

April 2012

maine townsman

The Magazine of the Maine Municipal Association



GOING LOCAL
Farmer Support Grows,
Though Snags Can Occur

ALSO IN THIS ISSUE: _____

Thriving downtowns are good for all of Maine.



Running a town or city is like running a complex business. At Bangor Savings Bank, we make the complex simple. By ensuring you can provide security, efficiency, and prudent management of your taxpayers' money, we help make your downtown thrive. We also ensure that the transition to our bank is easy. So you can start using the banking tools you need—from payroll services to cash management solutions.

Contact us to see how we can help your municipality.

Bangor
Savings Bank

You matter more.

1.877.BANGOR1

www.bangor.com

Member FDIC

EXECUTIVE COMMITTEE

PRESIDENT

SOPHIA WILSON
Town Manager, Orono

VICE PRESIDENT

STEPHAN M. BUNKER
Chair of Selectmen, Farmington

MEMBERS

ERROL (ABE) ADDITON
Selectman, Leeds

BEURMOND BANVILLE
Selectman, St. Agatha

MICHELLE BEAL
City Manager, Ellsworth

JOHN T. BUTLER, JR.
City Councilor, Lewiston

MARSTON LOVELL
City Councilor, Saco

MARIANNE MOORE
City Councilor, Calais

PETER NIELSEN
Town Manager, Oakland

LAURIE SMITH
Town Manager, Wiscasset

ROBERT YANDOW
Town Manager, York

IMMEDIATE PAST PRESIDENT

MARK GREEN
Town Manager, Sanford

Executive Director:

Christopher Lockwood

Magazine Staff:

Eric Conrad, Editor
econrad@memun.org


Valarie Pomerleau, Circulation Manager
Jaime G. Clark, Graphic Designer

MMA website: www.memun.org

© 2012 Maine Municipal Association.
All rights reserved.

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

April, 2012
Vol. 74, No. 4

 recycled paper

maine townsman

The Magazine of the Maine Municipal Association

Another Anniversary 5

Maine Municipal Association's Property & Casualty Pool was born in 1987 out of necessity. Commercial insurance carriers were dropping customers – including Maine municipalities – right and left.

Up On the Farms 7

Towns and cities with farmers' markets see many upsides in supporting their local growers. There can be issues, however, as the Town of Blue Hill recently discovered.

In the End, Patience Reigned 11

Occupy encampments in Augusta, Bangor and Portland caused considerable consternation last year. But municipal officials took even-handed approaches and there was little drama in the end.

Snowmobiling Blues? 15

Maine had an uncommonly warm and snow-free winter. Still, out-of-state sledders came, providing an industry-saving economic boost in areas with decent snow cover.

Risk Manager 21

Pat Kablitz, director of MMA's Risk Management Services Department, writes about the history of our Property & Casualty Pool and why her team has had so much success.

Vital, Yet In the Cross Hairs 25

Few states rely on the service provided by small, rural airports as much as Maine does. In Congress, subsidies to keep these airports running are often a source of contention.

Town Meeting Elections 31

Town Meeting season means new names and faces joining local government. Turn here to read a roundup of the elections held in March.

People 38

News 39

Municipal Bulletin Board 40

Legal 41

LOCAL GOVERNMENT
begins with **YOU**

COVER: Freelance photographer Jill Brady of Eliot took this photo – and many others – at the indoor farmers' market in Portland.



Maine Municipal Employees Health Trust

Flexible Employee Benefit Options

MEDICAL

Eight Medical Plan Choices
Offer Up to Three Plans
Higher Deductible Health Plans
Health Reimbursement
Arrangement
Wellness & Incentive Programs
Retiree Coverage

LIFE INSURANCE

Basic Life included with medical
Supplemental Life Choices
Dependent Life Choices

DENTAL

VISION

DISABILITY

Short Term Disability Choices
Long Term Disability



www.mmeht.org

Phone: 1-800-852-8300

Email: mmehtinfo@memun.org

The Difference is Trust



A Message From MMA



by Christopher Lockwood, Executive Director

25th Anniversary of Our Property & Casualty Pool —

This issue of the Maine Townsman contains a special edition of the Municipal Risk Manager insert celebrating the 25th anniversary of Maine Municipal Association’s Property & Casualty Pool. We were pleased to obtain permission to reprint the cover of the March 24, 1986 edition of Time magazine – with the headline “Sorry, America, Your Insurance Has Been Canceled.” That cover graphically depicts what was happening across the country in 1986.

I very well recall what was happening in Maine during that period. Municipalities were facing a crisis, not because of anything that occurred in Maine, but rather as a result of upheaval in the national commercial insurance market. At least one community had only one day’s notice that it would not have any liability insurance coverage. Other communities were faced with a doubling or tripling of their premiums for property and liability insurance.

Municipal officials contacted MMA asking for assistance. Pointing to the success of the MMA Workers Compensation group self-insurance program and the Maine Municipal Employees Health Trust program, members asked us to put together a similar program for property and casualty exposures.

As MMA explored the feasibility of establishing such a program, it became clear that enabling legislation was needed to clarify the authority to form a public-entity property and casualty pool. Importantly, we needed to preserve the protections of the Maine Tort Claims Act for entities that participated in such a program. With the strong support of our Legislative Policy Committee, MMA drafted a bill which was approved and signed into law.

With the statute in place, the MMA Executive Committee established the Property & Casualty Pool with a goal of providing long-term stability and coverage tailored to the unique exposures of local governments. Fourteen municipalities joined as charter members of the Pool on March 1, 1987. Twenty-five years later, the MMA Property & Casualty Pool is proud to provide coverage and high quality service to 429 participating members. We thank our members for your support and look forward to serving you in the coming years.

FEDERAL ISSUES PAPER, MEETINGS WITH DELEGATION

Each year MMA prepares a Federal Issues Paper to provide a framework for discussion with members of Maine’s Congressional Delegation during meetings MMA schedules in conjunction with the National League of Cities Congress-

sional City Conference in Washington, D.C. This year’s meetings on March 14 took on a special significance given U.S. Sen. Olympia Snowe’s announcement several weeks earlier that she would not seek re-election.

MMA President Sophie Wilson (Town Manager, Orono), Vice President Steve Bunker (Chair of Selectmen, Farmington) and I were joined by several other Maine municipal officials as we met individually with Sen. Snowe and Sen. Susan Collins. We also met with legislative staff members from U.S. Rep. Michael Michaud’s office and Rep. Chellie Pingree’s office, since the House of Representatives had scheduled a District Work Week and was not in session.

Our message reinforced the pressures municipalities face – trying to maintain critical services while complying with federal and state mandates and funding cutbacks – while also trying to hold down local property taxes and user fees, such as water and sewer rates. The meetings with members of the Maine delegation helped “put a face” on the range of issues covered in the 2012 MMA Federal Issues Paper (available at the MMA website, www.memun.org).

Our meeting with Sen. Snowe had a somewhat nostalgic feel. It would likely be MMA’s final meeting with Sen. Snowe in Washington, D.C., capping 33 years of meetings with her both as a member of the House, from Maine’s 2nd District, and as a Senator since 1994. Municipal officials in our group expressed appreciation to Sen. Snowe for her distinguished service and her commitment to represent the citizens of Maine.

On a personal note, I have felt a special connection with Sen. Snowe. My first year as Executive Director of MMA in 1979 coincided with then-Rep. Snowe’s first year in Congress. The connection was strengthened with her marriage in 1989 to then-Gov. John McKernan, whose mother, the late Barbara McKernan, served as MMA President in 1982-83, while she was a Bangor City Councilor. I have valued my strong working relationship with Sen. Snowe and wish her the very best in the coming years. ml



Sen. Olympia Snowe

Making a Difference for Maine's Communities

MAINE MUNICIPAL BOND BANK



*Call us when you
need capital
financing for your
next project. Let us
put our AAA Credit
Rating to work for
you.*

For thirty-five years, the Maine Municipal Bond Bank has provided a successful, simple, and cost-effective borrowing program for Maine's municipalities. The Bond Bank's long-term loans provide Maine's communities access to low cost funds for all their capital needs through the sale of our highly rated tax-exempt bonds. Let us save money for you too on your next capital acquisition or improvement project.

FREE RELIABLE FINANCIAL ADVICE

LONG-TERM BORROWING

COST-EFFECTIVE FINANCING

LOWER COSTS OF ISSUANCE

P.O. Box 2268
127 Community Drive
Augusta, ME 04338
PH: (207) 622-9386 • FX: (207) 623-5359
www.mmbb.com



Got Local Food? More Communities Support It

By Jeff Clark

Jennifer Geiger, executive director of the Main Street Bath program, was bursting to tell someone the good news. Bath had been chosen out of 2,000 applicants as one of five winners of the 2012 Great American Main Street Award, the first Maine municipality to earn the honor and only the fifth in New England since the National Trust for Historic Preservation began the awards in 1995.

And Geiger credited the Bath Farmers' Market as a key reason for the city's success.

Spurred by the Local Food movement and the growing population of market gardeners and small farmers, Maine now has more than 100 farmers' markets, twice the number of only five years ago. Although local governments and businesses that feared cut-rate competition once eyed them suspiciously, farmers' markets are now welcomed throughout the state.

Downtowns appreciate the shopping traffic they generate, and local residents and visitors flock to stalls filled with fresh-off-the-farm produce, dairy products and other goods. Yet their very popularity has brought occasional friction over subjects as diverse as parking and raw milk, and their fans have persuaded several Maine towns to pass ordinances that fly in the face of state and national food safety laws.

The Bath Business Association (BBA) actively sought out farmers to create the market in the late 1990s, Geiger said. At the time, the BBA was mounting an aggressive campaign to preserve the vitality of Bath's red-brick downtown in the face of competition from big box stores and a new Route 1 viaduct that had cut the city

in half, isolating the business district from much of the city's residents. A Saturday farmers' market in the city's waterfront park, just a block from Front Street's shops and restaurants, was seen as a way to draw visitors into the downtown.

"It started as just a handful of vendors, and it has grown beautifully," Geiger said. The market now has more than two dozen members and operates year-round, with a winter farmers' market that next autumn is expected to move into a renovated former freight shed on the waterfront.

Such success has been mirrored in towns all over the state, aided by the demand from consumers for fresh, locally produced food – the so-called "locavore" movement – and growing public concerns about commercial food safety following outbreaks of illnesses and even deaths caused by contaminated meat and produce.

PERSONAL TOUCH

"People want to know their farmer and put a face to the source of the lettuce and strawberries they're eating," said Clayton Carter, of Etna, co-chair of the Maine Federation of Farmers' Markets. "We've seen a lot of interest in local foods and getting more food fresh and right from the local producer."

The ultimate expression of that interest has been the food sovereignty movement. In the past two years at least seven towns in Maine have considered a Local Food and Self-Governance Ordinance, which in effect is a declaration of secession from state and national food safety laws. It would allow farmers to sell direct to consumers without state or federal regulation and inspection.

Six towns, including Blue Hill in

2011, have passed the ordinance. Almost immediately, the Maine Department of Agriculture responded to the challenge by citing Blue Hill farmer Dan Brown of Gravelwood Farm for selling unlicensed raw milk. Farmers can sell unpasteurized milk in Maine if they have a license from the state and meet state-mandated standards, according to Dan Price, coordinator of the Portland Farmers' Market. Brown was selling extra milk from his single cow at the Blue Hill farmers' market.

Blue Hill Selectman Jim Schatz says the ordinance appealed to residents' sense of independence. It passed at the April 2, 2011 town meeting, only two votes shy of unanimously.

The selectmen "talked to a number of advocates," said Schatz, now in his 18th year as selectman.

"We're all strong believers in home rule and we saw the ordinance as an expression of that. We see the state as often having rules and regulations with a 'one size fits all' approach that makes life difficult for both smaller units of government and small businesses. So we were sympathetic to the plight of these small farm businesses," he said.

The ordinance, Schatz said, "sends a message. We want to encourage changes to take place at the state level that recognize not all towns and cities – and businesses – are the same."

The town itself has not been drawn into the action against Brown. Schatz says selectmen approached the Maine Municipal Association for legal guidance before the town meeting vote to ensure that passage did not commit town resources to defending a legal challenge, a position that Dan Brown says he supports.

"I don't want the town held liable," Brown said. Selling the milk "was my

Jeff Clark is a freelance writer from Bath, jeffreyclark@gmail.com.

choice and the ordinance isn't part of my defense anyway. We have an argument that doesn't involve that."

Brooksville voters, by contrast, narrowly voted down a local food ordinance in 2011.

'FEEL-GOOD ORDINANCE'

"From the selectmen's perspective, we felt we shouldn't create an ordinance that wasn't enforceable," explained Selectman Darrell F. Fowler. "We saw it as a feel-good ordinance that might drag the town into litigation it couldn't afford."

Fowler said residents were "pretty vocal about it" at a public meeting held before the vote, and the ballot question attracted more than 600 voters. It lost by a handful of votes.

"We have some part-time farmers in town and we like to support them," he said, "but in my opinion if we had passed this, we could also pass an ordinance saying people don't need a driver's license."

The Portland Farmers' Market traces its roots to 1768. The Wednesday market in Monument Square is a downtown institution while the Saturday market in Deering Oaks Park has become something of an event, attracting not just 35 or so farmers and thousands of customers each week but also artists and craftspeople who set up shop outside the market to benefit from the traffic it generates.

Market coordinator Dan Price says vehicle traffic is the major limitation on expanding the markets, especially in the park. Parking is at a premium in Deering Oaks on market days already. Price and his fellow farmers would like to see the city open up additional parking areas so the market can add more vendors.

"There's an overwhelming feeling among the current vendors that the bigger the market, the more customers you bring in and the more everyone benefits," Price said. "The parking issue is the biggest thing holding us back."

Price hastens to add that Portland's city government has been overwhelmingly supportive of the markets. "We have an excellent relationship with the city," he said. "There's no strain or anything."

Price says the city recognizes the markets as important attractions and the source of considerable good press



A man buys bread from the Common Wealth Farm stand at the indoor market in Portland. (Photo by Jill Brady)

SENSIBLE SOLUTIONS

Municipal Engineering & GIS Services

www.ces-maine.com

CES INC

ENGINEERING • SURVEYING • PLANNING • SCIENCES



FIVE LOCATIONS IN MAINE

207.989.4824

in both local and national media.

The farmers recently organized their own market association and are negotiating with the city to take over handling individual vendor permits and other paperwork “so we can just hand the city a single bundle of documents,” Price said. Currently, the city clerk’s office handles the vendors’ permits and licenses individually, an arrangement that is unique among Maine farmers’ markets.

VIBRANT DOWNTOWN

“The farmers’ markets bring a vibrancy to downtown Portland,” said Jan Beitzer, executive director of Portland’s Downtown District. “They attract a lot of people to our downtown square and the park, and they’re great for employee morale in downtown businesses. Even more, they remind people how important farmers are to cities.”

Those advantages are exactly why Bangor’s city government is helping to organize a new farmers’ market that opens June 3. Various attempts at markets in the past have failed for multiple reasons, among them poor locations and lack of visibility.

“This is something the community in general has wanted for a long time,” said Shirar Patterson, Bangor’s business and economic development officer.

Patterson said the city did several consumer surveys and studied how other farmers’ markets in nearby towns were operated before moving forward. The city began approaching local farmers last year to ask about starting a new market.

“It’s not the city’s place to organize it ourselves,” she said. “We went out and asked the farmers to move it forward on their own, with the city’s help for things like location and passing an appropriate ordinance and such.”

The market will be open on Sundays, a deliberate strategy to bring more people into Bangor’s urban core.

“A lot of people don’t realize that many of our downtown businesses are open on Sunday,” Patterson explained. “Having the farmers’ market here on that day opens up a lot of cross-promotion opportunities.”

The city is allowing the farmers to use Abbott Square, a parking lot across the street from the Bangor Public Library on Harlow Street, free of charge

to help it get off the ground.

“The lot isn’t utilized heavily on Sundays,” Patterson said, “so it seems like an ideal location.” Patterson says the city government has tried to streamline the licensing and permit process as much as possible. “We recognize that this is a business and anything we can do to support a business will help them and the city.”

“The old attitudes toward farmer’s markets have changed,” said Bath’s Geiger. “They’re now seen as attractions, positive additions to our towns. I think we’ll see their impact keep growing in the future as more people become interested in buying their food locally, and we’ll have to plan to accommodate that.” [mt](#)

MORE ABOUT LOCAL FOOD

These Internet resources provide more information about the local food movement in Maine.

Maine Federation of Farmers Markets:
http://snakeroot.net/mffm/MFFM_BOD.shtml

List of farmers markets in Maine:
<http://www.mofga.net/Directories/FarmersMarkets/tabid/352/Default.aspx>

Food for Maine’s Future
<http://savingseeds.wordpress.com/>

Interactive map showing municipalities that have adopted food sovereignty ordinances:
<http://growinginthecity.com/interactive-food-sovereignty-map/>



Cabbage and lettuce are on display at the Portland market. (Photo by Jill Brady)

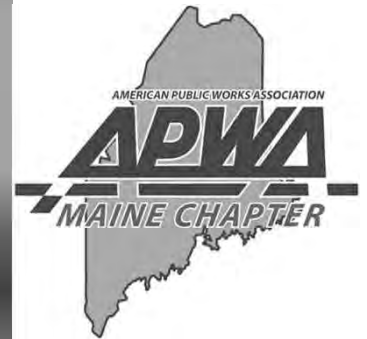
The Maine Chapter
American Public Works Association

presents...

The Twenty First Annual
Highway Congress

SKOWHEGAN FAIR GROUNDS

June 7, 2012 — Thursday — 7:00 a.m. - 3:00 p.m.



FREE ADMISSION • Door Prizes • Skid Steer Loaders and Backhoe Contests

Complimentary LUNCHEON Sponsored by Maine Chapter APWA



The Lions will serve breakfast from 7:00-9:00 a.m.



Maine Local Roads Center — “Time Out for Training”



Erosion Control Training Sessions Sponsored by

Maine DEP and J.E.T.C.C.



DEMOS ♦♦♦ DEMOS ♦♦♦ DEMOS

WHO SHOULD ATTEND?

- All Highway Departments
- Solid Waste Departments
- Municipal Officials and Managers
- Water and Sewer Utility Departments
- Parks and Recreation Departments
- YOU!!!

Maine and New England's Premier Public Works Exposition. There is no better show or deal in the industry!

Annual State Snow Plow Rodeo
Championship and Award Presentation



Brochure and registration forms will be sent out in mid-April. Registration Deadline is May 20, 2011. For more information call the Affiliate Services Office—Maine Chapter APWA, 1-800-452-8786.

Legal Lessons Learned From Encampments

By Lee Burnett

Officials in Portland, Bangor and Augusta are breathing easier these days having weathered a time-consuming public relations challenge known as an Occupy encampment.

It was a new phenomenon to have a piece of city property (state property, in the case of Augusta) under the indefinite control of a band of politically motivated, articulate squatters. Municipal officials faced no-win situations.

They had little power to address the protesters' chief grievances of income inequality and corporate influence. If they did nothing, they risked losing control of property they are responsible for. If they moved too firmly, they risked a backlash. No one knew where things would lead.

To the great relief of protesters and police alike, peace reigned. At one point, someone threw a chemical bomb into the Portland encampment. At another point, Augusta protesters deliberately provoked police into arresting them at the Blaine House, the governor's official residence. But violence was largely avoided, unlike encampments in New York, Oakland, Calif. and Portland, Oregon.

"We didn't want an Oakland or a Portland (Oregon); everyone was trying to avoid that sort of scene," said Mark Dunlap, the lawyer who handled the court case for Maine's Portland.

Municipal officials did not lack for appropriate tools. Portland had two applicable ordinances on the books: an anti-loitering ordinance prohibiting use of parks for anything except walking between 10 p.m. and 6:30 a.m.; and, a separate ordinance making an exception to this blanket prohibition, allowing a permit to be issued

for an event lasting longer than three days or larger than five people. However, the city manager and council must make specific findings.

Bangor also had two ordinances: One that prohibited overnight camping, except in designated area and another prohibiting use of parks between 10 p.m. and 6 a.m. Capitol Police in Augusta had rules promulgated by Commissioner of Public Safety prohibiting overnight use of Capital Park.

NOT CLEAR, AT FIRST

Even with these tools, it wasn't clear from the outset that the law would totally favor the municipalities. Activists claimed they were not run-of-the-mill squatters to be rousted like vagrants. They said their tent villages were peaceable assemblies protected by the First Amendment and they could stay as long as they wanted. Augusta activists, for example, declined to apply for a permit on principle.

"We're not an event. We're not a rock show -- that's not what we're doing. This is a movement. This is a protest. You don't get a permit for civil disobedience," Moss Stancampiano told the Kennebec Journal newspaper.

But as court decisions have consistently held, governments may impose "reasonable time, place and manner restrictions" on assemblies without running afoul of the First Amendment prohibition against laws "abridging the freedom of speech, or of the press or the right of the people peaceably to assemble and petition the Government for redress of grievances." As Assistant Attorney General Paul Stern pointed out: "Their position is that the First Amendment allows them to live in that park forever... There is no case law for that."

Dunlap, who handled the court

case for Portland, commended Portland officials for treading carefully, even when they had tools for stronger action.

"They (police) could have gone in anytime and said, 'Look you have to leave.' They could have evicted any time after Oct. 5 or maybe even before that," he said. "They could have gone in and taken them out. But they didn't, they let the legal system run its course."

Bangor managed to stay out of court even though it insisted from the outset that protesters leave the park at night.

City Solicitor Norman Heitmann advises towns in similar situations to "make sure the people you're working with understand what your position is and why it is. Don't look at who they are or what their issues are because if you do, you're starting to not treat everyone the same."

While being firm, the city tried to be reasonable, he said. "Try to do it in a calm and rationale manner."

Chief Russell Gauvin of the Capitol Police advises cities and towns to make sure all ordinances are up to date, and then be patient.

'TAKE IT SLOW'

"When protesters do show up and protest, in very few cases do you have to take immediate action. Very rarely is public safety an issue. Take it slow. Talk to people. Get support. Talk to protesters themselves," Gauvin said.

How these three cities handled their anti-Wall Street demonstrations may seem remote to folks in small-town Maine. But dealing with large crowds is not unheard of in rural towns. It may be wise to review ordinances. About a decade ago, the prospect of hosting a Hemlock festival prompted many

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

towns to hustle mass-gathering ordinances onto their books. Where some of those have been tested, they have been found wanting.

In 2007, the Maine Civil Liberties Union challenged a mass-gathering ordinance adopted by the Kennebunkport, site of many demonstrations against the two Bush presidencies. The MCLU challenged a requirement that shifted responsibility for issuing permits from the police department to the Board of Selectmen. Another ordinance compelled organizers of events intended to attract more than 500 people to take out a surety bond as insurance against private property damage. Kennebunkport rewrote its ordinance to the satisfaction of the MCLU.

Also in 2007, the 1st Circuit Court of Appeals in Boston struck down Augusta's parade-permit ordinance, which had been challenged by workers' rights activists. Specifically, the court ruled that a 30-day advance notice and mandatory meeting with the police chief were unconstitutional and that a \$2,000 permit fee was excessive.

Exemptions to ordinances can be red flags to constitutionalists. Bangor city officials must go through the same permit requirements as others when the city holds events, said Recreation Director Tracy Willette.

"You create exceptions and it leads to other problems... We like to follow our own rules," Willett said.

Bangor charges a flat \$25 permit fee. A permit from Augusta Capitol Police is free, said Chief Gauvin. "We do that intentionally. We don't want to limit anybody," said Gauvin. "We can issue a permit on the spot practically – five minutes."

The Town of Gray has been rewriting its mass-gathering ordinance. One problem is that everyone wants an exemption, said former Town Councilor Mark Grover, who has written letters to the editor on the subject.

Another problem is that people tend to confuse events that embarrass a person or community with events that are true public safety hazards. Neo-Nazis were denied a permit to march in Skokie, Ill. until a judge ruled that upsetting Holocaust survivors in the city did not justify limiting their First Amendment rights.

"The best way to stay out of court is to treat everyone the same," said Gro-

ON MAINE'S OCCUPY ENCAMPMENTS

Portland (Oct. 1 in Monument Square, then Oct. 3, 2011 to Feb. 10, 2012 in Lincoln Park) Activists began a demonstration in Monument Square, in the heart of the city's commercial district, and within a few days accepted the city's invitation to move a short distance away to Lincoln Park, a larger space opposite Cumberland County Courthouse. The city condoned the occupation initially but the occupation began attracting unwanted attention from homeless people migrating from elsewhere in the city. Then, someone tossed a chemical bomb at the group on Oct. 24. The city has an ordinance prohibiting use of parks between 10 p.m. and 6:30 a.m., but also allows an option to seek a permit from the city council. The city sent in an inspection team to document conditions and prevailed upon activists to apply for a permit to remain for another 179 days. On Dec. 7, the Portland City Council denied the permit request, but agreed not to evict protesters until the issue was decided by a court. On Feb. 1, Judge Thomas Warren ruled that the protesters failed to meet city requirements for health and safety in the park. At its peak, the encampment had 60 to 70 tents.

Bangor (Oct 27, 2011 to Dec. 5, 2011 at Peirce Park) Activists began with a demonstration in front of Bank of America on Oct. 12. They openly discussed plans for a continuing occupation and were asked by city officials to observe a city ordinance prohibiting overnight camping and to use the park only from 6 a.m. to 10 p.m. City ordinance allowed open fires. Against the city's directive, activists began an overnight encampment at Peirce Park Oct. 29. On Nov. 16, the two sides reached a compromise. Activists would apply for an event permit and use the park during the day, but would vacate the park at night, taking tents and other makeshift structures with them. A two-site encampment commenced. During the day, activists continued their occupation of the park, but at night they moved to the adjacent property of the Bangor Public Library. The deadline for filing for a permit (good for 72 hours) came and went. Two large canopies used to cover firewood were removed, another was erected in protest. The trustees originally voted to allow the encampment but that changed after liability concerns were raised. After discussing various options, activists ended their encampment.

Augusta (Oct. 15, 2011 to Dec. 9, 2011 at Capitol Park) Two dozen activists established an encampment in Capitol Park, state-owned property opposite the State House. Ten days later, Capitol Police Chief Russell Gauvin told the group it must apply for a permit to remain. The group refused on the grounds that it should not need a permit to exercise First Amendment right to peaceably assemble. On Nov. 27, nine protesters, part of a group of about 100 people, objecting to the permit demand were arrested on the grounds of the governor's residence, the Blaine House, and charged with criminal trespass and failure to disperse (at least one has been convicted). On Nov. 28, James Freeman and Diane Messer filed a motion in U.S. District Court in Bangor seeking to restrain enforcement of the directive from Capitol Police. On Dec. 6, U.S. District Court Judge Nancy Torreson denied their motion on the grounds that while the demonstration is protected by the First Amendment, the Capitol Police is allowed to impose reasonable "time, place and manner restrictions" on use of the park.

Brunswick, South Portland, Orono, Presque Isle and Ellsworth Activists started Facebook groups and held various marches and daytime demonstrations.

OLVER ASSOCIATES INC. ENVIRONMENTAL ENGINEERS

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

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

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

ver. "It's better to stay out of court than pay a lawyer to win."

COMMERCIAL USE

Municipal park management was not exempt from the anti-corporate critique of Occupy activists, although it has been largely overlooked. Their beef is that public spaces should be places for civic engagement but are often turned over for commercial purposes.

"Commercial use of public space has increased dramatically," said John Branson, the Portland attorney who represented Occupy Portland. "We're not even conscious of it, it is so engrained."

Branson points to Portland's practice of not requiring permit applications from organizations with events that are co-sponsored by the city. Branson cited "Downtown Showdown," an annual promotional event by Sugarloaf and Sunday River ski resorts that is held in Portland's Monument Square. It includes construction of a 35-foot makeshift hill for stunt skiing.

"When we tried to set up a nine by nine (foot) canopy to keep our materials dry, they said, 'We don't issue permits for structures,'" said Branson. Downtown Showdown was cancelled this year.

Occupy Portland appears committed to exploring a new ethic. The group has evolved into a park stewardship and event planning group called Friends of Lincoln Park. Portland activist Heather Curtis said the group has started "community conversations" in the park on Sunday afternoons. They plan to repair damage to the park.

The Portland Occupy encampment's size and duration may not have made an ideal challenge of the prohibition on night-time use of parks, said Branson. "It was so easy for other concerns to override. The judge made clear he was not ruling on whether the city could lawfully deny a permit."

But by challenging ordinances in court, activists strengthened officials' authority to regulate future occupations. Portland won't be as accommodating next time around, said Portland City Attorney Gary Wood.

"We'd issue them a citation right from the start and we'd take them to court and I think we'd prevail," he said. [mc]

The Safer Way to Bank



ICSSM is an easy way for associations to access multi-million-dollar FDIC insurance on interest-bearing savings deposits.

ICS: You Can Bank On It.

For information, contact Treasury and Payment Services at 1.877.Bangor1, ext 1299.

Bangor Savings Bank

You matter more.

Member FDIC



Placement of your funds through the ICS service is subject to the terms, conditions, and disclosures set forth in the agreements, including the ICS Deposit Placement Agreement, that you enter into with us. Limits and customer eligibility criteria apply. Program withdrawals are limited to six per month. ICS is a service mark of Promontory Interfinancial Network, LLC.

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

Simple ✓
Convenient ✓
High Quality ✓
Low-Cost ✓

MAINE START

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

Contact: Stephanie Fecteau

www.mainestart.org

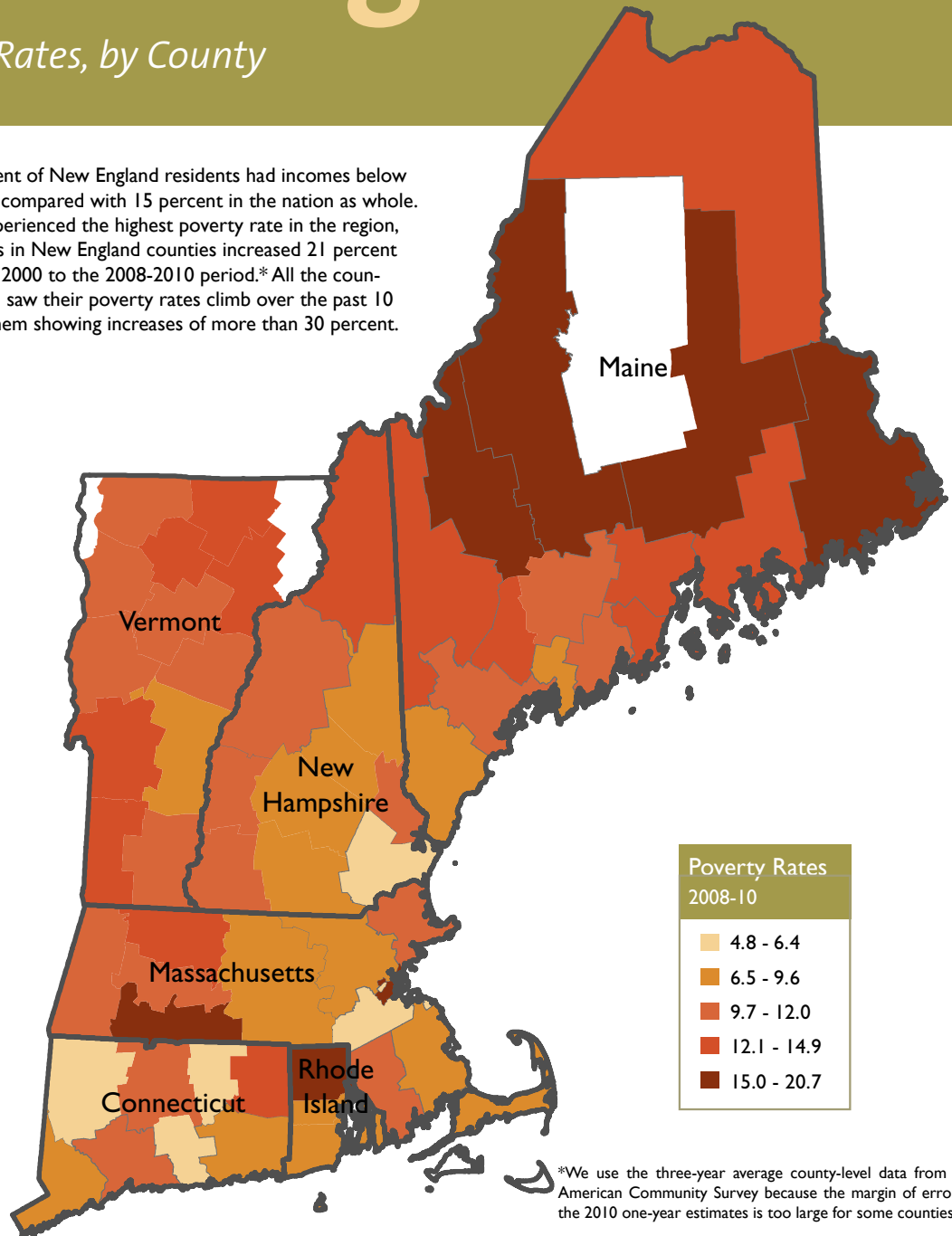
tel: 207-512-3305 e-mail: Stephanie.Fecteau@mainepers.org

Mapping New England

Ana Patricia Muñoz
Federal Reserve Bank of Boston

Poverty Rates, by County

In 2010, 11 percent of New England residents had incomes below the poverty line, compared with 15 percent in the nation as whole. Rhode Island experienced the highest poverty rate in the region, 14 percent. Rates in New England counties increased 21 percent on average from 2000 to the 2008-2010 period.* All the counties in the region saw their poverty rates climb over the past 10 years, some of them showing increases of more than 30 percent.



*We use the three-year average county-level data from the American Community Survey because the margin of error in the 2010 one-year estimates is too large for some counties.

Source: Decennial Census 2000, American Community Survey 3-year estimates 2008-2010.

(Reprinted with permission)

Lack of Snow Causes Maine 'Winter Blues'

By Liz Chapman Mockler

Many Mainers dislike winter and they have their reasons: blizzards, shoveling, aching backs, short days, the flu and cabin fever. Need we go on?

But thousands of others love the winter wonderland that Maine becomes after a good coating of fluffy snow. They wax their skis, tune up their snowmobiles, fortify their ice shacks and dust off their skates in anticipation of ponds freezing over and ice rinks re-opening.

It's a good guess that no one much liked the winter of 2011-2012.

"Last year was as good as it gets. This year was as bad as it gets," Merton Bagley, president of the Narraguagus Snowmobile Club in Cherryfield, said of the dismal trail conditions that kept most snowmobilers inside for much of the season.

Bagley, an avid snowmobiler for 15 years, predicted more bad news for winter enthusiasts. "I think we're in a cycle," he said. "Over the next three, four, five years, there won't be a lot of snow, but hopefully we'll have enough so we can survive."

The Cherryfield club, one of nearly 300 in Maine, includes 80 families, according to Bagley. "It's been a devastating thing for us," he said, of the warming trend.

Snowmobiling adds \$350 million to the state economy on a normal year, while skiing generates another \$300 million in spending, according to state data.

Bagley and other club leaders aren't just deflated over the unseasonably warm winter weather, dearth of snow and plentiful rain. Clubs across

Maine, which maintain 14,000 miles of trails, only get state and local funding for trail work and grooming when they actually do the work.

Most trails were closed by early March because of the mud left behind after numerous snow-then-rain-then-sleet storms. The trail systems need time to dry out and be prepped for ATV riders, walkers, hikers, bikers and runners who use them during the warmer months.

"We didn't officially open any trails," said Ryan Smith, president of the Gorham Sno Goers. "We didn't want to damage (private) property" by using mushy trails.

RECORD TEMPS

In Maine, March is not typically considered a warm month. This year, a few weather facts belie the norm:

- On March 21 in Portland, the city set a record when the thermostat reached 79 degrees; the next highest temperature for the day was 60 degrees in 1946.

- On March 19 in Bangor, temperatures hit 68 degrees, followed by 78 degrees the following day. On March 22, the heat increased to an unheard-of 84 degrees.

- During the same week, the City of Caribou in northern Maine recorded a new high for March 21 of 75 degrees. By the end of the week, Caribou had lost its snow pack of 27 inches. By week's end, the National Weather Service posted a "red flag warning" for potential wild fires due to dangerously dry ground conditions.

"I've never seen anything like this. Ever," said Edna Doyon of Belgrade, a member of the 140-family North Augusta Trailblazers club and a 40-year snowmobiler. "It's going to hurt



Sheila Cannon. (Photo provided by Fiddlehead Focus)

so many, many people. We're going to have this problem for several more years."

Even in remote places such as Island Falls in southern Aroostook County, snowmobile outings were cut short when it snowed, Doyon said.

She said her daughter arrived in Island Falls in mid-March to find plenty of snow for a good long ride. The family stayed Friday and Saturday, by which time the snow pack had melted. They skipped Sunday's planned outing.

"It's very, very strange," she said, in late March. "I live on Great Pond and I can usually snowmobile from my dooryard to Quebec for winter carnival. Today, you can't even get out of Augusta."

There were pockets of success, however. In Fort Kent, in northern Aroostook County, there was plenty of snow for the town's popular Can-Am Crown International sled dog race on March 3-4.

"It went fantastic," said Fort Kent

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

Chamber of Commerce Executive Director Sheila Cannon. She said organizers noticed more spectators from southern Maine, New Hampshire and Massachusetts. "It was a great year for us. We did luck out."

RIPPLE EFFECT

Some Mainers don't realize how much money flows into state and municipal tills during the winter tourism season. Bob Meyers, executive director of the Maine Snowmobile Association, said uncommonly mild winter weather means thousands of snowmobiles don't get registered. Businesses such as gas stations and restaurants lose customers and, in the aggregate, millions of dollars in sales. Cities and towns lose critical excise taxes that help the clubs maintain and build what experts agree are the best trails in New England.

The only silver lining is that, if it's warm in Maine, it's even warmer elsewhere.

"Non-resident riders saved the day" this year, Meyers said. "We've seen an increase in riders from Vermont, New York and Connecticut and that will help us a lot."

He said snowmobilers use the weather service's snowpack map to decide where or whether to strike out.

"We live and die by that map," he said.

In late March, in better years a prime time for snowmobiling, the map showed zero inches of snow pack in every area of Maine. There was not a single town or region with snow on its trails.

Meyers said economic data for the winter of 2011-2012 will not be compiled until June. Regional economic impact data are not available.

MUNICIPAL HELP

Meyers and others praised Maine cities and towns for helping to fund the trails and recognize the value winter tourism brings to their communities.

"Towns realize how important (snowmobiling) is and they work very closely with clubs and businesses" to maintain and build trails to keep visitors coming back every year, he said. "We have a great relationship with communities."

Many communities provide crucial in-kind services such as moving snow or assigning police to control traffic

where trails are divided by roads.

There are two snowmobile trail funds, both administered by the state. One allots grant money to clubs for capital expenses, including groomers that can cost \$200,000 each. A second fund reimburses clubs and municipalities for trail maintenance and grooming.

The first program is partly financed with snowmobile registration fees, while the latter is funded in part by both registration fees and a portion of the gas tax.

Over the past five years, clubs have received 45 percent to 70 percent reimbursement of costs, while municipalities collected 58 percent to 67 percent of costs.

"I think the relationship (between municipalities and the state) is OK," said Greenville Town Manager Gary Lamb. "It's difficult when you want to do more... in a recreational town" but the state grant programs lack enough money to cover the full costs of maintaining, improving or expanding trails.

"Snowmobiling is invaluable to the livelihood of this community," Lamb said, noting that without the winter

activity and an acclaimed trail system some businesses would be forced to lay off employees or even close.

"There is more benefit to (investing) in snowmobiling trails than to have businesses boarded up for the winter," he said. Without the sledgers, Greenville would become a summer-only tourism destination since there are not nearly enough ice fishermen to offset the loss.

RACE CALLED OFF

Beth Young, Greenville deputy clerk and public information officer, said a lack of snow pack forced an annual sled dog races set to begin on Feb. 4 to be cancelled. An estimated 50 mushers from Canada, all of New England and as far away as Michigan make the annual trek to Greenville for the races. About 1,400 spectators, from Greenville and throughout Maine, attend the yearly event.

The mushers were disappointed, Young said, "and understandably. But we don't want to put on a race just to say we put on a race. Our No. 1 priority is the safety of the mushers and the dogs. We don't want a reputation" for holding races where people and ani-



Snowmobilers ride in Industry (Photo by Maine Snowmobilers Association).

mals are injured, she said.


Although there was snow pack on the trails in early February, it was shallow and served mostly to cover the ice below that would have posed dangerous risks for the competitors and their dog teams, Young said.

On March 17, the town's annual snowmobile race on Moosehead Lake was nearly called off. "It was touch and go for a while," Young said, but organizers decided to hold the race based on the snow pack.

The following week, the heat wave that blanketed the state instead of snow, melted Maine's snowpack from Kittery to Allagash.

"It was like 'snap' and the snow was gone," Young said.

Manager Lamb rode his machine in mid-March on an adequate snow pack, making a loop from Greenville to Kokadjo about 20 miles north of town and then on to Mt. Kineo near Moosehead Lake and finally to Rockwood before following the groomed trails back to Greenville.

"Two weeks later," he said, "I drove the loop with my truck on bare ground." 

SNOWMOBILING INFO

Here are a few facts about snowmobiling in Maine.

Number of clubs: 292

Volunteers: 30,000

Trails: 14,000 miles

Municipalities that help fund trail upkeep/construction: 115

Economic impact: \$261 million (1998); \$350 million (2011)

Machines registered: 78,574 (1996); 98,167 (2009)

Increase in resident registrations (1996 to 2009): 8 percent

Increase in non-resident registrations (1996 to 2009): 156 percent

Source: Snowmobile Trails Funding Report - 2011

ONE NAME STANDS BEHIND ALL THE OTHERS.

Milton 

www.miltoncat.com

Scarborough, ME • 207-883-9586

Brewer, ME • 207-989-1890

You're Not Too Late! MRRA Annual Compost Bin Sale

It is estimated that 25% of an average household's waste is kitchen scraps and yard trimmings. The Maine Resource Recovery Association (MRRA) in cooperation with Norseman Plastics, an Orbis company, is pleased to offer **The Earth Machine™** backyard compost bins at reduced costs to Maine communities and their residents.

Through local sales opportunities by municipalities, community groups, or service organizations (one lead group per community). Earth Machine™ backyard compost bins, kitchen pails, compost turners and rain barrels can be provided to homeowners at "Co-op buying power" low prices: bins will sell for **\$45.00**...a retail value of \$120, kitchen pails for **\$8.00**, a wingdigger compost turner for **\$17.00**, **thermometer \$18.50** and a rain barrel for **\$58.50**. This item alone retails for over \$130.

Once you register with MRRA to participate, a sample of everything can be sent to you, to assist with sales!



Residents will also receive a "how to" guide for FREE with each compost bin!

How the Program Works

1 CONTACT the Maine Resource Recovery Association (MRRA) at (207-942-6772) or email victor.horton@mrra.net for a Participation Packet. Packets may also be downloaded at www.mrra.net

2 REGISTER with the MRRA to participate in the sale.

3 PROMOTE the sale of bins and/or pails (a poster with an attached order form will be provided for easy copying) and accept orders until **April 28, 2012** keeping track of who orders what.

4 RETURN the Final Order Form and checks made payable to MRRA by **MAY 4, 2012**. Bins and wingdigger orders must be made in exact multiples of 20 ONLY, Rain barrels are in lots of 15 and kitchen pails are in lots of 26. **Team up with a neighboring community if you need to meet the minimum quantities.**

5 ACCEPT delivery of compost bins/pails sometime during the week of May 21, 2012.

6 DISTRIBUTE the compost bins/pails to your residents and they start composting!

*** This program is also available as a fund-raiser for your group.**

Sign your town or organization up for the Spring 2012 campaign.

Landing A Manager: Know What You Need

By Rick Dacri, Dacri & Associates, LLC

The most important responsibility of any council or board is to hire a top-notch City or Town Manager. The success of your municipality depends upon having a highly qualified executive steering your operation. Absent that, you can expect trouble big time. Focus lots of time and attention on bringing into your municipality the best of the best. Great executives are out there. Your job is to find them – or to engage someone who can.

Recruiting good candidates is not an easy task. The process is complicated and candidates often know what to say and do to get the job. And, the task is going to get more difficult. The International City/County Management Association's Next Generation Initiatives study cited a "retirement tidal wave" as a major barrier facing local governments. ICCMA noted that the "local government management profession is at a crossroads as baby boomers that comprise the majority of local government managers approach retirement at a quickening pace, and statistics indicate the greatest number of retirees will come from the management ranks."

Making matters worse, Maine's oldest in the nation population puts this graying profession at

Rick Dacri is a management consultant, featured speaker at municipal conferences and author of the book "Uncomplicating Management: Focus On Your Stars & Your Company Will Soar." Since 1995 his firm, Dacri & Associates has provided municipalities in Maine with workforce strategies that are tailored to help them accomplish goals and better use their greatest resource – employees. He can be reached at: 207-967-0837 or email rick@dacri.com.

even greater risk. And the problem doesn't end at the executive level. This same problem blankets all municipal management roles. So what should you do?

Putting together a successful recruitment program and search requires expertise, experience and know-how. Understanding what you are looking for, finding the right candidate and getting him or her to say "yes" to your offer requires a comprehensive plan.

Every municipality dreams of having a steady stream of highly qualified applicants knocking at their door, hoping to be hired as your municipal Manager – applicants who are skilled, fully engaged and who mesh with current employees and fit within the community. And as idealistic as this

"...your brand is the glue that holds your current workers together, increasing employee retention, engagement, loyalty and productivity"

sounds, communities with a strong recruitment brand enjoy this benefit. There are many prominent examples of this at the corporate level. Just ask the folks at Google, Johnson & Johnson and Apple. They understand the value of a strong brand.

What is a recruitment brand and how can you develop one? A recruitment brand is a message that communicates what it's like to work at your organization. It tells the world who you are and what you believe in – your

mission, culture and values. It's your way of telling applicants: "This is who we are and individuals who believe and think like us are welcome." Those who think a recruitment brand is not important to recruiting your next manager are mistaken. Simply attend a gathering of city and town managers and listen to their conversations about various communities throughout the state. You will soon learn that some towns are coveted places to work while others are to be avoided. It is all about the brand.

BRAND IS LIKE GLUE

With a strong recruitment brand, candidates will seek you out, saving you time and money on recruitment initiatives. But even more importantly, your brand is the glue that holds your current workers together, increasing employee retention, engagement, loyalty and productivity.

Building a brand requires two uncomplicated steps:

1. Understanding who you are. To fully understand this, ask yourself and then ask your employees: Why do I/you want to work here?

What kinds of people are successful here? What kinds of people fit it? And what kinds of people are not successful here? Getting the answer to these questions will help define your municipality's brand. Listen to how your employees respond.

2. Communicate your message about what it's like to work at your municipality. Get your employees to offer their stories. These compelling stories of why people want to work in your town provide the insights into who you are and what your recruit-

ment brand is.

Communicate your brand consistently and with clarity in all your recruitment pieces. And as your brand evolves, listen to how it is echoed by former employees, residents and the public. A positive recruitment brand will attract targeted candidates to your town like a magnet, ensuring that you always have a steady stream of candidates at your door.

Next, profile your ideal candidate. This sounds simple, but often councilors do not know which candidate will be successful in their community and which one will fail. Knowing this is critical. Often we start the recruitment process without truly understanding what we are looking for. Job descriptions are helpful. They define the education, experience and tasks the new hire will perform. What they do not do is identify the traits, the qualitative factors that show who will fit and who will not. To do this, ask yourself these two questions: 1. What type of person will be most successful in our community? 2. What type will not? Answering these questions can focus your entire recruitment search.

YOUR NEEDS EVOLVE

It is important to understand that positions change and evolve over time. With rapid changes in regulations, resident demands, state and federal mandates, revenue challenges and changing demographics, the type of Manager you need now may be different from your previous manager. As such, simply using an outdated job description and a profile of the incumbent will not give you a clear picture of a successful new hire. It will not you to identify what you need today and what you will need in the future. Remember, each time you are faced with making a hire, you should go through this process. Your investment in time now will yield good, long-term rewards.

In developing the profile of your ideal Town or City Manager, look at six critical elements:

- ① Job priorities.
- ② Business/management/financial skills.

- ③ Essential personal traits.
- ④ Negative traits; traits that would make the individual unsuccessful.
- ⑤ Short-term challenges the candidate would face immediately upon starting the job.
- ⑥ Long term challenges he or she would face in your community and state.

Armed with this profile, you can identify what you need in a candidate, what you do not want, where you should find such a candidate and what questions you should ask during the interviews.

Finally, hire for fit. Though you

“Don’t hire until you are sure you have the right candidate. Trust your gut. Listen and watch for red flags, those signs that tell you something is not right.”

now have the profile of your ideal candidate, you must focus on the person who will fit within your community. He or she is the one who can work with your staff, elected officials and residents. The ideal choice should assimilate within your culture and community and adopt your municipality’s belief systems. Find people who best meet the requirements of the job.

Critical job skills go beyond the technical. They must include personality traits and include soft skills such as teamwork, relational competences and empathy. Finally, select candidates with the right attitude. Remember, one thing you cannot change in people is their inherent attitudes. Evaluate the impact your new hire will have on your staff, residents and community. Be uncompromising about hiring the right person. If you make a bad hiring decision, you will soon have to make the tough decision: Saying good-bye.

Next, it is important to understand where the right candidates are. Successful fishermen know where and when the fish are biting. Successful recruitment requires you to do the same. The answer could be in a community

similar to yours, through professional associations, schools, other levels of government, etc. In other words, don’t just use the help wanted pages or the Internet. Think creatively, think differently.

INTERVIEW THOROUGHLY

Once you’ve found your candidates, it’s critically important to conduct a thorough job interview. Prepare carefully. Formulate questions beforehand that explore ability, skill and fit. Ask behavioral-oriented questions, which are questions that require a response based on actual experience. Probe until you are sure that you have all the information you need. Listen to what the candidate says and how it is said. Ask the candidate if he or she has any questions. The candidates’ questions will tell you a lot about them and what is important to them. Put as many eyes on the candidates as you can, in multiple settings and times. Too many costly mistakes are made during the interview phase.

Resist the temptation to fill the job quickly. Don’t blame mistakes on the labor pool. Don’t hire until you are sure you have the right candidate. Trust your gut. Listen and watch for red flags, those signs that tell you something is not right.

Always reference check. You learn a lot from reference checking. Listen to what is being said and how it is said. Interview the references. Your goal is not to confirm your beliefs; it is to learn more about the candidates so you can make educated decisions about their ability to lead your local government.

Finally, make your final evaluation. Ask yourself: Can he do the job? Will she be accepted? Will he fit? Is she interested? What is the likelihood that he will stay? Will outside factors interfere with her performance? Remember, it is easy to hire but hard to fire.

There are many steps in finding the right Manager for your municipality. Recruiting your next Manager is probably the most important responsibility of your council or board. Putting together a strategic recruitment plan will ensure that you hire the right person. [mt](#)

25th Anniversary:

Message From the Director

Claims Services

Underwriting and Member Services

Loss Control Services

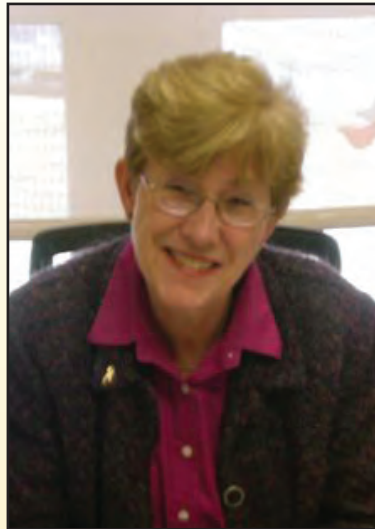


**HUB International New England
Congratulates MMA
Property & Casualty Pool
on the Celebration of your
25th Anniversary!**

*We Honor your commitment to
professionalism and dedication to
unparalleled member service.*

*We are proud to serve as your
Risk Management partner!*

Message from the Director of Risk Management Services



Pat Kablitz, Director

Welcome to the Pool's 25th Anniversary!

Our staff is honored to have provided you exceptional risk management service for the last 25 years. The Pool was created on March 1st, 1987 with a group of 14 founding members who formed a partnership to address the insurance crisis created when commercial insurance companies abruptly left local governments without coverage. At that time our goal was to provide a stable insurance mechanism with specialized coverage tailored for you and your unique exposures. That is still our goal today. The success of the Pool is supported by sound risk management, superior claims administration and prudent fiscal responsibility. The Property & Casualty Pool

has 30 dedicated professionals available to assist you with loss control, claims handling and the implementation of best practices. As we celebrate the 25th Anniversary of the Property & Casualty Pool we are proud that the Pool has matured to have 429 participating members throughout the State of Maine. Members like you are the owners of the Property & Casualty Pool and serve on our Board of Directors. Because the Pool is a non-profit and there are no outside stockholders, we can award the savings back to you. We believe the Pool is a shining example of Maine local governmental cooperation and effectiveness in meeting a common need.

Now we find ourselves asking "What will 2012 and the future bring?" We have all witnessed the cyclical nature of the commercial insurance market. The news has continually reported on the volatility of investments and the financial position of insurance companies. This is nothing new. Insurance companies faltered after the tragic events of September 11, 2001 when they again recoiled from municipal risks in a reflexive attempt to protect their bottom lines. As a result insurance companies became more restrictive in the types of risks that they would accept and many municipalities found themselves receiving a significant rate increase or a cancellation notice. Now in 2012 we find ourselves facing a tight economy. Weather catastrophes have touched us all and will have serious impacts on the insurance industry. This year is likely

(Cont'd on next pg)

Property & Casualty Claims Services

DIRECTOR (cont'd)

The Maine Municipal Property & Casualty Pool Claims Department consists of 5 claims staff members and a supervisor. All claims adjusters are licensed by the State of Maine for property and casualty adjusting. We personally handle all claims submitted to us, occasionally with the assistance of in-state vendors. If there are any claims coverage issues, we call you to discuss them and are pleased to travel to your location to meet in person and discuss any and all concerns you have. We also provide loss runs on request and will meet with you to discuss those losses.

If you have a claims question or want to discuss the Maine Tort Claims Act (MTCA) or other Maine statutes, we are happy to do so. We deal extensively with the MTCA and associated State statutes and have developed an expertise in interpreting these statutes and applying them. We are happy to discuss immunity and legal liability issues that you may be dealing with on a claim made against you.

Prompt Claims Service

Our care and dedication to our members show in many

different areas of our claims handling. In one recent example, the Town of Union suffered a fire loss resulting from a catastrophic engine failure to a 1986 Freightliner tanker truck. We received the claim immediately after the incident; giving us the opportunity to properly investigate the cause along with damages, and the claim was paid in full within 10 days.



RMS Claims Department left to right: Cheryl Main, Randa Veilleux, Peter Tanous, Colette Robbins, Debra Marquis, Chris McCauley. The RMS Claims Department has a total of 83 years industry experience.

The Town carried a stated value of \$175,000 on the truck and incurred additional loss for tow costs and equipment for a total of \$184,714 payment to the Town.

For losses that do not exceed your deductible or for which there is no coverage, we provide the added benefit of free assistance in recovering of damages from the liable party through our courtesy subrogation. This cost saving measure may reduce staff time and the need for legal involvement



Jay Feyler, Town Manager of Union, receiving the check for their totaled fire truck.

At your request the Claims Department is available to present to your staff "Best Practices" on such topics as claims filing, reporting and accident investigation. Please feel free to contact us anytime and see how we can help you. 🏠

to see commercial insurers becoming more restrictive on windstorm and flood coverages as they react to catastrophic weather events in the United States and around the world.

Throughout all of this turmoil and uncertainty the MMA Property & Casualty Pool stands as a pillar of stability and support. The Pool's financial health is stronger than ever. We continue to maintain a stable rating structure and remain committed to being your partner for your risk management needs.

In this issue of the Risk Manager we will highlight some of the accomplishments of the Pool and a few of the talented and experienced staff members who work in Risk Management Services.

The Risk Management Services team thanks you for your commitment to excellence in your town, city or district. We sincerely appreciate the effort you have made toward the ongoing success of the Property & Casualty Pool. We would also like to highlight the high quality work of our actuary, Everett Bishop at Liscord, Ward and Roy, Inc., and our exclusive broker, Bill Brouillard at HUB International New England, and their staff. Both have been with us since the early days of the Pool and continue to help us maintain the position of financial stability that we enjoy today.

On a personal note, I am grateful for the dedicated staff members of RMS who believe in our mission to serve you with professionalism, understanding and integrity. We are looking forward to another 25 years of continued cooperation and success together. 🏠

FACT:

Property & Casualty Claims manages approximately 1700 claims each year

Underwriting and Member Services



Underwriting Staff from left to right: Karen Worster, Susan Caston, Sherry Cloutier, Ruth VanArsdale, Corina Steeves, and Heidi Swiderek. Over 162 years of risk management experience.

Our staff is committed to supporting your community's efforts to reduce losses through effective risk management practices and to providing professional risk management services.

Experienced underwriting staff handles all member transactions related to new business, renewal of coverage, changes to member property schedules, changes in liability exposures and coverage questions.

The Underwriting and Member Services unit works closely with Loss Control and Claims to assure superior member service. Policy and rating services are handled by a highly experienced group of individuals always striving to provide exceptional service for their members. The Underwriting and Member Services team focuses on the following services:

Risk Management Consultation

General or specific property and liability questions are answered by underwriting staff regarding topics such as: cover-

age questions, rental equipment, unique liability exposures, special events, volunteers, certificates of insurance and suggested coverage requirements from contractors. Underwriting staff endeavors to complete all member requests within 24 hours of receipt.


Contract Review

Underwriting staff is available to review contracts in regards to coverage requirements, prior to execution, and advise as to whether or not the current coverage meets the requested contractual obligations.

Member Site Visits

Member Services and Underwriting staff meet with over 250 members each year to discuss coverage, property schedules, liability exposures and other risk management issues. A meeting with staff from multiple departments is available. We can also coordinate with our Loss Control and Claims teams to be there as well.

Policy Changes

Underwriting staff processes change requests throughout the year. We are proud to offer various methods to assist the members with their coverage needs. Changes can be made by phone, fax, mail or email or online through our website at <http://www.memun.org/RMS/RMS.htm> 

FACT:

Underwriting provides protection to over 5,300 municipal buildings totaling over \$2.6 billion in value.



Member Services: Judy Doore and Marcus Ballou Member Services Representatives. In 2011 over 420 onsite Member visits were made.

FACT:

The governing board of the Property & Casualty Pool has awarded \$3.8M in dividends to continuing participating members who meet established criteria.

Congratulations on the 25th Anniversary of the Property & Casualty Pool.

We are proud of our association with the Maine Municipal Association and support their efforts in developing innovative risk management solutions for Maine municipalities.

Munich Reinsurance America, Inc.
Specialty Markets Division
www.munichreamerica.com

Munich RE 

Munich Re is the primary Property Reinsurer for the Property & Casualty Pool.

Loss Control Services

The Loss Control staff provides direct services to members as well as internal support to the underwriting and claims departments. Our staff of seven dedicated loss control specialists provides services to their assigned members statewide. The Risk Management Services programs were specifically created to meet the needs of public entities like yours. We have developed a level of



Loss Control staff from left to right: Bob Thomas, Ann Schneider, John Waterbury, Lance Lemieux and Jon Hachey. Loss control/engineering experience for the department is over 105 years.

loss control expertise that is specific to risks associated with public entities and remains unmatched by the commercial insurance market.

As the Property & Casualty program has grown from the original fourteen members, so have new risk management challenges such as “green building technology” and regionalized services. Loss Control’s mission is to help our member towns, cities and districts meet and address these challenges so they can accomplish their mission in a safe, cost effective and productive manner.

The Loss Control Department visits member locations, gathers detailed property information and confirms property values. This helps you maintain adequate coverage to protect public assets. Loss Control Consultants also identify loss exposures and offer recommendations to help you mitigate risk.

Other member services include:

Hazard Inspections

On-site visits are conducted to identify exposures that could result in an injury to an employ-

ee or a citizen, loss or damage to public property or damage to property of others. This might range from a simple trip and fall hazard to the identification of conditions that may result in a structural

collapse. Recommendations are offered and we will work closely with you to find a way to reduce or eliminate the hazard.

Consultations

Loss Control staff is available to offer guidance and to answer loss control questions. Property and liability topics may include life safety code requirements, fleet safety, departmental policy development, playground safety or requirements for employee training. MMA Risk Management Services has the advantage of having Loss Control, Underwriting and Claims Department staff who live and work in Maine. This provides collective knowledge, combined resources and collaborative efforts to assist you.

Training

Employee safety and risk management training is offered regionally and at your location. Training is specific to your exposures and customized to meet your needs. We also offer thirty-six online training courses. These courses can be taken anywhere with a computer that has an internet

connection through a simple online registration process. This eliminates travel expenses and employee time away from the job. A certificate can be printed following successful completion of the course. All Loss Control training, including online training, is provided at no cost to members.

Web-Based Resources

The RMS Loss Control website offers “Best Practices”, “Safety Shorts”, Loss Control Advisories, Training and Safety Grant and Scholarship Information. These resources are available to all eligible members at <http://www.memun.org/RMS/RMS.htm>

FACT:

Since its inception in 2004, more than 13,000 Maine employees have taken more than 77,000 online training courses.



The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

Publisher: Risk Management Services

Editor: Marcus Ballou

Layout Designer: Jaime G. Clark

P.O. Box 9109, Augusta, ME 04332-9109

1-800-590-5583 or (207) 626-5583

FACT:

Loss Control staff logs over 56,000 miles per year providing on-site member services.

Pros and Cons of Small Airport Subsidies

By Lee Burnett

There's reason for both optimism and concern at Maine's small airports.

On a bright note, the federal government's Essential Air Service Program, which has been cited by some as an example of "wasteful" federal spending, has been preserved. That stabilizes air service for at least the next few years in Presque Isle, Bar Harbor, Rockland and Augusta. Maine has a conflicted experience with the program, although the justification for subsidies here is stronger than in some states.

Less good is word that the aviation reform bill that President Barack Obama signed into law in February reduces federal support for the Airport Improvement Program, which funds capital improvement projects. The reduction in federal share from 95 to 90 percent has a larger impact on municipalities than it might appear because the state has switched its share of funding from a dedicated portion of fuel sales to less certain bonding. Dozens of projects worth millions of dollars could be affected, just as construction season is starting.

"It's a very bad combination," said Rick Cloutier, president of the Maine Airport Managers Association. "It's putting a lot of project slated to start this spring in jeopardy. If we don't use that money, it will go somewhere else."

Maine's small airports are a bigger deal than one might guess. They're more than just a place for rich hobbyists to rendezvous. Small airports make it possible for Jackson Laboratories to be in Bar Harbor, for UPS and Federal Express to be in Auburn and for the World Cup Biathlon to be held

in Aroostook County.

Maine's small airports are used on a daily basis by the Maine Warden Service, Maine State Police, Angel Flight Northeast, Lifeflight of Maine, Maine Forest Service, Maine Civil Air Patrol, FedEx and UPS, said Rick Cloutier, airport manager for Lewiston-Auburn Municipal Airport.

"So many things are going on on a daily basis – hundreds of flights a day," said Cloutier.

There are 1,500 jobs that rely on Maine's 30 general aviation airports – accounting for \$39 million in payroll and \$104 million in economic impact, according to a 2006 Wilbur Smith study.

When Congress deregulated the airline industry in 1978, rural communities feared losing service. The result was the Essential Air Service Program,

which subsidizes air service in communities far from major airports. The program was supposed to be phased out after a decade, but it has endured for more than 30 years and ballooned in cost by more than three times to \$188 million a year.

Critics attack the cost per passenger, which in some cases exceeds \$1,000. Rural Maine communities have seen fewer flights per week since the advent of EAS but overall Maine's EAS subsidies have been modest compared to some places. As of last year, EAS subsidies in Maine were: Augusta, \$129 per passenger; Rockland, \$98 per passenger; Bar Harbor, \$100 per passenger; and, Presque Isle, \$109 per passenger

BAR HARBOR

Hancock County Bar Harbor Air-



Knox County Regional Airport crewmen remove luggage from a Cape Air flight from Boston in Owls Head recently. During the winter months, three Cape Air flights land and arrive at the airport, in the summer months the number of flights jumps up to six per day. (Photo by Jeff Pouland)

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

port is unusual because of big seasonal fluctuations in traffic. Some 8,000 to 10,000 people a week troupe through the gates during summer tourist season, but traffic falls to 600 to 1,000 people a week during the winter.

Colgan Air couldn't make things work with its 34-passenger turboprop jets. So, last fall, Colgan petitioned the FAA to be allowed to give up its subsidy and end its four-flights-a-day-service to Boston before the end of its contract. The crisis produced a novel solution.

On March 2, the FAA awarded a joint contract to Peninsula Airways and Cape Air to serve Bar Harbor. Between Memorial Day and Labor Day, Peninsula Airways will fly its 34-seat turbo-prop jets twice a day to Boston. It will receive no subsidy. Cape Air will fly its nine-seat Cessnas once a day to Boston during the summer and three times a day the rest of the year. It will receive an annual subsidy of \$1.6 million. The net result of the switchover is one less flight a day – from four to three times – but the subsidy falls from \$2.29 million to \$1.6 million.

"It just works better for us," said Alison Rogers, airport manager.

Rogers says subsidized service is essential for Hancock County because without it, people would spend two days on the road getting back and forth from Boston. "We're so far from Boston. It (EAS) really is very helpful. If we didn't have it, people would

waste two days not actually getting any business done."

Hancock/Bar Harbor is one of the few airports running in the black.

"We're lucky enough to be in this area," said Rogers. "No matter what

(Continued on p. 28)



Small planes taxi at the Knox County Regional Airport. (Photo by Jeff Pouland)

SIMPLE. CONVENIENT. COST-EFFECTIVE.

Gorham Leasing Group offers Maine business and municipal customers a range of fixed-rate leasing programs for both new and used equipment, with 100% financing and minimal down payment.

Have questions? Our representatives have over 25 years of experience in municipal leasing, and can provide you with the answers you need and a plan that works for you.

Toby Cook

President

1-800-924-2948
63 Marginal Way, Portland
www.gorhamsavingsbank.com

Bruce Thistle

Senior Vice President

Gorham
LEASING GROUP

Gorham Savings Leasing Group, LLC

Gorham Savings Leasing Group LLC is an affiliate of Gorham Savings Bank.

AIRPORT PROJECTS

The following projects at airports in Maine could be affected by the federal government's reduction in support for airport capital improvement projects.

Auburn/Lewiston Municipal

Environmental Permitting for Runway 4-22 Safety Area Improvements (Phases 1-5), \$154,500
Purchase Snow Removal Equipment (Truck and Plow), \$154,500

Caribou Municipal

Obstruction Removal (Phase 2), \$154,500

Frenchville

Construct General Aviation Tie-Down Apron and Apron Edge Lighting Improvements (Phase 2), \$154,500
Update Airport Master Plan Study, \$171,667

Houlton

Construct General Aviation Tie-Down Apron and Apron Edge Lighting Improvements (Phase 2), \$463,500

Presque Isle

Reconstruct General Aviation Apron (including parking; Phase 1), \$1,153,600
Reconstruct General Aviation Apron (including parking; Phase 2), \$921,850

Sugarloaf Regional Carrabassett

Self Service Fuel (12,000 Gallon Tank) to include Storm Water Pollution Prevention Plan Update, \$226,600

Rangeley Steven A. Bean Municipal

Apron Expansion, \$328,570
Airport Improvements in accordance with future Airport Master Plan Update, \$169,950

Trenton Hancock County

Construct Parallel Taxiway (Phase I), \$644,780
Reconstruction: Design Terminal Building Expansion, \$103,000
Design and Construct Itinerant Apron (Phase I), \$1,887,990
Design and Construct Snow Removal Equipment Building (to include Sand Storage), \$430,000

Augusta State

Capital Equipment Purchase: Snow Removal Equipment, \$272,950
Sale or Purchase of Lot or Building: Easement - Runway 8-26, \$77,250
Obstruction Removal/Lighting to Runway 8-26, \$103,000

Waterville Robert LaFleur

Environmental Assessment for Easements, \$30,900
Sale or Purchase of Lot or Building: Reimbursement for Aviation Easements, \$154,500
Runway 5-23: Design Only (Phase 1), \$460,410
Runway 5-23: Reconstruction (Phase 2), \$4,144,720

Rockland Knox County Regional

Obstruction Removal and Perimeter Fencing, \$1,030,000
Rehabilitate Runway 13-31, \$3,090,000
Airport Master Plan Update, \$154,500

Wiscasset Municipal

Design and Construct Runway and Crack Seal Apron, \$1,004,250
Environmental Assessment for Master Plan Projects, \$154,500

Bethel Regional

Construct General Aviation Terminal – Includes Apron Expansion, Parking, Fencing and Apron Lighting, \$309,000
Easements for Obstruction Lighting and Design for General Aviation, \$154,500

Fryeburg Eastern Slopes Regional

Taxi Lane, \$206,000

Oxford County Regional

Rehabilitate Old Portion of Apron, \$384,190

Dexter Regional

Design and Permitting for Apron, Taxi Lane and Hangar, \$206,000
Reconstruction of General Aviation Apron/Taxi Lane (Phase I), \$303,850

Lincoln Regional

Easement Acquisition for both Approaches (Parcel 22) and Design and Permitting for Runway 17-35, \$309,000
Off Airport Obstruction Removal and Construct Runway 17-35 Safety Area, \$2,575,000

Millinocket Municipal

Design and Construct Terminal Apron, \$39,450
West Side Master Plan Update, \$30,900

Old Town Dewitt Field

Environmental Assessment for Master Plan Projects, \$154,500

Old Town Old Town Municipal

Reconstruct Runway 4-22, including Runway Edge Lighting and Construction of a Hangar Taxi Lane, \$3,090,000

Greenville Municipal

Reconstruction: Design and Permitting Taxiway 14-32, \$206,000

Jackman Newton Field

Apron Expansion (Phase 2), \$154,500
Apron Expansion/Access Road Improvements, \$215,000

Norridgewock Central Maine Regional

Runway 15-33 and Safety Areas, Installation of Precision Approach Path Indicator (PAPI), and Reconstruction of Taxiway B, \$2,369,000
Environmental Assessment for Taxiway A, \$154,500

Pittsfield Municipal

Construct Apron Expansion, \$515,000
Design Apron Expansion, \$154,500

Belfast Municipal

Expand Hangar Development Area/Taxi Lanes, \$283,250

Eastport Municipal

Airport Master Plan Update, \$154,500

Machias Valley

Easement Acquisition for Obstruction Removal, Permitting for Runway Safety Area and
Obstruction Removal, \$206,000
Environmental Assessment for Obstruction Removal, \$61,800

Princeton Municipal

Design Runway 15-33 Safety Area Improvements, Replace Edge Lighting System and Fencing, \$154,500
Environmental Assessment on Master Plan Projects, \$154,500

Biddeford Municipal

Obstruction Removal, \$172,010

Sanford Regional

Seacoast Taxiway I and II Taxi Lane Rehabilitation (include Run-up Area), \$324,450

happens with the economy, people are still coming here. We're really fortunate to be in such a great spot."

PRESQUE ISLE

While Bar Harbor is fine with a reduced subsidy, Northern Maine Regional Airport in Presque Isle aims to wean itself off subsidies entirely. Airport manager Scott Wardwell said the zero-subsidy goal is a realistic because before the advent of the EAS program the airport handled as much as 35,000 passengers a year. Today, with subsidized service, the airport handles 15,000 passengers a year.

"At 15,000 a year, we really can't serve the needs of the community," said Wardwell. "EAS provides you a minimum safety net but it doesn't guarantee air service you want or what your economic development says you should have. Essentially, we're left with very poor service."

Wardwell said transitioning away from EAS will take time because the stigma of hosting subsidized service makes it difficult to attract a self-supporting service.

"With very few exceptions, once you go into the program, you very

seldom get out. Really only two or three have gotten out," said Wardwell. "EAS brands you. Somewhere at some point, it has been determined you can't be self-sustaining."

The demise of self-supporting ser-

vice in Presque Isle happened about a decade ago. The closure of Loring Air Force Base in Limestone in 1994 didn't hurt as much as the loss of Business Express in 2000, said Wardwell. Back then, Business Express was the



Ken Ward of Appleton and his wife, Wendy, wait in the terminal area of the Knox County Airport in Owls Head before boarding a Cape Air flight to Boston recently. The Wards were heading to Taos, New Mexico. (Photo by Jeff Pouland)

Phone: 207-866-2194



Chip Sealing is an alternative, cost efficient "surfacing technique" that provides a low

maintenance wearing surface for existing pavements. Sunrise Materials, is full service Chip Sealing Company, located in the heart of Central Maine. We specialize in many pavement preservation solutions for Towns and Municipalities. Please give us a call for more details at: **207-866-2194.**



biggest of three airlines in Presque Isle and flew non-stop to Boston three times a day.

Business Express offered connections to Delta and Northwest Airlines routes. Without Business Express, Presque Isle was left with connections to Continental routes. Continental did not have a significant presence in Boston.

“Even today, Continental only has two non-stop flights out of Boston,” Wardwell said.

Presque Isle got into the EAS program due to the weak condition of regional carriers and it solidified with increased regulations, consolidation of regional air lines, high fuel costs and increasing cost of security, said Wardwell.

Currently, Presque Isle is contending with a limited number of bidders for its business. “You know what happens – pencils don’t get sharpened,” said Wardwell.

Initially, two airlines bid for the routes but in the end a single bid came in from Peninsula Airways. It was awarded a subsidy of \$4.3 million for the first six months of the contract and a subsidy of \$3.8 million annually for the remaining 18 months. Wardwell

considers the subsidy “exorbitant,” considering that the annual subsidy was \$1.7 million as recently as five years ago.

Wardwell said Presque Isle could be a poster child for self-supporting rural air service if Congress reformed regulations so that regional carriers are not obligated to observe the same requirements as larger airlines.

“There are some real underlying issues, in my opinion,” he said. “Subsidizing the market isn’t the way to deal

with it. Changing regulations to make the markets self-sufficient again is the way. The free market system does provide better service.”

Wardwell holds hope that Peninsula can pave the way to self-sufficient service by boosting ridership. “Service has got to be dependable, with competitive prices and going to the right terminal (with good connections). If they get all those right, we could be at 30,000 passengers a year from now.”

MUNICIPAL RESOURCES, INC.

•Relevant Experience

•Effective Solutions

•Valuable Results

MRI has been providing solutions to local governments and educators for 20 years. Our team of experts is able to provide the following services custom fit to the needs of your community:

- Organizational, Management, and Efficiency Studies
- Professional Recruitment
- Consolidation/Regionalization Studies
- Finance Support/Internal Controls Assessments
- Interim Staffing
- Assessing
- Wage & Salary Studies
- Community & Economic Development
- Emergency Response Planning



120 Daniel Webster Highway
Meredith, NH 03253
(603) 279-0352
www.municipalresources.com



Now offering Tax Billing & Collections,
Permitting and Licensing Software

* Formerly: Vision Appraisal Technology, Inc.

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



- ▶▶ Integrated Technology and Appraisal Expertise
- ▶▶ Over 140 Employees to Serve New England Assessors
- ▶▶ Customer Support with Same Day Turnaround, Annual User Group, Monthly Training Classes
- ▶▶ Web Based Public Access to Assessing Data and On-line Client Forum



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

Call us today at 800.628.1013 ext 2

www.vgsi.com

AUGUSTA AND ROCKLAND

Airports in Rockland and Augusta faced a similar dilemma in 2008 when Colgan Air petitioned the FAA to be allowed to fly a larger plane on its non-stop routes to Boston. Passenger counts had been trending down for the past three years at both airports.

In 2007, Augusta saw 4,200 passengers a year, while Rockland saw 6,000 a year. A larger plane – moving from a 19-seat Beech 1900 turboprop jet to a 34-seat Saab turboprop jet – promised to be an upgrade in passenger experience. But it would entail costly infrastructure requirements at the airport. There was much debate. Augusta State Airport opted for the upgrade and saw its passenger counts languish – dropping to 3,400 in 2009 and 3,800 in 2010. Rockland chose to downgrade – switching to Cape Air and its nine-seat Cessnas – and saw its passenger count climb to 7,500 in 2010.

What happened? The upgrade in passenger experience came at the expense of passengers' wallets, said Augusta Airport Manager John Guimond.

"It was a nice aircraft, a beautiful one, but it was not the right size for this airport," he said. "It was too expensive."

The drop in traffic ballooned the subsidy to \$298 per passenger, well above the \$200 per passenger cap. Augusta switched to Cape Air's Cessnas in 2010 and saw its passenger counts rebound immediately. Last year, traffic climbed to 5,600, said Guimond. "It's all about price."

Meanwhile, Rockland saw passen-

ger counts rebounded soon after Cape Air began offering service in 2008. Cape Air's \$99 ticket prices were a marked improvement over the high of \$293 for a one-way ticket in 2008.

"We chose right," said Airport Manager Jeff Northgraves. "We've seen a significant increase since Cape came in with Cessnas." me



Passengers deplane a Cape Air flight from Boston at the Knox County Regional Airport in Owls Head recently. (Photo by Jeff Pouland)

ONE DAY
TURN AROUND!



Dater



Ideal Stamps and Inks



Desk Notary Seals

Made in Maine since 1932
RUBBER STAMPS

THE
SNOWMAN
PRINTING • MAILING • STATEMENT PRINTING • BANKING SUPPLIES
GROUP

Tax Bills • Sewer Bills • Water Bills • Town Reports • Newsletters • Printing & Mailing

1 Printer's Drive • Hermon, ME 04401

Toll Free 1-800-675-7669 • Fax 207-848-7400

Town Meeting Season Means Election Time

By Liz Chapman Mockler

This is a partial roundup of town meeting elections, based on published media reports. Uncontested races are not included unless the candidate was filling a seat vacated by a selectman who resigned or did not seek re-election.

Anson: Voters elected two newcomers to the five-member Board of Selectmen, including replacing an incumbent. Phil Turner won the most votes with 69 to defeat Selectman Doug Cahill, who collected 19 votes, for a one-year term. Brenda Garland won the second seat with 61 votes, defeating write-in candidate Clarence Ayotte for a three-year term. Ayotte collected two votes.

Benton: Selectman Ryan Liberty rebuffed a challenge by former Planning Board Chairman Robert Morrisette by a vote of 246-99.

Byron: David Noyes was elected to replace Selectwoman Linda Gallant, who did not seek re-election. Noyes defeated opponent Kent Poole by a vote of 30-9.

Chesterville: William Hastings defeated Daniel Tibbetts Sr., 71-44, to win a three-year term on the Board of Selectmen.

Embden: Incumbent Selectman Wayne McLaughlin defeated Terriann Lamontagne, 98-47. Raymond Young bested incumbent Assessor Edwin Theborge, 79-61.

Eustis: Incumbent Selectwoman Jane Wilkinson nudged past challenger Donald Plante by a vote of 45-43, to win another three-year term.

Freedom: Incumbent Selectman Clint Spaulding defeated Frances Silenzi-Walker, 88-79, to win another

term.

New Portland: Incumbent Selectman Chair Doug Archer beat challenger Polly MacMichael, 61-49. Alicia Wills was elected town clerk to replace Rebecca Taylor, who did not seek re-election. Wills garnered 69 votes to defeat two challengers.

New Sharon: Voters elected Forrest Bonney to fill the unexpired term of former Selectman Larry Donald.

New Vineyard: Selectman Doug Withey won re-election by defeating challenger Jon Cavanaugh by a vote of 47-31.

Newport: Voters returned Chris Dow to another term as selectman and elected newcomer Matt Snowman with votes of 110 and 94, respectively. Incumbent Selectman Roger Carr received 64 votes and Richard Parlee

garnered 37.

Newry: Planning Board Chairman Brooks Morton defeated incumbent Selectman James Largess by a vote of 27-25 to serve a three-year term. Largess was seeking his fourth straight term. Morton was nominated from the floor.

Palermo: Holly Harmon collected 143 votes to hold off two challengers to replace outgoing Sophie Glidden, who did not seek re-election.

Palmyra: J. Patrick White defeated two challengers to win an open seat on the Board of Selectmen. He won with 117 votes, compared to 70 and 62 by his opponents.

Rome: Selectman Lesley Real was re-elected in a contest against Debbie Smith, winning by a vote of 55-42.

Have you Heard?

The Wave of the Future is AndroPay!

Androscoggin County, the City of Hallowell and the Towns of Fayette, Arundel, Livermore and Turner are on the cutting edge of tax and fee collection. As early adopters, these municipalities are already seeing the benefits of AndroPay. When your residents and taxpayers can make payments online, you benefit!

AndroPay
Powered by UniPayDirect

1-800-966-9172

AndroGov.com

Call an Androscoggin Bank
Government Services Officer
today for details

AndroscogginBank



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

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

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

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

60 Community Dr., Augusta, ME 04330

Strong: Incumbent Selectmen Michael Carleton and Joan Reed easily defeated challengers by winning 119 and 107 votes, respectively.

Temple: Former teacher Jean Mitchell won a three-way race for a three-year term as selectwoman. Mitchell, whose husband is a former selectman, collected 59 votes, com-

pared to 12 and 4 for her opponents.

Vienna: Laura Church was elected to replace her husband, Brian, a former selectman who resigned to take the job of the town fire chief.

Weld: Thomas Skolfield was elected to replace former Selectman Bernard Vining, who did not seek re-election after 33 years of service. [ml](#)

Sustainable Design & Energy Conservation

Serving Maine municipalities with innovative engineering and advanced technology.



WRIGHT-PIERCE 
 Engineering a Better Environment™

Water
 Wastewater
 Infrastructure

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

EASY
 WEB DEVELOPMENT
 AHEAD
WWW.GOVOFFICE.COM

Serving over 1,000 local governments | Sponsored by the Maine Municipal Association
The Easy - Affordable Municipal Web Development System

YOU'VE GOT **QUESTIONS.**



WE'VE GOT **ANSWERS.**

Visit www.debugthemylths.com for answers to your questions about pesticides, fertilizers, and the facts about the essential role they play in Maine's homes and communities.



2012

Upcoming Elected Officials Training

Presented By



Maine Municipal Association

Elected Officials Workshops

Wednesday, May 16, 2012

Town Hall – Sabattus, ME

Wednesday, June 13, 2012

American Legion Post #29 – Dover-Foxcroft, ME

Thursday, June 28, 2012

Atlantic Oceanside – Bar Harbor, ME

Thursday, July 19, 2012

Ramada Inn – Saco, ME

Wednesday, July 25, 2012

Maine Municipal Association – Augusta, ME

Thursday, August 30, 2012

Sugarloaf – Carrabassett Valley, ME

Tuesday, October 23, 2012

Maine Municipal Association – Augusta, ME

Tuesday, November 27, 2012

Center for Community Health Education – Houlton, ME

Who Should Attend: This workshop is a “must” for newly elected and veteran officials-councilors & selectpersons-as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state.

Elected Officials Workshop II

Wednesday, December 5, 2012

Maine Municipal Association – Augusta, ME

Who Should Attend: This workshop is primarily designed for councilors and select boards in larger communities with city and town managers. While newly elected officials will benefit greatly from the program, veteran councilors and select board members will find value in it, too. Town and city managers are encouraged to participate along with their councilors and select boards. This course meets state FOAA training requirements (Right to Know).

Roles of Elected Officials & Municipal Managers

Wednesday, April 25, 2012

Black Bear Inn – Orono, ME

Thursday, June 21, 2012

Kennebunk Town Hall – Kennebunk, ME

Who Should Attend: Councilors, selectmen, managers and administrators: this workshop will focus on the differing roles and responsibilities of elected officials (selectpersons/councilors) and appointed officials (managers and administrators), including key responsibilities, legal requirements, personnel issues, communication and goal setting. It will help elected and appointed officials run an effective hiring process and understand their respective roles, their differing needs and how to work smoothly together. It will provide insight and understanding as well as specific ideas and tools to bring back to your municipality.

Elected Official's Toolkit for Jail Reentry

**Special
Event**

Tuesday, May 22, 2012

Maine Municipal Association – Augusta, ME

Who Should Attend: This workshop is structured for elected officials and other policymakers looking to implement or build on a local jail reentry initiative. It is intended for a diverse audience of municipal officials and employees and can be applied to both smaller and larger municipalities. It would also be beneficial to county officials.

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



Maine Municipal Association

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 Vice President candidates and selected candidates for the Executive Committee positions during their 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 interest 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 the municipal official or municipality for any 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 selectmen 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/or interest in the corporate operations of the Maine Municipal Association;
- Although not necessary, it would be helpful to have prior experience on other governing boards and/or involvement in the Maine Municipal Association.

Timetable

February 2012	Appointment of MMA Nominating Committee (2 MMA Past Presidents; 2 Elected Municipal Officials & 1 President of Affiliate Group or Town/City Manager or Chief Appointed Administrative Official)
March 20, 2012	1st Meeting of Nominating Committee
April 2012	Notice in MMA Townsman and our electronic newsletter, MMA This Month
March 23, 2012	1st Mailing to Key Municipal Officials – Seeking Interested Candidates
April 26, 2012	Deadline for Receipt of Statement of Interest Forms & Letter(s) of Recommendation. The Nominating Committee holds second conference call to review statements submitted and select candidates for interviews.
May 1-2, 2012	3rd Meeting of Nominating Committee – Interviews for Vice President Position & Selected Candidates for Executive Committee Positions and putting forth Proposed Slate of Nominees
May 14, 2012	2nd Mailing to Key Municipal Officials - Proposed Slate of Nominees
July 2, 2012 – 4:30 p.m.	Deadline for Receipt of Nominees by Petition
July 11, 2012	3rd Mailing to Key Municipal Officials - Voting Ballots
August 13, 2012 – 12:00 noon	Deadline for Receipt of Official Voting Ballots
August 13, 2012	MMA Election Day – Counting of Voting Ballots by Municipal Clerk

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 for the MMA Executive Committee and Vice President positions. Please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or by e-mail at tchavarie@memun.org if you have any questions. (Please see *Statement of Interest Form for the MMA Executive Committee* on back side of this Notice)

Maine Municipal Association
**STATEMENT OF INTEREST FORM
SERVICE ON THE MMA EXECUTIVE COMMITTEE**

Deadline for Receipt – 12:00 p.m. on Tuesday, April 26, 2012

**Please answer each question completely & submit letter(s) of recommendation.
Attach additional sheets if necessary.**

Name of Candidate: _____
Municipal Position: _____ Years in Position: _____
Municipality: _____ County: _____
Preferred Mailing Address: _____
Work or Office Phone _____ Home Phone: _____
Mobile/Cell Phone _____ E-Mail: _____

Professional And Municipal Experience – Please include work experience, appointments to municipal/agency/organizational boards, and volunteerism (provide position title and year(s) of service):

Previous Involvement With the Maine Municipal Association – Please provide info on your past involvement on MMA Legislative Policy Committee, Governance Boards, Ad Hoc Committees, Municipal Leadership Program, Convention Planning, etc., (provide dates of service, if available):

Other Information – Occupation, education, other activities of interest, awards, etc.

What Attributes Do You Believe You (or Your Candidate) Will Bring To The Maine Municipal Association?

Please provide a Municipal Reference that we may contact:

Name	Municipal Position	Telephone #
------	--------------------	-------------

For an understanding of the attendance policy please see the MMA Executive Committee job description which is located on the MMA website. Based on this, do you believe that the time commitment meets your availability?

Yes No

If you are making this recommendation on behalf of someone other than yourself, please complete the following information so that we may contact you if more information is needed.

Name: _____ Daytime Tel #: _____ Email: _____

Municipal Position: _____ Municipality: _____

Address: _____

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



**MMA is pleased
to announce
our ELearning Center
is now available to
MMA Members
and Affiliates.**

www.memun.org/public/MMA/svc/training.htm

As part of our ongoing training and education program for elected officials and municipal employees, MMA is proud to offer members easy and convenient 24/7 access to OnDemand courses and Webinars.

**eLearning
Center**



Maine Municipal Association

North Yarmouth Fire Chief **Clark Baston** told councilors in March he does not intend to seek another term as chief, but will continue as the town's road foreman. Baston was appointed part-time chief of the volunteer fire department in 2007. He was hired as road foreman in 2008 and plans to continue serving as a volunteer firefighter.

Michael Brennan, city administrator of Bancroft, Iowa, was selected by Bucksport councilors as their second town manager in nearly 30 years. Brennan replaces **Roger Raymond**, who is retiring after serving for 27 years. After a second national search, Brennan was selected from a pool of 32 candidates and will begin his new job on April 23. An Illinois native, Brennan earned a master's degree in public administration from the University of Louisville, but worked many years in the medical field before taking the Iowa job in 2007. Councilors reopened their search last November after an impasse in negotiating a contract with the finalist.

St. Agatha Public Works Director **Rick Chamberlain** retired in March after nearly 27 years with the town. The department operations are being reassessed and town officials have not decided whether to hire a new director. For now, a new operator has been hired to keep pace with the work.

Madeleine Freeman, the first woman elected to the Orono Town Council, died March 14 at the age of 86. A New Hampshire native, Freeman was elected to the council in 1970, encouraging women by example to run for public office. She later served as board chairman. In 1977, she served as president of the Maine Municipal Association. Because of her extensive experience with legal commissions and committees, she was awarded an honorary doctor of laws degree from Bates College in Lewiston, where she graduated in 1947. Among her many other awards were: the Deborah Morton Award from Westbrook College; and, the Distinguished Service Award from the University of Maine.

Lisa Gillman has been hired as Chelsea town clerk after making a hard decision to leave her clerk's job for

the Town of Winthrop. Gillman, who lives in Randolph, a five-minute drive to Chelsea, said the shorter commute, along with a schedule that will allow her to work part-time as a real estate agent, were prime factors in her decision. She recently earned a real estate agent license and will be affiliated with an Augusta agency.

Wilton Selectman **Paul Gooch** said he will resign effective at the June annual town meeting because he plans to move out of town. Gooch has served as selectman since 2005 and has two years remaining on his current term.

Lincoln Town Manager **Lisa Goodwin** resigned to accept the job of Bangor City Clerk. Goodwin said she missed the work of town clerk, which she performed for 17 years in Lincoln before being promoted to manager in May 2008. She will replace former City Clerk **Patti Dubois**, who resigned in December to take the clerk's job for the City of Waterville, where she worked as city clerk from 2001 to 2004. Bangor councilors praised interim Clerk **Dianne Lovejoy**, who will resume her job as deputy clerk. Goodwin was expected to begin her new job in Bangor in early April. Lincoln councilors named Police Chief **William Lawrence** as interim town manager.



Donald Gross

Camden residents in March mourned the death of former Select Board member **Donald Gross**, who died on March 15 from a major stroke at age 62. In addition to serving as selectman, Gross was widely known and admired for his many civic efforts, including a stint on the regional school board, the Ragged Mountain Recreation Area Center and the annual Camden Snow Bowl, among others.

Houlton Town Manager **Doug Ha-**

zlett resigned in mid-March to find work in the private sector. Town councilors, who had praise for Hazlett's work, appointed Town Clerk **Cathy O'Leary** as interim manager until a permanent replacement can be found. Hazlett worked for 30 years in the financial sector before being hired as Houlton manager in 2005. In addition to many accomplishments, Hazlett worked with councilors to lower the mill rate below where it stood when he took over.

Susan Lessard has returned as the full-time manager of the town of Hampden, where she worked for 11 years before resigning last August to take the job of finance director for the town of Southwest Harbor. Just as Lessard worked part-time while Hampden councilors sought her replacement, she intends to continue helping SWH officials until they can find a new finance chief. Lessard said she missed Hampden, the municipal staff and the residents.



Vernon Malloch

Vernon Malloch has been named Portland's Assistant Police Chief. Malloch, most recently commander of patrol operations, will oversee the department in the chief's absence, as well as head up various initiatives, including revising the department's standard operating procedures. Malloch has worked in numerous leadership positions since joining the force in 1984.

Firefighter and paramedic **Scott Susi** has been named Caribou fire chief, replacing veteran chief **Roy Woods**, who resigned in late January. Susi has been a member of the city's Fire and Ambulance Department for seven years and earned the confidence and support of department members, City Manager Steve Buck told the Bangor Daily News. Buck expects to officially appoint Susi on April 11. [mf](#)

PHOTOS: If your municipality submits a news item for the Townsman, consider sending a corresponding photo to: Eric Conrad or Jaime Clark (econrad@memun.org or jclark@memun.org)

Statewide: The State of Maine's Division of Purchases encourages municipalities to take a look at its Commodities Purchasing Program, which has the potential to save towns and cities money on road salt, sand, vehicle-repair parts, sign language interpreters and other items and services. For more information, go to Maine Municipal Association's website, www.memun.org.

Statewide: A group of Maine mayors denounced a plan by the governor to cut general assistance to cities and towns. While the move would save the state money, the mayors and other municipal leaders across the state say the funding cut would shift GA costs to property taxpayers and leave hundreds of people homeless in Portland alone. Presently, the state reimburses cities and towns up to 90 percent of local general assistance costs. Among other changes, the state would provide all municipalities with a 50 percent reimbursement and would prohibit GA funding for housing. MMA's Legislative Policy Committee voted on March 15 to oppose the bill.

Statewide: Gov. Paul LePage signed a bill into law in March that bans cities and towns from charging fees for ice fishing shacks. The bill was introduced after Randolph selectmen last year voted to charge \$15 for smelt shacks on the Kennebec River. This winter's mild weather caused some ice fishermen to stay home, as lakes and ponds did not freeze enough to support the shacks.

Bath: The city's economic development panel forwarded a proposal for a \$1.5 million sports complex to the city council for preliminary approval. The facility would be sited on vacant land at the Wing Farm Industrial Park and would be available to both students and adults for indoor soccer and lacrosse. The land already has been approved for the project by federal and state agencies, but the project needs to be cleared by the planning board and council.

Brunswick: Town councilors got a surprise in March when preliminary cost estimates for a new police station came in 30 percent higher than ex-

pected at \$7.2 million. The council last summer budgeted \$5.1 million for the project. Among the items likely to be trimmed include the size of the building and parking lot, as well as eliminating boat bays and other features.

Gorham: The towns of Gorham and Windham have received an \$80,000 block grant, with both towns budgeting another \$10,000 each, to revive a shared village separated by the Presumpscot River. The village along Route 202 stretches over the border of the two communities and has different names, but has always been treated as one, officials say. The grant money will be used to improve the look of the village and hopefully bring back its commercial and recreational vitality. Design proposals are being sought and are expected to include new crosswalks, racks for bicycles and street lamps. The work will be done this summer.

Lincoln: Town council voted unanimously in March to use \$95,000 from tax increment financing deals with a wind farm and paper company to buy a used mechanical street sweeper. The machine will replace the town's old combination sweeper/storm drain vacuum that has needed repairs for several years. The 2007 demonstration sweeper has 6,000 miles on it.

Lisbon: The town police depart-

ment was awarded a \$97,000 grant to buy new radio equipment for the communications center, which serves the town's schools, fire, police and public works departments, as well as allowing staff to communicate with all surrounding cities and towns. The grant was awarded by the federal Department of Homeland Security.

Portland: Maine's largest city, along with South Portland and Biddeford and other suburban communities, was among Forbes' Top 10 metropolitan areas for job-hunters this year. According to a national survey, the Greater Portland area is expected to see a 19 percent increase in employment during the second quarter of 2012. Greater Portland ranked sixth on the Forbes list; metro areas in South Carolina and Tennessee held the top two selections.

Scarborough: The town's proposed fiscal 2013 municipal and school budget could force a 10 percent increase in the mill rate in what Town Manager Tom Hall called "the day of reckoning" because of the loss of federal stimulus money and depleted savings, he recently told the Forecaster newspaper. The proposed \$69 million budget includes a 1.69 percent increase in the municipal budget; five percent more for county government; and a nearly 10 percent rise in education funding. [mt](http://www.mt.com)

NEW ON THE WEB

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

- **Revenue Sharing.** The State Treasurer has released FY 2013 projections for the Municipal Revenue Sharing Program, including a spreadsheet with municipality by municipality figures. Statewide, the program will distribute \$93.8 million in FY 2013, \$44 million less than what state statutes call for.
- **Commodities Purchasing.** The State of Maine's Division of Purchases wants municipal officials to know they may be able to save money by participating in the state's bulk Commodities Purchasing Program.
- **Rural Development.** The U.S. Department of Agriculture is accepting applications for its Rural Community Development Initiative through May 9. This link provides details about available funds and specific grants.
- **Technology Conference.** Many of the PowerPoint and other presentations offered at the 2012 Municipal Technology Conference are available for viewing or copying. The conference was held March 1 in Portland.



Municipal Bulletin Board

MWDA SPRING SEMINAR

The Maine Welfare Directors Association will hold its Spring Training Seminar on April 23-24 at the Hollywood Hotel & Conference Center in Bangor. The seminar will include: a legislative update from Kate Dufour, Legislative Advocate for Maine Municipal Association; changes at the Department of Health & Human Services; and, an update on bath salts and other drugs from Lt. Thomas Reagan of the Bangor Police Department.

Cost is \$80 for both days, if you are an MWDA member. Or, MWDA member attendees can register for one day at \$40. Non-members would pay \$130 for both days and \$70 for a single day. The seminar begins with registration at 8 a.m. and ends at 2 p.m. on April 24.

PERSONNEL PRACTICES

Attorney Larry Winger will present a workshop on best personnel practices on April 24 at the Bangor Hilton Garden Inn. The program begins with registration at 8:30 a.m. and ends at 3:30 p.m. It costs \$75 for MMA members and \$150 for non-members.

The workshop is a must-go for elected officials, managers and supervisors, all of whom should be educated about personnel and labor-relations laws. Mr. Winger will address: discipline and discharge of public employees; special rules for public employees; avoiding disability discriminations claims; and, how to handle difficult employee situations.

ROLES OF ELECTED OFFICIALS & MUNICIPAL MANAGERS

This popular program is designed to help elected officials and city and town managers focus on their differing roles, responsibilities and legal requirements. It will be presented by: David Barrett, Director of Personnel Services & Labor Relations at MMA; Don Gerish, consultant with Eaton Peabody and a long-time municipal manager; and, Pam Plumb, a former councilwoman and mayor for the City of Portland and co-founder of Great Meetings! Inc.

The evening workshop will be held on April 25 at the Best Western Black Bear Inn in Orono beginning with regis-

tration at 4 p.m. It is scheduled to end at 8:30 p.m. A light meal will be provided. The cost is \$60 for MMA members and patrons and \$120 for non-members.

ASSESSMENT REVIEW BOARDS

The Maine Association of Assessing Officers and Maine Town City and County Management Association will offer a seminar on April 26 at the MMA Conference Center in Augusta that will provide an overview of the Board of Assessment Review process.

Presenters are: Sally Daggett and William Dale, attorneys with the law firm Jensen Baird Gardner & Henry. The cost to attend is \$35. The evening workshop begins with registration at 4 p.m. and is scheduled to conclude at 7 p.m.

MWWCA SPRING CONFERENCE

“Being Prepared in a Changing World” is the theme for the Maine WasteWater Control Association’s Spring Conference at the Best Western Black Bear Inn in Orono on April 27. Marian H. Long of Gradient Planning is the keynote speaker.

The session begins with registration at 7:30 a.m. and ends at 3:30 p.m. The cost is \$65 for MWWCA members who pre-register and \$85 for those who register at the door. Non-members pay \$20 more.

PLANNING BOARD/BOA

Caribou Inn & Convention Center will be the site for a Local Planning Boards & Boards of Appeal workshop to be presented by an attorney from MMA’s Legal Services Department on May 8. The workshop is designed as a basic introduction to the legal rules governing decisions made by local planning boards and boards of appeal.

The presenter will explain jurisdiction issues, conflicts of interest, public notice requirements, site visits, the use of e-mail and other topics. The workshop begins with registration at 4 p.m. and ends at 8 p.m. A light meal is included. Cost for the event is \$40

for MMA members and \$80 for non-members.

MMTCTA: CASH MANAGEMENT AND ANNUAL CONFERENCE

The Maine Municipal Tax Collectors’ and Treasurers’ Association will hold a Cash Management workshop on May 16 at the Hilton Garden Inn in Freeport. The course, led by John Eldridge, Finance Director in Brunswick, explores: an introduction to cash management; role of the cash manager; accounting and financial concepts; receipts and receivables.


The following day, May 17, MMTCTA will hold its Annual Conference at the same facility. David Little, MMTCTA President, will offer welcoming remarks. Topics to be covered at the conference are: abandoned property and buildings; internal financial controls and fraud; green dealer sales tax forms; and a look at legislative issues.

Cost for the Cash Management workshop is: \$50 for MMTCTA members and \$60 for non-members. Cost to attend the Annual Conference is \$60 for MMTCTA members and \$75 for non-members.

JAIL AND PRISON COMMUNITY RE-ENTRY

What happens when jail and prison inmates serve their terms and re-enter a community? How can municipalities best prepare for these eventualities? That is what two leading experts will discuss on May 22 at the MMA Conference Center in this workshop’s debut.

The presenters, Jesse Jannetta from the Urban Institute and Ross Cunningham from the Sullivan County Department of Corrections in New Hampshire, will educate a diverse audience of municipal officials and employees. It will be relevant to both large and small municipalities.

The debuting workshop begins with registration at 8:30 a.m. and ends at 3:30 p.m. Cost to attend is \$45 for MMA members and \$90 for non-members. 

All of the upcoming workshops can be found on the MMA website. Use the following link:
<http://www.memun.org/public/MMA/svc/training.htm>

EMAILING BOARD MEMBERS OUTSIDE PUBLIC MEETINGS

Question: Are members of a public body legally permitted to email each other outside of a public board meeting?

Answer: Yes, they are. In fact, Maine's Freedom of Access Act (FOAA) or "Right to Know" law now explicitly states that it "does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of this subchapter" (1 M.R.S.A. § 401).

A fundamental purpose of the FOAA is to ensure that deliberations and actions of public bodies are conducted openly. Thus, the proceedings of public bodies must be open to public attendance and recording (see 1 M.R.S.A. §§ 403, 404), and prior public notice must be given if the proceeding is a meeting of a body of three or more members (see 1 M.R.S.A. § 406).

In view of this purpose, the State FOAA website's Frequently Asked Questions (FAQs) warn members of a public body to "refrain from the use of email as a substitute for deliberating or deciding substantive matters properly confined to public proceedings." Otherwise, says the website (and we agree), email among a quorum of board members about substantive business is likely to constitute an illegal "meeting" in violation of the FOAA's open meetings requirements.

As we've advised in the past, though, email about procedural matters such as scheduling meetings, developing agendas and distributing materials is certainly permissible (see "E-mail & Right to Know," *Maine Townsman*, "Legal Notes," February 2005).

Email about board business, whether procedural or substantive, is also a public record subject to public inspection and copying unless the contents are confidential under law. This is so even if email is sent to or from an official's personal account. To prevent a personal account from being exposed to public or judicial scrutiny, and to effectively archive and manage all email relating to municipal business, we recommend that municipalities establish

individual accounts for all officials on the municipality's email server. We also suggest that the municipal account warn users, both officials and constituents, that their email, if about municipal business, is likely to be a public record and subject to public disclosure and record retention requirements.

For more on Maine's FOAA, see our "Information Packet" on the Right to Know law, available free to members at www.memun.org.

For the State's FOAA website, including its FAQs, go to <http://www.maine.gov/foaa/>. (By R.P.F.)

NEW ABSENTEE BALLOT 2-DAY RULE ALSO APPLIES LOCALLY

Judging by some of the inquiries we've received lately, there is still some confusion about whether last September's new law restricting the issuance of absentee ballots during the two business days prior to an election (the "2-day rule") applies to municipal as well as State elections, so let's take this opportunity to clarify – it does.

Title 21-A M.R.S.A. § 753-B(2) (D) – the 2-day rule – began life as a lesser part of LD 1376, the bill that was better known for prohibiting same-day voter registration. Enacted as PL 2011, c. 399 (eff. Sept. 28, 2011), that portion of the new law barring same-day registration was immediately targeted by a people's veto campaign, resulting in repeal of the ban at a November 2011 statewide referendum election. The 2-day rule for absentee ballots, however, was never challenged, was in fact applicable to the November 2011 election, and remains

the law today. Here's how it works.

Section 753-B(2) (D) prohibits municipal clerks from issuing an absentee ballot to any voter, immediate family member or 3rd person whose request was received "after the 3rd business day before election day," unless the voter signs an application stating one of three reasons: (1) unexpected absence; (2) physical disability or incapacity or illness; or (3) inability to travel if a resident of a coastal island. ("After the 3rd business day before election day" means after the *close* of the 3rd business day, so it really is a 2-day rule.)

There is no doubt that the 2-day rule, while part of Title 21-A, also applies to municipal elections, which are governed by Title 30-A. Title 30-A M.R.S.A. § 2529(1) states flatly, "The absentee voting procedure outlined in Title 21-A shall be used [in municipal elections], except that the clerk shall perform the duties of the Secretary of State." We should also note, though, that absentee voting is *not* permitted at a traditional "open" town meeting (see "No Absentee Voting at 'Open' Town Meetings," *Maine Townsman*, "Legal Notes," May 2005).

For more on municipal elections procedures, see MMA's *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

PUBLISHED LEGAL NOTICES

Last month's abrupt closure of the *Village Soup* family of newspapers in the mid-coast area produced a flurry of inquiries from local officials about alternatives for the publication of legal

 **Municipal Calendar**

MAY — Municipal officers shall meet as the "licensing board" to license innkeepers and tavernkeepers during the month of May (30-A MRSA §3812)

MAY 1 — Licenses for bowling alleys, pool rooms, shooting galleries, etc., issued during the previous 12 months expire (8 MRSA §2).

ON OR BEFORE MAY 15 — Monthly/Quarterly expenditure statement and

claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333 (22 MRSA §4311).

MAY 28 — (Last Monday in May) Memorial Day observed. A legal holiday (4 MRSA §1051); a school holiday (20-A MRSA §4802). Municipal officers shall direct the decoration of veterans' graves. (30-A MRSA §2901).

notices. Here, in summary, is what we advised them.

When notice is legally required to be published in a newspaper (so-called “legal” notice), the newspaper must (1) be printed in the English language, (2) be entered as 2nd class postal matter in the U.S. mails, and (3) have general circulation in the vicinity where the notice is required to be published (see 1 M.R.S.A. § 601). The notice must also appear in all editions of the newspaper. The newspaper need not be published, printed or entered at a post office in this state, however (a 1997 legislative concession to municipalities bordering New Hampshire).

Legal notice (*i.e.*, newspaper notice) is required in a variety of cases, such as for public hearings on subdivision applications (see 30-A M.R.S.A. § 4403), junkyard applications (see 30-A M.R.S.A. § 3754) and adoption or amendment of zoning ordinances. It may also be required by municipal ordinance or charter.

When notice is *not* legally required to be published in a newspaper, however, it is simply “public” notice of a board meeting as required by Maine’s “Right to Know” law. Public notice must be given “in a manner reasonably calculated to notify the general public” (see 1 M.R.S.A. § 406). This may or may not mean newspaper notice, depending on the context and past practice. *Posted* notice (at the town office or general store, for example) may be sufficient and the norm in smaller communities, whereas *published* notice may be both customary and the only reasonable method of giving notice in more populated areas.

If public notice under the Right to Know law *is* published, it is not subject to the strict requirements of 1 M.R.S.A. § 601 for legal notices (see above). In fact, public notice may be *more* effective if published in a widely circulated free weekly newspaper – where advertising rates are usually more affordable – than in the relatively expensive fine print of a 2nd class daily or weekly subscription newspaper.

For more on public notice and other requirements of the Right to Know law, see our “Information Packet” on the subject, available free to members at

www.memun.org. (By R.P.F.)

SPORT SHOOTING RANGES

Question: We’ve received some complaints about a local sport shooting range. Are there any restrictions on municipal regulation of this activity?

Answer: Yes, there are. Title 30-A M.R.S.A. § 3011 prohibits a noise control ordinance from limiting or eliminating shooting activities that have occurred on a regular basis at a sport shooting range prior to enactment of the ordinance. A “sport shooting range” is defined as an area designed and used for archery, skeet and trap shooting or similar shooting sports and the shooting of rifles, shotguns and pistols. (Note: this definition is not confined to organizations or clubs.) While preexisting shooting activities are effectively “grandfathered” under this law, any expansion of shooting activity after enactment of a noise ordinance is subject to regulation.

At the same time it enacted 30-A

M.R.S.A. § 3011, in 1995, the Legislature also curtailed the right of neighboring property owners to sue a sport shooting range for private nuisance. Title 17 M.R.S.A. § 2806 prohibits a private nuisance action against a shooting range if the range was established before the complainant acquired his or her property. If there is a substantial change in use of a pre-existing range, suit must be brought within three years after the change. If a range is established after the complainant acquired his or her property, suit must be brought within five years after the range is established. If there has been no shooting activity at a range for a period of three years, resumption of shooting is deemed the establishment of a new range.

Both of these statutes reflect Maine’s strong public policy bias in favor of gun rights. For a complete list of statutes preempting municipal home rule on this subject, see “Municipalities & Firearms,” *Maine Townsman*, “Legal Notes,” October 2002. (By R.P.F.) [\[mf\]](#)



800.426.4262
woodardcurran.com

Looking out FOR MUNICIPALITIES SINCE 1979

Woodard & Curran is an integrated engineering, science & operations firm serving public & private clients locally & nationwide.

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



COMMITMENT & INTEGRITY DRIVE RESULTS

MM Professional Directory



A. E. HODSDON
ENGINEERS
10 Common Street
Waterville, ME 04901

www.aehodsdon.com
207-873-5164



ARCHITECTS ~ ENGINEERS
BUILDING SCIENTISTS

The Turner Group is
Celebrating 20 Years of Success!

26 Pinewood Lane, Harrison, ME 04040
(207) 583-4571 ~ www.htturner.com

GO GREEN

Recycle!



Labrie Environmental is a top tier Manufacturer in the Solid Waste industry.

Whatever your recycling or solid waste needs HP Fairfield can get you what you need!

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



www.hpfairfield.com
sales@hpfairfield.com

**HP
FAIRFIELD LLC**

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

MUNICIPAL SPECIALISTS

Manage Your Finances More Efficiently. Talk to the Experts.

At TD Bank, our Government Banking Group knows how demanding it is to run local, county and state municipalities.

We're here to help you by offering:

- Specialized products to fit the needs of your municipality or public sector entity
- Access to our experienced, local Government Banking team
- Safety and Security as part of the TD Bank Group, one of the safest and most respected organizations in the industry

PUT TD BANK TO WORK FOR YOU.

To speak with a Government Banker in your area, call 1-800-532-6654 or visit www.tdbank.com.



America's Most Convenient Bank®

