and simultaneously warns and assures voters of the potential reach of the town meeting's actions. The select board must approve and sign the warrant. The board has final say on which articles will be included and their precise wording - absent a municipal charter or a binding voter petition.

Below are some guidelines for drafting warrant articles:

- All intended items of business must be stated in distinct articles; no other business may be conducted by the town meeting.
- Articles should be clear, concise, and involve only one subject. Traditionally, open town meeting articles begin with: "To see if the Town will vote to . . ."
- The first article on every warrant, including warrants calling secret ballot elections, must call for the election of a moderator by written ballot.
- Special wording is required for articles proposing ordinances for enactment. An attested copy of the ordinance must be posted with the warrant, or if over 10 pages, must be available in the clerk's office.
- State law also specifies the wording of some articles (e.g., liquor option, school budget, charter adoption/amendment/revision).
- The select board may draft articles broadly or narrowly depending on how much flexibility the board wishes to allow voters. A broadly worded article generally seeks voter discussion on a range of options; it is appropriate if the select board wants voters to determine priorities and choose among options. Narrowly worded articles are used when the board has already determined the best course of action and seeks approval or denial of a specific proposal.
- Voters have limited ability to amend articles from the floor of the meeting, depending largely on how the select board has drafted the question. Amendments may not alter the substance of the article but may clarify details. Generally, the more specific the article, the less ability voters have to amend it. Articles proposing ordinances for enactment cannot be amended from the floor of the meeting.
- "Capped" budget articles state a specific dollar amount in the text of the article, which may be decreased by amendment but not increased. "Uncapped" or open-ended budget articles state no dollar amount in



Helpful Hints

the article, although a specific recommendation may appear below the article. A motion from the floor is required to specify the amount and (usually) the funding source; voters may approve any dollar amount, including an amount greater than the amount recommended.

- Referendum questions must appear on the warrant exactly as they will appear on the ballot. They must be phrased as “yes” or “no” questions and contain all necessary information, including specific appropriation amounts and funding sources. Referendum questions typically begin with: “Shall the Town . . .” or “Do you favor. . .”
- Before finalizing an article, the select board should confirm that the proposed action is legal, is within the town’s home rule authority, is supported by a public purpose, and complies with any applicable time frames.
- Explanatory notes and recommendations may accompany any open meeting articles. Recommendations should be separated from the text of the article and clearly identify their source. Note that referendum questions seeking an appropriation must include select board and budget committee recommendations, as well as school committee recommendations on school budget questions. Otherwise, no notes, explanations or recommendations should appear on a referendum ballot.
- Town meeting warrants need not be published in the annual town report; the report may include a draft warrant as a courtesy to voters, but this is not binding on the select board. The only warrant with any legal significance is a properly signed, attested, and posted warrant.

For more information on warrants, see MMA Legal Services’ Moderator’s Manual and Town Meeting & Elections Manual, or contact us with questions at 800-452-8786 or legal@memun.org.

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.



BROADLY WORDED ARTICLE: “To see what action the Town will take concerning the purchase of a fire vehicle and what funding, if any, shall be raised and/or appropriated.”

(Note: This article may be amended to take almost any related action, including to purchase a new or used fire vehicle of any specific type, set a purchase limit and funding source, and require specific purchasing procedures.)

NARROWLY WORDED ARTICLE: “To see if the Town will vote to approve the purchase of a new ladder truck for the fire department and to appropriate up to \$100,000 from unappropriated surplus for said purchase.”

(Note: This article cannot be amended to change the funding source, increase the purchase price, or change the type of vehicle proposed. The voters may clarify unaddressed details such as vehicle make and model, may decrease the purchase limit, and add details such as required purchase procedures.)

CAPPED BUDGET ARTICLE: “To see if the Town will vote to raise and/or appropriate \$100,000 for road maintenance.”

(Note: The amount may be decreased but not increased; the funding source is left open and may be determined by amendment.)

UNCAPPED BUDGET ARTICLE: “To see what sum the Town will vote to raise and/or appropriate for road maintenance.”

(Note: The article requires a motion from the floor to state the amount and source of funding. Any amount and funding source may be specified by amendment even if a specific recommendation accompanies the article.)

ORDINANCE ARTICLE: “Shall an ordinance entitled ‘Anytown Land Use Ordinance’ be enacted?”

(An attested copy of the ordinance is attached to, and posted with, the warrant.)

(Note: A “yes” or “no” vote is required; the ordinance cannot be amended from the floor.)

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Communities Are Important Partners in the Opioid Fight

Public sentiment is changing as communities focus on aiding individuals struggling with substance use disorders.

By Betty Adams

While the COVID-19 pandemic delivered powerful blows to Maine's efforts to battle the overdose crisis, communities punched back, turning to the internet, to Zoom and to many other ways to reach residents and provide aid to prevent fatalities.

Gordon Smith, who heads the state's opioid crisis response, said in a January meeting regarding "The Road Ahead" that treatment for substance use disorder and opioid use disorder needs to be available immediately, locally and affordably. "The most effective work being done is in the community," he noted, adding, "It really takes the proverbial village to move this very, very complicated issue in a more positive direction."

He laid out some bleak numbers showing that over the last decade the state lost 4,000 people to overdoses: "An extraordinary number and clearly unacceptable," Smith said.

Nationally, a November 2021 report from the CDC's National Center for Health Statistics offered provisional data showing "an estimated 100,306 drug overdose deaths in the United States during the 12-month period ending in April 2021, an increase of 28.5% from the 78,056 deaths during the same period the year before."

Maine lost an estimated 636 people to overdoses in Maine in 2021, with 77% of those deaths due to non-pharmaceutical fentanyl, according to Dr. Marcella Sorg, who described that substance as "extraordinarily lethal" during the January meeting hosted by Gordon.

But Sorg, who is with the University of Maine's Margaret Chase Smith Poli-

cy Center, also said, "Overdose deaths are not a good measure of the program's success or failure." And she offered another statistic: "We are saving 93 percent of the overdose population."

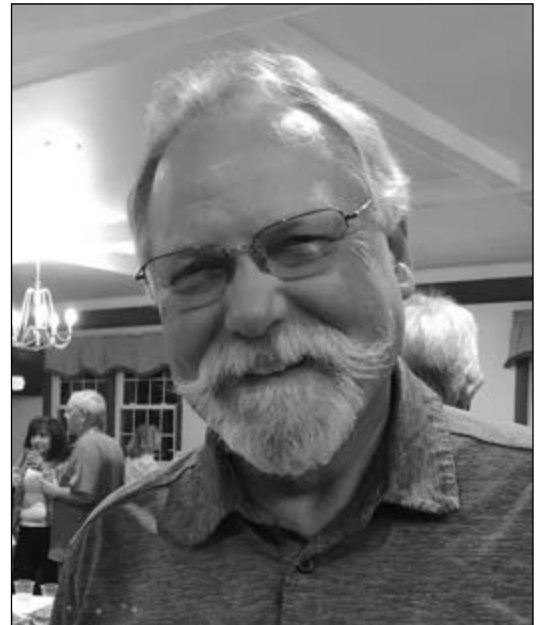
Smith estimated that 10,000 people survived accidental overdoses because of the availability of naloxone, the medication that can reverse the effects of an overdose of such opioids as heroin, fentanyl, and oxycodone.

The Maine Drug Data Hub, described as a collaboration between state offices and the University of Maine noted, "Drug deaths had peaked in 2018 and began to fall in 2019. However, the COVID-19 pandemic has created instability in the drug supply, use patterns, and the well-being of Mainers."

In 2019, people in the Millinocket area realized they needed to bring opioid treatment closer to home, and since then several recovery homes have opened doors.

"There has been a ground-swell of support from the community for recovery houses, said Randy Jackson, who served on Millinocket's Town Council until November and who remains active on the town's Age Friendly and Economic Development committees. "We have the Katahdin Response Network, a group of 60 people in the Katahdin area trying to work on subjects that we're putting the most effort into right now: affordable housing, mental health and substance abuse."

He said those areas have been underfunded for years, and the organization is hoping to obtain COVID (relief) monies to help.



Gordon Smith

"Certainly, COVID disrupted many of our efforts to get together to go over these problems," Jackson said. "We did utilize Zoom extensively."

A retired physician's assistant, he is president of the board of Breaking the Cycle, a Millinocket nonprofit that opened a home in May 2020 and offers a "community-oriented transitional living program for women in recovery." In late February Jackson said at least 30 women have graduated from the program, including one woman whose child was born shortly after graduation. "The child was not addicted and did not have to spend 30 days in the hospital getting off drugs," said Jackson, citing that as an instance where "a lot of dollars were saved because of one recovery house."

He also pointed out that the pandemic affected the operations of recovery homes as well.

"COVID made it very difficult for

Betty Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsbetty00@gmail.com.

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people to come into the community housing because sometimes they were locked down” he said. “When you’re trying to get into recovery, it’s a crisis situation: you want to make a change but you can’t get into recovery so you can revert to your usual haunts: drugs or alcohol.”

While it does not offer housing, the Pir2Peer Recovery Community Center in Millinocket, which also opened in the spring of 2020, offers resources, including space for all types of recovery-based meetings.

Jackson also pointed to a recovery house that opened in Springfield, a Penobscot County town a tenth of the size of Millinocket, saying “We are starting to get relief into small rural areas.”

In Millinocket, “Fentanyl is the biggest drug of abuse in our community,” Jackson said. The federal Centers for Disease Control and Prevention offers “Fentanyl Facts” differentiating between pharmaceutical fentanyl and illicitly manufactured fentanyl, noting that while both are synthetic opioids, the former is “prescribed by doctors to treat severe pain, especially after surgery and for advanced-stage cancer.” The latter, however, “is often added to other drugs because of its extreme potency, which makes drugs cheaper, more powerful, more addictive, and more dangerous.”

Jackson said, “We need every person in Maine; we don’t have anybody to spare.”

Bridgton too saw an impact from the pandemic on its efforts to combat the substance abuse epidemic.

Police Chief Phil Jones gave credit to his predecessor, former Chief Richard Stillman, saying he “was really a champion in trying to organize the multidisciplinary response to the opioid crisis” and noting that Stillman



Phil Jones

had organized a coalition that was largely successful.

But while the pandemic halted those efforts, Jones said the partnerships with the Lakes Region Recoton Hospital and Tri-County Mental Health continued. “We still have great relationships with those stakeholders,” he said. “Partnerships are still there and strong and the problem appears to be still there and quite a public safety issue.”

The pandemic also affected ways law enforcement could try to stem the tide of overdoses. “It limited our elective contacts with the public,” said Jones, who has a force of 10 sworn officers. “Police work is more effective when we’re engaging with the public in positive ways.”

These days, he said, “Officers respond with a mindset to getting these people to a long-term solution.”

Jones has seen a shift in attitude by community members over the past couple of years with regard to substance abuse, something that has resulted from regional efforts to edu-

cate communities about the disease of addiction.

“The stigma we talked about so much isn’t necessarily there,” he said. “If people are in recovery, they’re being celebrated for their success. There also is a growing frustration with the criminal element of people who are drug-trafficking. There’s the two sides of it: empathy to those who are caught in the addiction and an anger and outcry to stop the trafficking.”

“We’ve seen a sharp increase in methamphetamine use; that’s been very noticeable,” he said. “There’s a lot of co-using – multiple drugs being used at the same time, and certainly still fentanyl of incredible strength, plus heroin, cocaine, and abuse of prescriptions now. The top of the ladder is fentanyl.”

Jones also said Bridgton has seen a different byproduct of the pandemic: “COVID has given us probably a steadier year-round population. People are coming to their camps and working remotely.”

The change in the public attitude about addiction has reached Penobscot County as well. “The subject is in our face every day,” said Jackson. People are starting to realize this is an illness and should be treated as an illness. I think it’s happening because the clientele of the drug users has infiltrated not just the homeless and the criminal, but has infiltrated into our neighbor’s house and our house. So we’re kind of looking at it a little bit differently. I think the stigma is lessening. I think it will take more education of course. But the experience of your neighbor and your friend and your son certainly influences how you look at substance abuse disorders.”

He also praised the increased availability and use of naloxone.

“The Good Samaritan laws of Maine are changing so if you witness an overdose and you’re present and you give naloxone, you’re not swept up in this when the police show up.

Naloxone saves lives. It is a very important part of drug recovery.”

There is an effort underway this legislative session to expand Maine’s 2019 Good Samaritan Law, formally known as “An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency.” The newer bill “An Act To

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Strengthen Maine’s Good Samaritan Laws Concerning Drug-related Medical Assistance” is being handled by the Criminal Justice and Public Safety Committee and set for another work session in March.

The National Institute on Drug Abuse notes that naloxone reverses opioid overdose effects for only 30-90 minutes so calling for emergency assistance is important. “Clinicians in emergency room settings are being trained to offer patients immediate relief and referral to treatment for opioid use disorder with effective medications after an opioid overdose is reversed,” according to the institute’s website.

Jackson echoed that, saying, “We’d like to be able to have somebody there at some point within the next hour or two hours to say, ‘Here’s the program available to help. Here’s where you

can go right now’ and try to coax them into a program.”

He said that having a substance abuse counselor available to get that person at a most vulnerable point in their life is a big part of the substance abuse disorder program.

The Legislature too is dealing with another opioid crisis bill, LD 1909, which in its amended form “allows the Department of Health and Human Services Center for Disease Control and Prevention to limit the number of hypodermic apparatuses provided by a hypodermic apparatus exchange program.”

Initially the bill had no limits on the number of needles distributed, and at a legislative committee hearing in early February, Portland Mayor Kate Snyder, in testimony neither for nor against that bill, cited problems with needle-disposal in the state’s largest

city: “In 2021, city staff collected a total of 10,602 needles, only about 55% of which were disposed of properly. The remaining 45% (4,750 needles) were found on the ground in public spaces (parks, playgrounds, sidewalks, trails, on the floor in a public restroom, etc.). We have strong concerns that this bill, as written, would add to this already significant total, as well as result in an increase in costs related to staff cleanup and biohazard disposal.”

Bangor officials, taking a stand similar to Portland’s position, submitted testimony saying, “We would like this legislation to provide for local control of conditions and to be able to maintain the 1:1 exchange in city limits to promote a more comprehensive, robust harm reduction approach to our citizens.”

Jackson has mixed emotions about needle exchange programs, saying it’s good if it prevents users from contracting hepatitis C through dirty needle use. On the other hand, he said. “In my mind it should maybe come with some strings attached. If we’re giving you these needles, we want to make sure you know about all these programs and where you can go to get help. There’s no condemnation. We want to help you as much as we can.”

Penobscot County Cares, a collaboration of 35 organizations co-founded by Doug Dunbar, a former deputy secretary of state, is focusing its efforts to get American Rescue Plan Act funds to help deal with the need for substance use disorder treatment, mental health services, and the lack of affordable housing.

Dunbar told attendees at a Feb. 24 Zoom meeting of that group: “The problems have never been worse; if not now, when?” ■

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

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

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

NOTICE

Seeking Nominations for MMA Executive Committee

Nominations

Nominations are being accepted for three seats on the MMA Executive Committee. The Vice President position is also open to municipal officials who have served at least 12 consecutive months on the MMA Executive Committee during the past five years. The Nominating Committee will interview candidates for the Vice President position and selected candidates for the Executive Committee positions during the 3rd meeting in May.

What Is Involved?

The Executive Committee is the Maine Municipal Association's corporate board, consisting of twelve elected and appointed municipal officials representing the interests of member municipalities throughout the state. The Committee has overall governance and fiduciary responsibility for the Association, its annual operating budget, and the development of policy and priority initiatives. The Executive Committee meets 10-12 times per year and has a required attendance policy in place. The Association reimburses municipal officials or their municipality for travel related expenses incurred for attending meetings or authorized activities to represent the Association's interests.

Who Should Apply?

- Town and/or city managers or chief appointed administrative officials in an active member municipality; or
- Municipal officers (*mayor and aldermen or councilors of a city, the selectpersons or councilors of a town, and the assessors of a plantation*)

What are the Qualifications?

- The ability to serve a three year-term;
- Basic knowledge and interest in corporate operations of the Maine Municipal Association;
- Although not necessary, it would be helpful to have prior experience on other governing boards/committees and/or involvement in the Maine Municipal Association.

Timetable

March 14-18, 2022 (TBD)	1st Meeting of Nominating Committee – Review of Nominating Committee Process
March 21, 2022	1st Electronic Mailing to Municipal Officials – Seeking Interested Candidates
March - April 2022	Notice on MMA Website, <i>Maine Town & City</i> and e-newsletter <i>MMA This Month</i>
Friday, April 29, 2022 12:00 noon	Deadline for Receipt of Statements of Interest for Vice President and Executive Committee positions
May 9-13, 2022 (TBD)	2nd Meeting of Nominating Committee by Conference Call – Review Statements of Interest and preparation for Interviews
May 9-10, 2022 (TBD)	Final Meeting of Nominating Committee – Interviews with candidates and put forth Proposed Slate of Nominations
May 20, 2022	2nd Mailing to Key Municipal Officials – Proposed Slate of Nominations and information on Petition Process
Friday, July 1, 2022 4:30 p.m.	Deadline for Receipt of Nominations by Petition Forms
July 15, 2022	3rd Mailing to Key Municipal Officials – MMA Voting Ballot for Election of VP and Executive Committee
Friday, August 19, 2022 12:00 noon	Deadline for Receipt of MMA Voting Ballots
August 19, 2022	MMA Election Day – MMA President oversees counting of MMA Voting Ballots

For Further Information:

Please visit the MMA Website at www.memun.org for additional information on the MMA Nominating Committee process, timetable, overview of Executive Committee responsibilities and access to the Statement of Interest Forms. Contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or by e-mail at tchavarie@memun.org if you have any questions.



Maine Municipal Association

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www.memun.org

SERVICE ON THE MMA EXECUTIVE COMMITTEE

Deadline for Receipt — 12:00 p.m. on Friday, April 29, 2022

Name of Candidate: _____

Municipal Position: _____ Years in Position: _____

Municipality: _____ County: _____

Preferred Mailing Address: _____

Work or Office Phone _____ Home Phone: _____

Mobile/Cell Phone _____ E-Mail: _____

Previous involvement with the Maine Municipal Association — Please provide info on your past involvement on MMA Governance Boards, Legislative Policy Committee, Ad Hoc Committees, Convention and Workshop Speakers/Panelists, etc. (provide dates of service, if available):

Three horizontal lines for providing previous involvement details.

Other information not included on your Resume — other activities of interest, awards, etc.

Three horizontal lines for providing other information.

What attributes do you believe you will Bring to the Maine Municipal Association?

Three horizontal lines for listing attributes.

The MMA Executive Committee has an Attendance Policy that requires a member to miss no more than three meetings per year. Based on this, do you believe the time commitment meets your availability? YES / NO

Please provide a Municipal Reference that we may contact:

Name Municipal Position Telephone #

Please include your cover letter, updated Resume and up to five letter(s) of support.

I attest that the information contained above and in the attachments is true and accurate to be best of my knowledge.

Signed: _____

Date: _____

Return to: MMA Nominating Committee c/o Executive Office
Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330

FAX: (207) 626-3358
E-mail: tchavarie@memun.org

TRAINING OPPORTUNITIES

Maine Municipal Association & Affiliates/At-A-Glance 2022 Training Calendar/6-Month Preview

MARCH

3/2	Wed.	ARPA: What's Next for Municipalities?	Zoom Webinar	MMA
3/10	Thurs.	Crisis Communications: How to Deal with the Media	Zoom Webinar	MMA
3/10	Thurs.	MBOIA Training & Membership Meeting	Portland - Clarion Inn	MBOIA
3/16-17	Wed.-Thurs.	MTCCA Records Management	Zoom Webinar	MTCCA
3/23	Wed.	MFCA Annual Membership Meeting	Newry - Sunday River Ski Resort	MFCA
3/24-25	Thurs.-Fri.	MFCA Professional Development Conference	Newry - Sunday River Ski Resort	MFCA
3/25	Fri.	MTCMA 42nd Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn	MTCMA
3/29	Tues.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
3/31	Thurs.	MMTCTA Preparing for an Audit	Augusta - MMA	MMTCTA

APRIL

4/1	Fri.	MACA Annual Business Meeting	Zoom Webinar	MACA
4/5-6	Tues.-Wed.	MTCCA New Clerks Workshop	Zoom Webinar	MTCCA
4/5	Tues.	Elected Officials Workshop	Zoom Webinar	MMA
4/5	Tues.	MMTCTA Tax Liens Workshop	Augusta - MMA	MMTCTA
4/14	Thurs.	Basic Municipal Budgeting	Augusta - MMA	MMA
4/20	Wed.	MBOIA Plumbing Training	Topsham - Topsham Library	MBOIA
4/20 & 27	Weds.	MTCCA Vital Records Webinar	Zoom Webinar	MTCCA
4/21	Thurs.	MMTCTA Basic Excise Tax Workshop	Augusta - MMA	MMTCTA
4/22	Fri.	MAAO Northern Maine Spring Training	Zoom & Northern Maine Development Commission	MAAO
4/26	Tues.	MWDA Spring Seminar	Zoom webinar	MWDA
4/26-27	Tues.-Wed.	MCAPWA Supervisory Leadership Part I	Augusta - City Center Plaza	MCAPWA
4/28	Thurs.	Personnel Practices	Bangor - Hilton Garden Inn	MMA

MAY

5/3	Tues.	Developing Solutions on Hotly Contested Issues (NEW!)	Portland - Clarion Inn	MMA
5/4-5	Wed.-Thurs.	MTCCA Athenian Dialogue: Eat, Pray, Love	Zoom Meeting	MTCCA
5/10	Tues.	Planning Board/Boards of Appeal	Bangor - Cross Insurance Center	MMA
5/12	Thurs.	MMTCTA Annual Conference	Bangor - Hilton Garden Inn	MMTCTA
5/16, 17 & 18	Mon.-Wed.	MCAPWA Supervisory Leadership in Public Works Program - Part II	Augusta - City Center Plaza	MCAPWA
5/18	Wed.	MAAO Board of Assessment Review (with video conference to Caribou - Northern Maine Development Commission)	Augusta - MMA	MAAO
5/23-24	Mon.-Tues.	MBOIA Code Conference	Sebasco - Sebasco Harbor Resort	MBOIA

Online registration is easy!

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

Who to contact:

1-800-452-8786 or (207) 623-8428

MMA Educational Events & Affiliate Training Staff:

Alicia Stokes Gaudet, Manager, Educational Servicesx2304

Cynthia Fortier, Training & Affiliate Groups Office Coordinator.....x2297

Melissa White, Affiliate Liaisonx2299

Special Notice: In light of the ongoing public health pandemic, some in-person events, facilities and/or locations may be subject to change. Please be sure to check the MMA website for regular updates. As we resume in-person trainings, MMA and our Affiliate Groups will strictly adhere to all CDC and State of Maine guidelines and requirements regarding COVID-19, which may include appropriate social distancing, masking, food service/preparation precautions, among others. If you have any questions, please feel free to contact training@memun.org.

JUNE

6/2	Thurs.	MCAPWA Highway Congress	Skowhegan - Skowhegan Fair Grounds	MCAPWA
6/9	Thurs.	New Managers Workshop	Augusta - MMA	MMA
6/14	Tues.	MMTCTA Cash Management Workshop	Augusta - MMA	MMTCTA
6/16	Thurs.	Human Resources & Management Conference	Waterville - Thomas College	MMA
6/21	Tues.	MTCCA Licensing Workshop	Augusta - MMA	MTCCA
6/23	Thurs.	MEGFOA Spring/Summer Training Workshop	TBD	MEGFOA
6/29	Wed.	Elected Officials Workshop	Presque Isle - The Northeastland Hotel	MMA

JULY

7/12	Tues.	MMTCTA I've Got the Job - What Now? Workshop	Augusta - MMA	MMTCTA
7/14	Thurs.	MBOIA Training & Membership Meeting	Augusta - MMA	MBOIA
7/21	Thurs.	MFCA Membership Meeting/Networking Luncheon	Hope Fire Station	MFCA
TBD		MTCCA Municipal Law for Clerks	Augusta - MMA	MTCCA
7/27	Wed.	ViolenceProof: Workplace Violence Prevention & Survival (NEW!)	Augusta - MMA	MMA

AUGUST

8/3-4	Wed.-Thurs.	Athenian Dialogue: The Zookeeper's Wife	Zoom Meeting	MTCCA
8/10-12	Wed.-Fri.	MTCMA 76th New England Management Institute	Carrabassett Valley - Sugarloaf Mountain	MTCMA
8/18-19	Thurs.-Fri.	MMTCTA Governmental Accounting	Orono - Black Bear Inn	MMTCTA
8/25	Thurs.	Planning Board/Boards of Appeal	South Portland - DoubleTree by Hilton	MMA
8/31	Wed.	Understanding the Freedom of Access Act	Augusta - MMA & Zoom Webinar	MMA

SEPTEMBER

9/7	Wed.	MTCCA Voter Registration	Bangor - Cross Insurance Center	MTCCA
9/8	Thurs.	MTCCA Title 21A - State Election Law	Bangor - Cross Insurance Center	MTCCA
9/8	Thurs.	MMTCTA Payroll Law	Waterville - Waterville Elks Club	MMTCTA
9/8	Thurs.	Verbal Judo for First Responders (NEW!)	Augusta - MMA	MMA
9/9	Fri.	Verbal Judo for the Contact Professional (BACK BY POPULAR DEMAND!)	Augusta - MMA	MMA
9/9	Fri.	MCAPWA Golf Tournament	Cumberland - Val-Halla	MCAPWA
9/15	Thurs.	MTCCA 27th Networking Day & Annual Business Meeting	Waterville - Waterville Elks & Banquet Center	MTCCA
9/20	Tues.	MTCCA Vital Records	Augusta - MMA	MTCCA
9/22	Thurs.	MBOIA Training & Membership Meeting	Portland - Clarion Inn	MBOIA
9/28-30	Wed.-Fri.	MAAO Fall Conference	Sebasco - Sebasco Harbor Resort	MAAO

KEY TO GROUPS/WORKSHOP SPONSOR

MMA	MAINE MUNICIPAL ASSOCIATION	MEGFOA	MAINE GOVERNMENT FINANCE OFFICERS ASSOCIATION
MACA	MAINE ANIMAL CONTROL ASSOCIATION	MLGHRA	MAINE LOCAL GOVERNMENT HUMAN RESOURCES ASSOCIATION
MAAO	MAINE ASSOCIATION OF ASSESSING OFFICERS	MMTCTA	MAINE MUNICIPAL TAX COLLECTORS' & TREASURERS' ASSOCIATION
MBOIA	MAINE BUILDING OFFICIALS & INSPECTORS ASSOCIATION	MTCCA	MAINE TOWN & CITY CLERKS' ASSOCIATION
MCAPWA	MAINE CHAPTER OF AMERICAN PUBLIC WORKS ASSOCIATION	MTCMA	MAINE TOWN, CITY AND COUNTY MANAGEMENT ASSOCIATION
MFCA	MAINE FIRE CHIEFS' ASSOCIATION	MWDA	MAINE WELFARE DIRECTORS ASSOCIATION

PEOPLE



Norman Black

A resident of the Town of China is the only Maine resident to be honored with the Small Town America Civic Volunteer Award (STACVA), which recognizes 100 volunteers nationwide in municipalities with populations below 25,000. **Norman Black**, a China native, began volunteering as a teenager. For over 30 years, he has served as a Weeks Mills Fire Department member and spent the last decade volunteering for China Rescue as an EMT. The STACVA spotlights the urgent need for citizens to embrace volunteering on government boards and councils, as firefighters and EMTs and on many other advisory committees that benefit pivotal government operations.



Timothy Hall

Timothy Hall has been named director of the Lewiston-Auburn (L-A) 911 Emergency Center. He began his emergency communications career in 2000, working for several agencies before joining the L-A communications center in 2009. He served first as a dispatcher, then trainer, supervisor and, most recently, operations manager. His wealth of experience with the 911 center and his vision for the future of the department were among the reasons he was selected to replace **Paul LeClair**. Over the past five years, Hall has served as an accreditation manager for the International Academies of Emergency Dispatch and as a member of the Maine EMS Emergency Medical Dispatch Committee. Hall said he was honored to be chosen director in a field so important to the well-being of the Twin Cities and beyond.

Piscataquis County now boasts its first full-time fire chief, hired by the town of Greenville to oversee operations and a staff of volunteer firefighters. **Sawyer Murray**, 24, joined the Greenville Fire Department as a junior firefighter, and by age 18 had completed all the required training and education to become a regular firefighter. In 2011, he was hired as a firefighter and worked his way up the ladder, most recently serving as captain. Murray is replacing **Matt St. Laurent**, who was the part-time fire chief for nine years. As is the case in

many of Maine's small towns, Murray will do more than one job. He also will work as a public safety officer and a reserve officer for the town's police department.

Belfast Police Chief **Gerry Lincoln** retired last month. Lincoln, of Dixmont, was hired by the city in 2017 after working as a detective and school resource officer for the Waldo County Sheriff's Office. A U.S. Air Force veteran, Lincoln flew out of Bangor to refuel military planes in mid-air, broke the sound barrier and flew to the North Pole during his 25-year military career. Lincoln was promoted from Belfast deputy chief before being appointed chief in January 2020.



Shenley Neely

Shenley Neely of St. George was appointed to the new position of administrative assistant to the Owls Head Select Board in January. Shenley relocated to Maine from Florida after serving for several years in county and municipal planning and community development. She will also serve as the community's deputy town clerk, deputy tax collector, deputy treasurer and deputy voter registrar. Meanwhile, the board named **Eleanor Stone** as the new town clerk, tax collector and registrar of voters. Stone, a resident of Owls Head, won the promotion after working for three years as secretary to the select board. She replaces **Susan Wilson**, who served the town for 13 years before retiring in December. Upon her retirement, Wilson was presented with a plaque and an official sentiment from the Maine Legislature in recognition of her long public service career.



Eleanor Stone

Dr. **Alfredo Vergara**, Director for the U.S. Centers for Disease Control in Mozambique, has been named the City of Portland's new Public Health Director. He plans to relocate to Maine this summer and is expected to assume his new duties on Aug. 15. In addition to directing the CDC's efforts in southeastern Africa, Vergara serves as director of its Global HIV Division and TB Program. Vergara is an epidemiologist with

28 years of experience serving the public. He focused on AIDS relief when he established the CDC's first office in Mozambique. Vergara has supervised a budget of more than \$180 million and a staff of more than 90 epidemiologists, clinicians, and other scientists.

Penobscot County Sheriff's Staff Sgt.



Bobbie Pelletier

Bobbie Pelletier was killed in a snowmobile accident on Feb. 20 while riding in Limestone. He had served the sheriff's office since 2008 and supervised policing in Hermon under a contract with the town. He was promoted twice in successive years: to corporal in 2015 and staff sergeant in 2016. The sheriff said Pelletier would be missed, in part for his upbeat spirit and gregarious laugh.

Housing will be a prime focus of the work of **Emily Ruger**, the City of Bath's newly appointed Community and Economic Development Director. Lack of housing, or housing that fits the needs of a family, is among the problems in recruiting workers to the coastal city. Ruger who grew up in Camden, accepted the job in January and will work with businesses, write grant proposals, and help manage upcoming development projects.



Viktoria Wood

Chebeague Island's new town administrator, **Viktoria Wood**, will make Stone Wharf safety and the modernizing of the island's public safety building key priorities as she picks up where administrator **Justin Poirier** left off. Poirier resigned to take the Monmouth town manager's job late last year. Wood has worked as town clerk since 2017 and was appointed to a two-year contract on Jan. 1. Wood said she wants to continue the progress the town has made since its secession from the Town of Cumberland in 2007. Meanwhile, **Christine Auffant** was promoted from deputy to town clerk. The two have worked together for five years and expect a smooth transition. ■

NEWS FROM AROUND THE STATE

BANGOR

It could be back to the future for the city, as officials consider allowing people with large historic homes to rent rooms long term. It is one of the strategies being discussed to combat the housing crunch caused by a dearth of affordable rentals and houses. The planning board is considering whether to separate boarding home and bed-and-breakfast businesses in local ordinances. The proposal grew out of a report from a city affordable housing work group. Boarding homes would also help the city meet another goal: develop more dense housing projects to help ease the housing shortage. Housing trends reveal a growing desire among younger and older people for shared housing, shifting the housing needs from single-family to projects in downtown districts and other built-up areas.

BAR HARBOR

The town will upgrade, repair, and heighten its breakwater this year, which is no longer as effective against stronger storms and higher tides nor does it meet the height requirements of a rising sea. The breakwater was built 105 years ago; once World War I started, the work was abandoned with about 10% left undone. The last time it was upgraded was 1971. The entire cost of the project, \$6.3 million, will be funded by the federal government.

BIDDEFORD

Five Maine municipalities will benefit from broadband expansion that will reach 12,000 homes and businesses, with construction slated to start soon and be completed by 2023. Biddeford-based Great Works Internet Partners (GWI) will run 240 miles of fiber-optic cable in Millinocket, East Millinocket, Medway, Belfast and parts of South Portland. The lack of broadband poses a problem for communities trying to attract new businesses and families. In Maine, nearly 83,000 households lack access to broadband.

HAMPDEN

The Town of Hampden has bought a new ladder truck – a million-dollar investment the fire chief said would accommodate the needs of the growing Bangor suburb for at least the next 20 years. The department retired its other truck, a 1941 model, in the 1990s. Firefighters will be safer with the new ladder truck, officials said, since they won't need to rely on ground ladders which previously often needed to be placed on uneven ground or in snow. The new truck is constructed with aluminum instead of steel and can carry six firefighters, and all their equipment. Last fall, the department invested \$253,000 in a new ambulance. The first of its kind in the region, the ambulance comes with a hydraulic lift for moving patients and an ultraviolet light used to sanitize the interior of the vehicle.

KENNEBUNKPORT

The select board last month authorized two new 120-foot antenna towers to remedy the longstanding problems with the radio system serving the town's first responders, public works staff and the wastewater department. One of the towers will be built at the town's water tower and will feature a microwave link that will improve both the transmission and reception of signals to the dispatch. The change will require all affected employees to be equipped with new radios and associated equipment. In addition to signing contracts with two vendors, the select board hired a third party to advise them about the design, possible costs and whether the new signal capacity can be extended in the future. The project will be funded by an already-approved \$1 million bond, as well as \$500,000 from the capital reserve equipment fund.

SANFORD

The municipality's airport recorded 40,000 flights last year, more than Maine's largest airports in Portland and Bangor. That's thanks to an aviation hangar, 14 flight school instructors and a fleet of private planes, charter companies and emergency helicopter services that have made the Sanford Seacoast Regional Airport Maine's busiest airstrip. While the big airports fly large crowds of passengers, Sanford officials note their success is the reverse: it accommodates hundreds of planes with few passengers. There is no regular passenger service, but wealthy people use chartered jets to fly them to and from their oceanfront summer homes near Kennebunkport.

UNITY TOWNSHIP

A Boston-based solar company is seeking federal, state, and local approval to build a power array large enough to light 30,000 homes. The 700-acre proposed site would encompass the township and nearby towns of Clinton and Benton. The 110-megawatt project is expected to cost \$200 million. The Three Corners Solar project would use ground-mounted panels to collect the power of the sun. It is considered one of the largest projects being proposed in the state today. Solar power continues to grow in popularity in Maine. In 2021, the state tallied nearly 3,500 solar installations which generated 300 megawatts of power, and just 3% of the power used in Maine. The power numbers are only expected to grow, with many more projects being reviewed for approval statewide.

If your municipality submits a news item for the Maine Town & City, consider sending a corresponding photo to **Sue Bourdon**: sbourdon@memun.org or **Kate Dufour**: kdufour@memun.org

LEGAL NOTES

EMERGENCY RESPONDERS & THE 'GOOD SAMARITAN' LAW

Question: Are our first responders protected by law against liability for injuries or death that may occur while they are rendering aid, treatment, or assistance to someone?

Answer: Yes, they are. Maine's longstanding "Good Samaritan" law (14 M.R.S. § 164) grants full immunity from liability for damages for injuries or death alleged to have occurred by reason of any act or omission in the rendering of first aid, emergency treatment, or rescue assistance, unless the injuries or death were caused willfully, wantonly, or recklessly, or by gross negligence (i.e., reckless disregard).

The law applies to "any person who voluntarily, without the expectation of monetary or other compensation from the person aided or treated, renders first aid, emergency treatment or rescue assistance to a person who is unconscious, ill, injured or in need of rescue assistance." Members or employees of nonprofit or governmental ambulance, rescue, or emergency units are specifically covered, whether or not a user or service fee may be charged by the unit and whether or not the members of the unit receive salaries or other compensation from the unit.

The law also applies, of course, to anyone, including a private individual or a passerby, who voluntarily renders first aid, emergency treatment, or rescue assistance to someone in need.

The law does not apply, however, if the first aid or emergency treatment is rendered on the premises of a hospital or clinic.

Also, the law does not require the administration of first aid or emergency treatment to a person who is ill or injured but who objects to aid or treatment on religious grounds.

Maine's "Good Samaritan" law was first enacted in 1969. Its unofficial title derives from the Biblical parable about a stranger coming to the aid of an injured fellow traveler. Many states have similar laws. (By R.P.F.)

BACKGROUND CHECKS FOR ELECTED OFFICIALS?

Question: Our past practice has been to require criminal background checks

MUNICIPAL CALENDAR

APRIL 1 — Municipal property tax assessments are controlled by this date (36 M.R.S. § 502).

ON OR BEFORE APRIL 15 — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

APRIL 18 — Patriot's Day, the third Monday in April, is a legal holiday (4 M.R.S. § 1051).

ON OR BEFORE APRIL 30 — Every employer required to deduct and withhold tax shall, for each calendar quarter, file a withholding return and remit payment as prescribed by the State Tax Assessor (36 M.R.S. § 5253).

for all town officials, both appointed and elected. Should we continue this practice for elected officials?

Answer: Frankly, we see no point in it because, unless a criminal conviction of some kind legally disqualifies an elected official from holding office, conviction information revealed by a criminal background check is useless – it neither prevents an elected official from being sworn nor furnishes cause for a forfeiture of office.

For the record, Maine law does not disqualify someone with a criminal conviction from holding a local office. There are generally only three legal qualifications for holding municipal office: A person must be a resident of Maine, at least 18 years of age, and a U.S. citizen (see 30-A M.R.S. § 2526(3)). Municipal officers (select board members and councilors) must also be registered voters in the municipality (see 30-A M.R.S. § 2526(3)(A)). If a municipality wishes to add further qualifications (or disqualifications, such as a criminal conviction) for holding a local office, it may do so but only by municipal charter (see 30-A M.R.S. § 2526).

On a related subject, we note that municipal officers are not generally required by law to have any particular training – with one exception (see "Training Requirements for Municipal Officers," *Maine Townsman*, Legal Notes, April 2017). The exception, which is applicable to a wide variety of elected and appointed local officials, is for training in Maine's "Right to Know" law (for full details, see our "Information Packet" on

the subject, available free to members at www.memun.org). Many other types of local officials, however, are subject to certain training requirements (see "Training Requirements for Other Local Officials," *Maine Townsman*, Legal Notes, May 2017).

For more on background checks of all kinds, including criminal – for appointed officials, employees, and volunteers – see our "Information Packet" by that title, available free to members at www.memun.org.

Finally, a reminder for municipal employers: Maine's new "Fair Chance in Employment" law prohibits (with some exceptions) asking about a job applicant's criminal history on the initial application form. For details, see "New 'Fair Chance' Hiring Law & Criminal History," *Maine Town & City*, Legal Notes, December 2021. (By R.P.F.)

A WARRANTY DEED FOR TAX-ACQUIRED PROPERTY?

Question: We're selling a parcel of tax-acquired property, and the buyer has asked us to give him a warranty deed for it. Should we even consider doing so?

Answer: Absolutely not! In the first place, you probably have no legal authority to do so. Most town meeting warrant articles, ordinances, or charter provisions authorizing the sale of tax-acquired property expressly stipulate that the conveyance will be only by quitclaim deed without covenants (also known as a release deed). A quitclaim deed without covenants conveys only whatever legal interests, if any, a munic-

LEGAL NOTES

ipality may have acquired in the property by virtue of a tax lien foreclosure. A quitclaim deed without covenants includes no warranties or guarantees of any kind relating to the property, including with respect to its title. In other words, buyer beware!

A warranty deed, on the other hand, warrants or guarantees to the buyer that the seller has good or "marketable" title (title free from any reasonable doubt) and that the seller will defend the title – with an attorney and at the seller's expense – against any and all other legal claims and demands against the property. A municipality would be foolish to give a warranty deed for tax-acquired property because it would be guaranteeing that the title is free of defects – but in return for a purchase price that is typically far below the fair market value of the property.

In fact, we'll go as far as to say a municipality should *never, ever* convey tax-acquired property by warranty deed unless (1) the municipality has been guaranteed good and marketable title as the result of a successful court judgment in a "quiet title action" (a type of lawsuit), and (2) the municipality will be receiving full, fair market value for the property. Needless to say, neither of these circumstances describe the typical sale of tax-acquired property.

A municipality also has no duty to ensure that tax-acquired property is safe or habitable. Nor is there any duty to inspect or investigate for hazardous materials or conditions such as lead paint, asbestos, underground storage tanks, or the like. But if a municipality knows about such hazards, it should disclose

them in order to discourage claims of fraud or misrepresentation.

To ensure that buyers are not misled and that the municipality is protected against such claims, we recommend that invitations to bid or notices of sale include a prominent disclaimer to the effect that the property will be sold "as is, with no warranties or representations, express or implied, including but not limited to warranties of title, habitability, or fitness for any purpose."

For much more on tax-acquired property, see our "Information Packet" on the subject. For a sample municipal quitclaim deed without covenants, see Appendix 8 to our *Guide to Municipal Liens*. Both publications are available free to members at www.memun.org. (By R.P.F.)

IS A CONSTABLE REQUIRED?

(Reprinted from the March 2012 *Maine Townsman* Legal Notes)

No. It used to be that a town meeting warrant could be posted only by a constable, but the law was amended years ago to allow warrants to be posted by either a constable or any resident by name (see 30-A M.R.S. § 2523(3)). Also, since municipalities are not required by law to provide police protection, a constable is strictly optional.

Constables are appointed by the municipal officers or, if there is one, the town manager (unless otherwise provided by ordinance). The certificate of appointment must state whether the constable is allowed to carry a weapon (see 30-A M.R.S. § 2673). Because the law does not clearly specify the duties of a constable, these should be spelled out in an ordinance or a detailed job description. If a constable's duties will include criminal law enforcement (e.g., carrying a weapon and making arrests), the constable must complete training at the Maine Criminal Justice Academy (see 25 M.R.S. §§ 2801-2809).

Even if no constable is wanted for municipal duties, private detective agencies may ask a municipality to appoint the

agency's employees as "civil constables" for the purpose of serving process (court papers). If the municipality chooses to cooperate (there is no obligation to do so), it should take several important precautions (see "Civil Constables," *Maine Townsman*, "Legal Notes," June 2006).

For more on constables, see Chapter 5 of MMA's *Municipal Officers Manual*, available free to members at www.memun.org. (By R.P.F.)

PROPERTY TAX 'OVERLAY'

(Reprinted from the May 2007 *Maine Townsman* Legal Notes)

Maine Law authorizes assessors to add up to 5% to the total property tax assessment to enable them to round off and avoid fractional assessments (see 36 M.R.S. § 710). This is called "overlay." But overlay is revenue like any other and must be appropriated by the municipal legislative body in order to be expended for any purpose.

Contrary to popular belief, overlay is not automatically available for emergencies or to cover overdrafts or pay for tax abatements. Although some municipalities use overlay for such purposes without a specific appropriation, technically this practice is unauthorized and should be avoided. In a town meeting form of government, a suitable warrant article to appropriate overlay could read, "To see if the Town will vote to appropriate \$_____ from overlay for (insert purpose here)."

Unappropriated overlay will lapse into surplus ["undesignated fund balance"] at the close of the municipal fiscal year. Overlay is not intended, however, as a means of building up surplus. As noted, the sole statutory purpose of overlay is for the convenience of assessing computations. Assessors should use the minimum overlay necessary for this purpose. If overlay exceeds the total assessment by more than 5% (even by a little), the entire assessment is void and must be recalculated and corrected. (By R.P.F.) ■

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

Use the following link:

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

MAINE MUNICIPAL BOND BANK

2022 SPRING BOND ISSUE SCHEDULE

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

February						
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 9th – Application Deadline

Wednesday, March 16th – Application Approval (Board Meeting)

Monday, April 4th – Preliminary opinions and loan agreements due from bond counsel of each borrower

Wednesday, April 6th – Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of April 18th – Maine Municipal Bond Bank Pricing

Monday, May 9th – Final documents due from bond counsel

Wednesday, May 18th – Pre-closing

Thursday, May 19th – Closing – Bond proceeds available (1:00pm)

If you would like to participate in or have any questions regarding the 2022 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 ext. 213 or treed@mmbb.com.



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Our nationally-recognized municipal law team is one of the largest groups of its kind in the region, providing seasoned, responsive counsel. In addition to our deep, traditional practice expertise, our team also includes lawyers well-versed in legal issues relatively new to municipalities.



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