





DECEMBER 2024 | VOLUME 86 | ISSUE 11

# Happy Holidays!













#### **ALSO IN THIS ISSUE:**

LOCAL ELECTIONS RESULTS
WHERE IN MAINE RECAP
LPC 2025-2026 PLATFORM











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MAINE TOWN & CITY (ISSN 2578-4374) is published monthly, except in November, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Town & City, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$25 per year.







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**2025-2026 Legislative Preview.** MMA's advocacy team provides a preview of the Legislative Policy Committee's priorities in the upcoming session. Spoiler alert...property tax relief is front and center. **Page 10** 

Maine Office of Community Affairs. Mini-SPO, SPO II, or the Maine Office of Community Affairs. Call it what you want, but at long last a state agency will once again dedicate resources to assist municipalities in implementing state level policies. Page 13

Cultivating Maine's Agriculture Future. Special to this edition of the Maine Town & City, Maine Farmland Trust discusses the resources available to help communities support and protect farmers and farmland. Page 17

Where In Maine? Recap Edition. From Saint Agatha to Biddeford this series delved into what makes the featured towns and cities unique. Although the series is currently on pause, fear not as publication will resume in the spring of 2025. Page 22

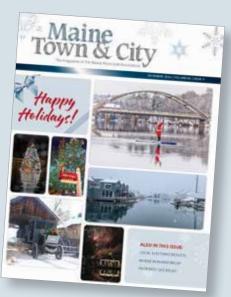
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#### **ABOUT THE COVER**

A few photos of various Maine towns and cities featured in the MMA photo contest, used to produce a deck of playing cards given to attendees at the Annual Convention.

(Photos submitted by municipalities.)



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# Fresh Slate & New Opportunities

By Kate Dufour / Director / Advocacy & Communications

By the time you've received the December issue of the magazine, the newly elected members of the 132<sup>nd</sup> Maine State Legislature will have been sworn into office. It is a festive time of year, as families and friends from across the state gather in Augusta to witness their loved ones begin, or in many cases continue their state public service journey.



The excitement is not only reserved for legislators, as the anticipation of what is in store is equally palpable for advocates, particularly the team at MMA, as the start of a new legislative session symbolizes fresh opportunities and clean slates. It's a new day, new legislature and a new slate of issues to be tackled.

Throughout December, many important questions will be answered, with the issue of most immediacy being the cloture date; that is, the day when all legislation must be submitted to the Revisors Office for consideration in 2025. This year the date is January 10, 2025.

Of equal interest are the rules of engagement the legislature will adopt to guide its conduct throughout the two-year session. These rules run the gamut from establishing how committees will conduct public hearings and work sessions to the procedures guiding the debates that will take place over the next six months in the House and Senate. Via the adoption of rules, the legislature can regulate the number of bills submitted by each member, as well as determine the extent to which concept draft bills will be used, which is essentially placeholder legislation that provides a sponsor more time to better flesh out the details in a proposal.

The only limit, per se, is the legislature itself, as the proposed rules must be adopted in both the House and Senate.

Additionally, on opening day, the leaders of the Maine House and Senate (e.g. majority and minority leaders in each chamber) will have officially assumed their roles, Maine's constitutional officers, including the secretary of state, auditor, treasurer and attorney general, will have been elected by the members of the legislature, and by the end of this year those of us watching from the sidelines will learn who will lead and serve on the legislature's joint standing committees. While there

is no expectation that elected state officials with municipal experience will agree with every stance established by MMA's 70-member Legislative Policy Committee, it is always beneficial to have someone on each committee with the ability to provide the municipal perspective on legislative initiatives.

In January, Governor Mills will release her last biennial state budget, which will unveil the administration's 2025-2026 priorities. While it is anticipated that continuing to build Maine's climate and economic resiliency will top the list, of great relief to municipal officials is the governor's commitment to her local level partners. In a November press release regarding the flattening state revenues, the governor's caution to be fiscally mindful also underscores the importance of continuing to support K-12 school funding and the revenue sharing program.

This period between the December festivities and in mid-January when the legislative work will begin in earnest also presents an opportunity to share information about the association and its goals and mission.

As a reminder to us all, MMA was established in 1936 as a nonpartisan, nonprofit member organization, with the mission of providing services that support the work of elected and appointed municipal officials in towns, cities and plantations. To that end, the services provided by MMA are designed, in large part, to offset the burdens placed on the property taxpayers by providing a one-stop technical resource for all municipalities.

For example, our members have access to a team of attorneys, well versed in municipal law, who are available to provide guidance to municipal leaders without limits on the number of inquiries. The association conducts training sessions on a variety of municipal issues, both remotely and in person to provide maximum flexibility to its members. MMA also provides consulting advice and assistance for human resources and labor relations.

Via its website (memun.org), the association provides access to updated information and data, some of which is accessible to members of the public. The electronic versions of the Maine Town & City magazine as well as the Legislative Bulletin, published weekly during the legislative session, are a few examples of resources that are accessible to all.

Additionally, MMA offers a host of municipally-tailored risk management services, including property and casualty, workers' compensation and unemployment programs, allowing members to pool resources to protect employees, public buildings, equipment, and property taxpayers. Finally, members have access to the in-house services provided by the Maine Municipal Employees Health Trust that ensure municipal officials have their health benefit-related billing and benefit questions fielded by staff who understand our members' needs.

While certain services, such as legal, can only be accessed by member communities, MMA should be viewed as a resource by members of the legislature. Although we might not always agree on the issues soon to be debated, the association is nonetheless committed to its members and the need to ensure that state level decision makers have the data necessary to make informed decisions.

For this reason, we welcome legislators to reach out to any member of MMA's advocacy team, including Kate Dufour (kdufour@memun.ora), Rebecca Graham (rgraham@memun.org), Amanda Campbell (acampbell@memun.org), or Rebecca Lambert (<u>rlambert@memun.orq</u>), with questions and requests for information. We are always happy to assist.

Best wishes to you all, happy holidays, and cheers to a collaborative and productive 2025.

If I led my

community...



#### 2024-2025 7<sup>th</sup> Grade Essay Contest

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

#### MAIL SUBMISSIONS (with entry form) TO:

Maine Municipal Association Resource Center

60 Community Drive • Augusta, ME 04330

#### FOR MORE INFORMATION, PLEASE CONTACT:

Carol Weigelt at: resourcecenter@memun.org

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

#### SUBMISSION DEADLINE

On or before January 24, 2025

#### PRIZES!

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

#### **FOR MORE DETAILS, VISIT:**

https://www.memun.org/Training/Citizen-Education



ENCOURAGE YOUR  $7^{TH}$  GRADE TEACHER AND STUDENTS TO PARTICIPATE.

# Hines: Maine municipal government strong

By Liz Mockler

The state of municipal government in Maine is strong, but being challenged to find new ways to raise non-tax revenue and relieve property taxpayers is what Maine Municipal Association President Diane Hines said as she wraps up her year in office this month.

Hines noted that even in her small hometown of Hammond, her tax bill tripled this year after a town-wide revaluation. Although the municipality doesn't raise more money from a revaluation of the assessed values of property, the bur-

den shifts with the real estate market, leaving some to pay less and others more.

"Maine Revenue urged us all to increase property values in line with sales," Hines said, and the outcome is the same regardless of where you live in Maine.

"It's the same whether you are in Aroostook County, down along the coast or in the highlands of Maine," Hines said.

She said piecing together the hand-and-glove puzzle of revals and taxes is a municipality's biggest challenge and leads to the question "posed by all of us – How come and what can we do about this?"

Hines, Ludlow town manager for nearly 15 years, said that among other efforts, the MMA's Legislative Policy Committee "is looking at this puzzle quite closely."

Hines has drawn other conclusions after serving a year as MMA president. She recently offered her thoughts and a little advice as her term ends and she welcomes the 2025 president, Melissa Doane of Bradley.

# What was your greatest accomplishment during your term as MMA president?

**A.** My greatest accomplishment for my year as President of the Executive Committee (EC) would have to



be the key word these days, and that is resiliency. There have been three major staff retirements this year that affected three departments. Change can be good, and it can bring challenges. Facing new ideas in managing these department changes is great but shows a few growing pains. I felt that keeping things calm and flowing along was my biggest achievement and that is kind of my personality anyway, so it really wasn't too difficult. It is what I do.

#### What was your biggest challenge?

A. My biggest challenge this past year was just time management. I wear all of the hats in my town office and if the office is closed for a day of meetings or something as wonderful as the Convention, I play catch up for a few days. We are seeing a population increase in Ludlow and the office has a pretty steady run of traffic from vehicle registrations, tax payments, and right now, voting concerns. I used to have an assistant prior to the Covid year and that should happen again, especially if I decide to retire someday. There is so much to learn in municipal government.

#### What do you think MMA does best?

A. The thing I really appreciate about MMA is the training program. There is so much to glean from any education provided by MMA and the Zoom option has assisted many communities with on-the-job training so to speak. This is especially true if a training session is archived. This is something that MMA is addressing.

# In what ways could MMA improve the way in which services and programs are provided to municipal officials?

**A.** The Zoom option is well accepted for training and certification. The improvement would be more archiving of these training sessions and allowing follow-up questions. In upgrading the website such things are being

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considered. Having immediate connections to information with a seamless transition from one section of the website to another is under construction. Perhaps the correct phrase is platforms. MMA's IT guru is facing this challenge. The response to the survey that MMA sent out for improving our services is to do so. Improvements are what we seek.

# What advice would you provide to a municipal official exploring whether to serve on the Executive Committee?

**A.** I have been encouraging folks interested in governance to become involved with MMA and to serve on the EC. As we see more and more, it is local government that faces the challenges first. This is the most available place for residents to take up their causes and it is good to know how to respond and what is a town official's problem.

# What advice would you offer to the incoming president?

**A.** My VP is going to be a great President and my only advice is to have fun and never take things personally. This is not about us, so to speak, but how we serve the board and the staff. This position is truly an honor, sometimes hard work but mostly rewarding.

# How was serving on the Executive Committee and as MMA President changed you or your perspective on municipal government?

**A.** I used to wonder how little 'ole me got so involved in MMA and especially representing a small town until one of my fellow members explained that every community, large or small, is in the same boat, different scales but the same challenges. The perspective on municipal government is expanded and someone like me realizes the value in each community being involved. A small community can bring a lot to the table.

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# The Year of Property Tax Relief

Whether via enhanced reimbursements, increased school funding or adequate state support for county jail operations, relieving property taxpayer burden tops the agenda.

By MMA's Advocacy Team

On November 20, the newly elected members of MMA's 70-member Legislative Policy Committee (LPC) adopted its 2025-2026 legislative platform. The adoption of the association's legislative priorities is one of the tasks assigned to the LPC pursuant to the bylaws that govern the esteemed committee's operations. Since it's creation by MMA's Executive Committee in the early 1970s, the committee, which is represented by two municipal officials elected by the municipal councils and selectboards in each of Maine's Senate districts, has established MMA's positions on all initiatives before the Maine State Legislature that impact the delivery of municipal services.

While the policy committee meets monthly during the legislative session to establish MMA's position on municipally relevant legislation, during the fall of an even numbered year, the LPC gathers to adopt a legislative platform. The list of policy priorities normally consists of a dozen or so bills seeking to advance a new law or amend an existing statute that results in either improving the delivery of local government services or decreasing the pressures placed on the property taxpayers.

Once submitted to the legislature, the bill is treated like any other initiative and assigned to a committee of jurisdiction, which conducts a public hearing and one or more work sessions on the proposal. If the bill survives the committee process, it is then debated by members of the House and Senate and if that all goes well, the initiative eventually lands on the governor's desk for consideration.

The 2024 platform development process started with 70 suggestions for legislation, which was whittled down to 30 priorities, and then again to the nine initiatives that will be advanced to the members of the 132<sup>nd</sup> Maine State Legislature.

It shouldn't be too surprising that the LPC's 2025-2026 priorities largely focus on delivering tax relief to Maine property owners. While some of the initiatives on the list appear to cover the same ground or seem counterintuitive when viewed as an entire package, that outcome is intentional. The policy committee's goal is to provide the legislature with a full slate of options and approaches to consider when addressing property tax burden.

The policy committee's initiatives include:

- · RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring 90% State Reimbursement for Residential Real Estate Property Tax Exemptions seeks to amend Maine's constitution to require the legislature to reimburse municipalities for no less than 90% of the lost property tax revenue associated with residential real estate exemptions extended to veterans of the U.S. Armed Services, legally blind individuals and to homeowners under the Maine Resident Homestead Exemption program. The bill also establishes the minimum homestead exemption at \$50,000, which must be adjusted annually by the percentage change in the Consumer Product Index, or similar inflationary index, and protects the percentage of state sales and income tax revenue that must be shared with municipalities.
- An Act to Increase the Homestead Exemption Reimbursement increases reimbursement percentage to municipalities by 3% each year until the reimbursement rate reaches 100%. The current rate is capped at 76%.
- An Act to Expand Local Revenues by Amending the State-Municipal Revenue Sharing Program creates an additional revenue sharing stream by establishing the Local Government Hospitality Fund and distributing an additional 1% of the currently assessed and collected meals and lodging sales tax revenue to communities where the tax is generated.
- · An Act to Reduce Property Tax Burden by Adequately Funding County Jail Operations in large part stabilizes the funding necessary for the operation of county facilities by: (1) increasing the state share for FY 2026 to equal no less than 20% of total

costs for county jail operations; and (2) beginning in FY 2027 and subsequent years, establishing the state's minimum appropriation for county jail operations to be no less than 20% of the appropriation for operating state prisons.

- An Act to Increase Reimbursement Under the General Assistance Program increases state reimbursement from 70% to 90% for the direct aid provided under the General Assistance (GA) program and requires additional state financial support for program administrative expenses, which are currently borne solely by the property taxpayers. The bill also requires that state rules adopted to guide the administration of the GA program are "major substantive" rather than "routine technical," which requires legislative approval of any proposed rule prior to state agency implementation.
- An Act to Require 100% State Funding for the Special Education Costs for All School Administrative Units, applies the same special education reimbursement formulas to minimum receivers. As provided in the existing school finance laws, except for minimum receiving school administrative units, the state is required to fund 100% of a school administrative unit's special education expense.
- An Act to Improve the Sustainability of Emergency Medical Services in Maine authorizes emergency medical services providers to bill health insurers for the care provided by licensed providers at the scene of an emergency medical services event regardless of a patient's refusal to allow ambulance transport to an emergency room. This includes the administration of overdose reversal drugs under implied consent that do not result in patient transport to an emergency setting. Additionally, the bill amends current law by requiring reimbursement for services provided through a community paramedicine program that are otherwise billable under existing home health services.
- An Act to Direct the Maine Criminal Justice Academy to Develop a Non-residential Basic Law Enforcement Training Program directs the board of the Maine Criminal Justice Academy to review and develop an alternate non-residential program to increase recruitment of candidates who may perceive a residential program as being a barrier to serving as a law enforcement officer.

An Act to Expand Opportunities to Invest Municipal Tax Increment Financing Revenues maximizes a municipality's ability to utilize tax increment financing revenue to renovate and construct municipal facilities that contribute to the community's economic development efforts, including facilities used as emergency shelters.

If the news articles are correct, members of the legislature are also focused on addressing the burdens placed on property taxpayers. While it is possible that one or more of the association's suggestions might be enacted, the end goal is relief and not credit. No stone should be left unturned and all initiatives seeking to reduce the burdens placed on the property tax should be scrutinized and studied to make certain the enacted solutions deliver both sustainable and equitable property tax relief.

Updates on the LPC's platform as well as the legislature's response to bills of municipal interest will be described each Friday in MMA's Legislative Bulletin, which is printed only when the legislature is in session. The first bulletin of the 2025 session will be published on January 17 and all editions will be posted on MMA's website (memun.org) under the Advocacy & Communications tab found on the homepage. If you would prefer to have a copy emailed to you each week, please contact Laura Ellis at lellis@memun.org.

As we move into the session, MMA's advocacy staff encourage municipal officials to connect with their members of the House and Seante, as well as their representatives on the Legislative Policy Committee, who are listed as a sidebar to this article. It is vital that your communities share their stories and experiences and provide feedback on how legislative initiatives impact your town, city or plantation. The intel you provide helps the policy committee better establish MMA's position on bills impacting your community's interests and enables legislators to make informed decisions.

Also, do not hesitate to direct all legislative related questions to MMA's advocacy team, whose contact information and areas of expertise are posted on MMA's website. Or simply email Kate Dufour (kdufour@memun.org), who will ensure your request is shared with the lead advocate.

Finally, on behalf of Laura Ellis, Rebecca Graham, Amanda Campbell, and Rebecca Lambert, thank you for your ongoing support of MMA's advocacy efforts.

# 2024-2026 Legislative Policy Committee

#### LPC/SENATE DISTRICT 1:

Suzie Paradis, Manager, Fort Kent Sandra Fournier, Manager, Castle Hill, Chapman & Mapleton

#### LPC/SENATE DISTRICT 2:

Dwayne Young, Admin. Assistant, Weston Diane Hines, Manager, Ludlow

#### LPC/SENATE DISTRICT 3:

Richard LaBelle, Manager, Norridgewock Denise Ducharme, Manager, Madison

#### **LPC/SENATE DISTRICT 4:**

David Pearson, Chair, BOA, Dexter Roger Gray, Selectperson, Hudson

#### LPC/SENATE DISTRICT 5:

Elaine Aloes, Selectboard Chair, Solon Elizabeth Caruso, Selectboard Chair, Caratunk

#### **LPC/SENATE DISTRICT 6:**

Harry Fish, Jr., Selectboard Chair, Jonesport Lewis Pinkham, Mgr./Police Chief, Milbridge

#### LPC/SENATE DISTRICT 7:

Kathleen Billings, Manager, Stonington Roberta Boczkiewicz, Selectperson, Castine

#### **LPC/SENATE DISTRICT 8:**

Rick Bronson, Manager, Lincoln Daniel Demeritt, Council Chair, Orono

#### LPC/SENATE DISTRICT 9:

\*Bangor appoints 1 member Cara Pelletier, Councilor, Bangor Deborah Laurie, Manager, Bangor

#### LPC/SENATE DISTRICT 10:

Benjamin Breadmore, Manager, Holden Andrew Hart, Manager, Carmel

#### LPC/SENATE DISTRICT 11:

James Kossuth, Administrator, Northport Heather Donahue, Selectperson, Freedom (2025)

Char-Lin Williams, Admin. Asst., Unity (2026)

#### **LPC/SENATE DISTRICT 12:**

Kerry Leichtman, Assessor, Camden/ Rockport

Kara George, Manager, Thomaston

#### LPC/SENATE DISTRICT 13:

Tor Glendinning, Selectperson, Newcastle Robert Butler, Selectperson, Waldoboro

#### LPC/SENATE DISTRICT 14:

Gary Lamb, Manager, Hallowell Anthony Wilson, Manager, Winthrop

#### LPC/SENATE DISTRICT 15:

\*Augusta appoints 1 member Eric Lind, Councilor, Augusta John Whitcomb, Selectboard Chair, Sidney

#### LPC/SENATE DISTRICT 16:

\*Waterville appoints 1 member Bryan Kaenrath, Manager, Waterville Michelle Flewelling, Manager, Fairfield

#### LPC/SENATE DISTRICT 17:

Sharon Siegel, Treasurer, Wales Jon Beekman, Budget Committee, Fayette

#### LPC/SENATE DISTRICT 18:

Danielle Loring, Administrator, Minot Adam Garland, Manager, Oxford

#### LPC/SENATE DISTRICT 19:

Gary McGrane, Selectperson, Jay Ethna Thompson, Town Clerk, Sandy River Plt.

#### LPC/SENATE DISTRICT 20:

\*Auburn appoints 1 member Jeff Harmon, Mayor, Auburn Matthew Garside, Manager, Poland

#### LPC/SENATE DISTRICT 21:

\*Lewiston appoints both members Brian O'Malley, Deputy Administrator, Lewiston

Carl Sheline, Mayor, Lewiston

#### LPC/SENATE DISTRICT 22:

Daniel Norwood, Selectperson, Acton Dan Davis, CEO, Porter

#### LPC/SENATE DISTRICT 23:

\*Brunswick appoints 1 member Jay Astle, Asst. Manager, Brunswick Carrie Weeman, Deputy Clerk, Freeport

#### LPC/SENATE DISTRICT 24:

Marc Meyers, Manager, Bath Justin Hennessey, Assessor, Topsham

#### LPC/SENATE DISTRICT 25:

Janice De Lima, Councilor, Falmouth Jay Trickett, Council Chair, Falmouth

#### LPC/SENATE DISTRICT 26:

David Nadeau, Councilor, Windham Robert Burns, Assistant Manager, Windham

#### LPC/SENATE DISTRICT 27:

\*Portland appoints 1 member Regina Phillips, Councilor, Portland Dan Stevenson, Director of Economic & Community Development, Westbrook

#### **LPC/SENATE DISTRICT 28:**

\*Portland appoints 2 members Mark Dion, Mayor, Portland Danielle West, Manager, Portland

#### **LPC/SENATE DISTRICT 29:**

\*South Portland appoints 1 member Scott Morelli, Manager, So. Portland \*Cape Elizabeth appoints 1 member Tim Thompson, Councilor, Cape Elizabeth

#### LPC/SENATE DISTRICT 30:

Nick Cloutier, Assessor, Scarborough Ephrem Paraschak, Manager, Gorham

#### **LPC/SENATE DISTRICT 31:**

Tricia Huot, Councilor, Saco (vacant)

#### LPC/SENATE DISTRICT 32:

\*Biddeford appoints 1 member James Bennett, Manager, Biddeford Mary Hoffman, Selectboard Chair, Hollis

#### LPC/SENATE DISTRICT 33:

\*Sanford appoints 1 member Steven Buck, Manager, Sanford Scott Susi, Fire Chief, Sanford

#### LPC/SENATE DISTRICT 34:

Dwayne Morin, Manager, North Berwick William Ward, Selectperson, Kennebunk

#### **LPC/SENATE DISTRICT 35:**

Suzanne O'Connor, Planning Board, Eliot Jeff Minihan, Councilor, South Berwick

#### LPC CHAIR:

Melissa Doane, Manager, Bradley (2024) Justin Poirier, Manager, Monmouth (2025)

### The Maine Office of Community Affairs

The reincarnation of a state agency dedicated to assisting municipalities implement state level policy priorities.

By Janine Pineo

Municipalities will find a new "one-stop shop" for coordinating crucial state assistance when the Maine Office of Community Affairs (MOCA) opens for business next summer.

The Oct. 3 announcement named the director of the new office, which was created earlier this year by the Legislature and Gov. Janet Mills. Samantha Horn is scheduled to begin her role in late October, with MOCA officially merging a number of programs by July 1, 2025.

With the role of the defunct State

Planning Office at play in its creation, MOCA will provide municipalities, tribal governments and regional entities with coordinated planning, technical assistance and financial support. The goal is to help them better navigate and plan as they face common challenges and seek solutions to create communities that are stronger and more resilient in the face of numerous pressures, including infrastructure costs, climate effects and housing issues.

"Communities across Maine are on the front lines of some of our biggest and most complex challenges-from the lack of housing to the impacts of climate change—and I want them to know they are not alone," Mills said in the Oct. 3 announcement. "I strongly believe these challenges can be addressed through collaboration and coordination between state government and local governments, which is why this new office will enhance state and local partnerships and offer a one-stop shop for municipal leaders to access valuable state programs and planning assistance."

Maine Town & City sought additional details from the state about what municipalities could expect over the next few months and once the office opens. Here is Horn's reply:

"As we prepare for the programs to merge into MOCA as of July 1, 2025, we will initially focus on making it eas-



Samantha Horn

ier for municipalities to learn about and access grants and technical assistance. That could mean providing coordinated and comprehensive information about available grants, connecting them with a person who is a single point of contact for municipal officials on accessing technical assistance in multiple programs, or simple but meaningful changes such as formatting grant application forms similarly to reduce redundancy in filling them out.

"We will be talking with MMA, re-

gional planning organizations, individual communities, and many other stakeholders about what we should prioritize in our first year of operation. We want to start with actions that will make the biggest difference for communities.

"There is also tremendous opportunity in the unprecedented federal and state funding in the pipeline right now to invest in communities, build and repair infrastructure, improve resilience to climate effects, improve quality of life, and grow local economies and workforce. The programs that are part of MOCA will be central in helping communities to access the funds, and the staff will do so with the communities' perspectives in mind-coordinating information across topic areas and providing clear guidance.

"Some of the grant dollars are flowing now-for instance the recently announced \$8 million grant round through the Community Resilience Partnership (CPR). And the historic \$69 million grant from NOAA (National Oceanic and Atmospheric Administration) will support programs within Volunteer Maine to place Maine Service Fellows in communities to provide direct assistance with implementing CRP projects, providing training, and building volunteer capacity. These are just two examples of many new programs and opportunities. The CRP and Volunteer Maine, along with several other programs, will be joining MOCA next summer. We will work to strengthen the connections among the various grant programs so that it's easier for municipalities to identify and apply for the funds and services that best suit their needs.

"The lack of housing is a pressing and complex challenge. The Housing Opportunity Program, the Municipal Planning Assistance Program, the Floodplain program, and the Code Enforcement program are all joining MOCA next summer. We will be pooling our knowledge, taking advantage of new funding, and partnering with other programs both inside and outside state government to take action on housing. We can update codes and regulations, provide clear guidance and training, and improve policy consistency across agencies, which will make it easier and faster for communities to plan well and for developers to navigate the building permit process.

"We will also work with many organizations around the state on affordable and workforce housing to connect sources of funding and technical assistance that will empower communities to meet their housing needs while encouraging new growth to occur near existing services and away from valuable natural and working lands.

"We will make strategic decisions about which work to pursue first, informed by feedback from partners including MMA and Maine communities."

#### A bit of history

Before it was shut down in 2012 during Gov. Paul LePage's administration, the State Planning Office (SPO) was a strategic source for technical assistance for municipalities. Created in 1968 by the legislature, SPO was part of the state's executive branch. Included in its statute-based tasks was helping build a sustainable future for Maine by developing the state's economy and energy resources while conserving natural resources; providing technical assistance to the governor, the legislature, municipalities and regions; and providing economic analyses, including forecasting.

Special studies, plans and policy alternatives were the forte of SPO, including an annual report on poverty and areas as diverse as downtown revitalization, wind and ocean power, comprehensive plans, working waterfronts and public coastal water access, and more.



"A lot of capability went away," said John Dorrer, who served in state government as director of the Center for Workforce Research and Information and as acting commissioner of the Maine Department of Labor. "That left a lot of state government in the lurch."

A member of the Maine Chapter of the Scholars Strategy Network, Dorrer also served in other state and national roles and as assistant professor and lecturer in the economics department at the University of Maine Orono. In his different roles, he said, he had a lot of opportunities to work with many SPO employees over the years. "SPO was always a phone call away," Dorrer said.

Staff were experts in their subject matter, he said, and the office was the home of the state economist, giving SPO a strong capability in economic strategy. Staff brought a caliber of expertise under good leadership that created a synergy on critical issues for the state. It was also "an inclusive process," he said, explaining that if a study needed outside talent, SPO would find and hire that person.

Twelve years after SPO's demise, communities have "a new set of conditions that we have to contend with," Dorrer said. "Do we have the capacity to inform the tough decisions we're going to have to make?"

#### **Building MOCA**

At the helm of MOCA will be Horn, who has three decades of experience in policy, planning and science. Her most recent role was her own consulting business involving public stakeholder engagement, policy work, and planning and siting for development projects. Before that, she was director of science for The Nature Conservancy in Maine and for nearly 20 years worked in state natural resource agencies, including more than a decade in leadership roles at the Maine Land Use Planning Commission.

With unprecedented federal support already available through the Bipartisan Infrastructure Law and Inflation Reduction Act, Maine has the chance to compete for funds for its communities. MOCA will help unlock opportunities, particularly for small, under-resourced communities in need of planning and technical aid and by coordinating resources across agencies.

The seeds for MOCA were planted in June 2023 when the legislature directed the Governor's Office of Policy Innovation and the Future to review state government and recommend improvements to implementation of planning grants and technical assistance programs for municipalities and other organizations. That led to dozens of focus groups with the many stakeholders who provided input about their needs. The 2023 report to the legislature that recommended the creation of MOCA would be

followed several months later with its establishment and funding-mostly for the director's position-in the 2024-25 supplemental budget signed by Gov. Mills in April.

The following programs will be reorganized into MOCA next July:

- Community Resilience Partnership (currently part of the Governor's Office of Policy Innovation & the Future). (GOPIF)
- Maine Coastal Program (Department of Marine Resources).
- Maine Floodplain Program (Department of Agriculture, Conservation and Forestry).
- Municipal Planning Assistance Program (Department of Agriculture, Conservation and Forestry).
- Housing Opportunity Program (Department of Economic and Community Development).
- Maine Uniform Building and Energy Code/Code Enforcement (Office of State Fire Marshal).
- Volunteer Maine, an independent state office connected to the Department of Education that supports a stronger Maine through volunteerism.

The Oct. 3 announcement noted that other state programs that provide relevant community services will remain in other agencies, with MOCA ensuring increased coordination across agencies and staff.

A working group established in the legislative directive and convened by GOPIF will contribute to another aspect of MOCA's work, that of coordinating collaboration in state agencies to promote smart growth, walkable neighborhoods, mixed-use development and mixed-income housing in high-use corridors.

The announcement further stated that relevant state programs and staff will be transferred to MOCA through proposals that will be included in the governor's next biennial budget and be scheduled to take effect by July 1, 2025.

MOCA also will include the new State Resiliency Office and staff, with financial support coming from the \$69 million climate resilience grant awarded to Maine in July by NOAA. It is expected that by early 2025, that office will begin leading efforts across agencies that will enhance climate resilience throughout the state, particularly in communities with "significant climate vulnerabilities" affecting residents, infrastructure and the environment, according to the announcement.



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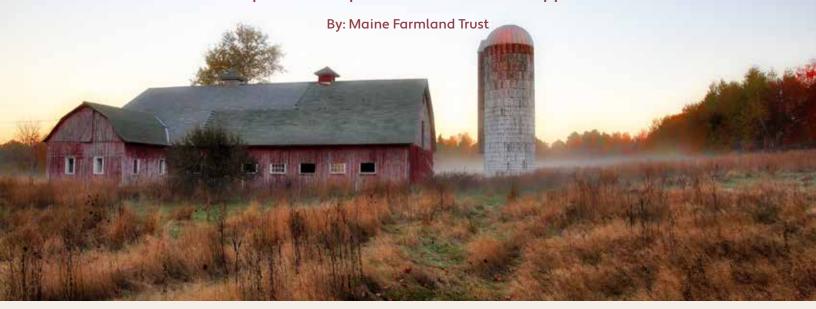
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# Cultivating Maine's Agricultural Future

How municipalities can protect farmland and support farmers.



Agriculture in Maine is at risk. By the numbers, Maine lost almost 230,000 acres of farmland and more than 1,100 farm businesses between the decade spanning 2012 and 2022.

Behind the numbers is the unprecedented development pressure facing Maine farmland, as well as the significant land access and business viability challenges facing Maine farmers. These challenges include a dramatic increase in land prices, a growing interest in farmland from non-farming buyers, the rapid pace of solar development and sprawl on agricultural land, per- and polyfluoroalkyl substances (PFAS) contamination, and impacts from climate change, among others.

However, many of the challenges facing Maine agriculture today also present opportunities for the future of farming in our state, and municipalities can make a real impact on whether farms struggle or succeed. From selectboards and planning boards to comprehensive plan committees and conservation commissions, local governments play an important role in protecting farmland from development, helping farm businesses thrive, and ensuring that local ordinances and planning initiatives represent the diverse needs of farmers in their communities.

In recognition of this, Maine Farmland Trust (MFT) published the Second Edition of Cultivating Maine's Agricultural Future: A Policy & Planning Guide for Towns in collaboration with the Maine Department of Agriculture, Conservation and Forestry earlier this year. An update to the original 2011 publication by MFT, American

can Farmland Trust, and the Mainewatch Institute, this guide is a resource for municipal officials who are looking for inspiration, ideas, and resources on how their community can sustain and grow local agriculture.

#### Let's explore a few highlights.

### Why Should Municipalities Support Agriculture?

- The benefits that farms and farmland create for our state and communities are diverse and far-reaching. Maine's 1.23 million acres of working farmland and 7,036 farm businesses are an essential part of the state's economy, environment, and culture.
- Agriculture is a key component of Maine's economy, contributing over \$3.6 billion in economic impact and supporting over 27,000 jobs statewide. Maine's farms spend over \$675 million annually on expenses such as feed, fertilizer, electricity, labor, rent, and fuel. Most of these purchases are made locally, supporting a large number of secondary businesses.
- Farms and farmland can also provide a fiscal benefit to municipalities. According to American Farmland Trust, more than 30 years of studies across the country show that, even when assessed at its agricultural value, farms only require a median cost of \$0.37 in services for every dollar of tax revenue collected, whereas residential properties consistently require more in municipal services than the revenue

they generate in property taxes – a median cost of \$1.16 per dollar collected.

- Ensuring that farmland remains in farming is also a key natural climate solution. The state's 2020 climate action plan, Maine Won't Wait, established the goals to increase both the amount of Maine-produced food consumed in the state and the total amount of land conserved statewide to 30% by 2030, with farmland protection sub-goals soon to be determined.
- Finally, their contribution to culture and the local quality of life are the hardest to quantify. This contribution includes the sense of rural character created by natural and working lands, the availability and quality of local food and farm products, and the cultural significance of food production and land stewardship.

#### How Can Municipalities Support Agriculture?

As every community is unique, the mix of tools and how they are used will differ depending on each municipality's circumstances, the people and partners who are involved, the needs and interests of local farmers, and the degree of community support and resources available.

Here are a few examples of strategies Maine towns can take to support agriculture:

Gathering Information and Engaging Farmers in Municipal Government. Whether your goals are narrow or wide-ranging, gathering basic information about the status of agriculture in your area and engaging local farmers in the process is a natural first step and will help to focus your efforts. Municipal leaders may consider administering a community farm survey, conducting a farm and farmland inventory, or establishing a municipal agricultural commission made up of local farmers and agricultural advocates to advise the community.

Prioritizing Agriculture in Municipal Planning Initiatives. Town and city planning initiatives are a great way for communities to outline and prepare for the future of farming in their community. Whether through a comprehensive, open space, climate action or other type of planning initiative, municipalities can seek to create plans that capture the full range of benefits that farms bring to a community, identify specific goals, policies and strategies to address the needs of local farms and farmers, and serve as a catalyst for sustaining local agriculture and protecting farmland.

Implementing Action Steps & Strategies to Support Agriculture. There are a variety of regulatory and non-regulatory tools that allow communities to support local farms and protect farmland, ranging from local ordinances and tax incentives to identifying and promoting farmland access opportunities.

• Strategies to Protect Farmland. By proactively pursuing strategies to protect farmland, municipalities can help ensure that the land base needed to sustain local agriculture is available. Municipalities can avoid important agricultural resources when designating local growth areas, and then in turn promote and incentivize new, non-agricultural de-



velopment within their growth area. Communities can also avoid new development on important farmland and farm soils through tools like an agricultural overlay district, solar siting standards that balance the need for renewable energy and farmland protection, cluster or conservation subdivisions, and lot creation/building envelope standards that maximize the retention of contiguous areas of open agricultural land and important farm soils. Through special development fees and other funding mechanisms, municipalities may also support the purchase of agricultural conservation easements, which is a voluntary, enforceable restriction that landowners place on their property to prevent subdivision and non-agricultural development.

• Strategies to Support Farm Viability. Any action that municipalities take to support the viability and resilience of farm operations is critical to sustaining agriculture in the community. Local ordinances should be sufficiently flexible and responsive to allow farmers to grow and diversify their businesses. Examples may include pursuing season extension strategies, renewable energy generation for on-farm use, value-added product development, creation of farm worker housing, agritourism and direct marketing activities, and non-agricultural business activities that are compatible with and supportive of farming operations. In addition, in many communities, the costs of property taxes for farmers can be so high as to significantly impact profitability. Through promoting or developing farm-friendly tax programs, such as the state's

- current use tax programs or the Voluntary Municipal Farm Support Program, communities can help reduce farmers' tax burden and support local farm businesses.
- · Strategies to Promote Farmland Access. Access to affordable land is often a barrier. A 2022 survey conducted by the National Young Farmers Coalition revealed that finding affordable land to buy is the top challenge that young farmers face and is an even greater challenge for farmers who identify as Black, Indigenous and People of Color. For many farmers, leasing is an affordable land access strategy, and many Maine communities have good farmland that is not currently in active agricultural use. If the municipality owns underutilized farmland, leasing suitable properties to farmers can be a great way to increase farmland access. Additional examples of ways that communities can support farmland access include promoting private lease opportunities, identifying and inventorying vacant farmland that could be used for agriculture, and supporting interested landowners in making their land available for farming.

For more information on farm-friendly municipal policy and planning, including any of the strategies described above, download for free the Second Edition of Cultivating Maine's Agricultural Future: A Policy & Planning Guide for Maine Towns at mainefarmlandtrust.org. Free print copies are also available upon request.

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# Municipal election results from Nov. 5 voting

By Liz Mockler

The following are among the official results from the November 5 Maine municipal elections. For space considerations, unopposed incumbents and challengers are not included in the listings unless they served previously or ran unopposed to fill a vacant seat.

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

AUGUSTA: Voters elected newcomer Annalee Morris-Polley in a three-way race for an at-large city council seat. She received 3,601 votes to far outpace her opponents. She will replace Abigail St. Valle, who did not seek reelection.

BANGOR: Incumbent Susan Hawes and newcomers Mi**chael Beck** and **Wayne Mallar** were elected to three-year terms on the city council. Hawes received 9,200 votes, while Beck garnered 7,109 votes and Mallar picked up 6,027 votes. A fourth candidate received 3,499 votes. Beck and Mallar replace Dina Yacoubagha and Gretchen Schaefer, who did not seek reelection.

**BELFAST:** Three incumbents defeated challengers to serve another term on the city council. Mary Mortier in Ward 1 collected 1,885 votes; Neal Harkness in Ward 2 received 1,761 votes; and **Paul Dean** in Ward 5 garnered 1,612 votes. All three easily beat their competition.

BRUNSWICK: Incumbent town councilor James Ecker defeated a challenger by a vote of 1,359 to 422, to win another term representing District 2. Kimberly Anderson defeated a challenger, 857 to 782, for the District 3 seat.

**BUCKSPORT:** Incumbent mayor **Paul Bissonnette** received the most votes in a seven-way race for two town council seats with 1,546, followed by newcomers Jennifer Therrien with 1.267 votes and Paul Rabs with 773 votes. Councilors Paul Gauvin and Daniel Ormsby did not seek reelection.

About the Author: Liz Mockler is a freelance writer from Augusta and regular contributor to Maine Town & City, <u>lizmockler1@hotmail.com</u>. CAPE ELIZABETH: Elizabeth Scifres, John Sahrbeck and Andrew Swayze were elected Cape Elizabeth town councilors, easily defeating the opponents in a six-way race for three council seats. Scifres received 3,742 votes; Sahrbeck collected 3,731 votes; and Swayze garnered 3,181. Incumbent council chairman Timothy Reiniger received 1,961 votes.

CARIBOU: Incumbent city councilor Jody Smith was reelected with 2,217 votes, followed by newcomer Paul Watson, who collected 1,677 votes. A third candidate received 1.036 votes.

**ELLSWORTH:** In a five-way race for two seats on the city council, incumbent Steven O'Halloran and newcomer Tabatha White collected 2,007 and 2,197 votes, respectively, to win. White will replace **Casey Hanson**, who did not seek reelection.

FAIRFIELD: Incumbent Matthew Townsend held off four opponents to win another term with 2,044 votes. The closest vote was 1,549.

FORT FAIRFIELD: Newcomers Michael Greenlaw and Brianne Bubar received 1,061 and 986, respectively, to replace outgoing town councilors Kevin Pelletier and James Ouellette.

FREEPORT: Newcomer William Stephen Brown defeated a challenger by a vote of 2,904 to 2,026 to win the seat vacated by **Darrel Fournier**, who did not seek reelection.

GARDINER: Incumbents Rusty Greenleaf and Timothy **Cusick** and newcomer **Marc Cone**, formerly on the district school board, held off another candidate to win seats on the city council. Greenleaf collected 2,150 votes, Cusick picked up 1,849 votes and Cone tallied 1,179 votes.

GORHAM: Voters reelected Janet Kuech and tapped newcomer **David Willis** in a four-way race for two seats. Willis was the top vote-getter with 5,365 votes, while incumbent Kuech tallied 3,980. Incumbent James Hager fell short with 3,491 votes. The fourth candidate snagged 2,566 votes.

OAKLAND: Voters returned Dana Wrigley, Sr. to the town council and elected newcomer Kelly Roderick, who will replace **Donald Borman**, who did not seek reelection. They

received 1,680 and 1,734 votes, respectively, holding off two challengers.

**OLD ORCHARD BEACH:** Voters chose three candidates from a field of five to serve on the town council. Incumbents Kenneth Blow and Michael Tousignant received 3,339 votes and 2,650 votes, respectively. Incumbent **Shawn** O'Neill won the third spot with 2,724 votes. The fourth candidate received 2.600 votes.

ORONO: Newcomer Andrea Hardison defeated a challenger to win a one-year term on the town council. The vote was 2,225 to 2,159. Hardison will complete the term of Sonja Birthisel, which expires in 2025.

PORTLAND: There will be three new councilors on the council in 2025. **Sarah Michniewicz** collected 3.811 votes to defeat a challenger and replace District 1 councilor Anna Trevorrow. Wesley Pelletier defeated four other candidates with 2,241 votes; the closest rival received 1,555 votes. He will replace **Victoria Pelletier** for the District 2 seat. In a five-way race for at-large councilor Roberto Rodriguez's seat, **Benjamin Grant** received 7,890 votes to edge out the number two vote-getter by 90 votes. None of the three sitting councilors sought reelection.

RANGELEY: Keith Savage received 487 votes to defeat former selectwoman Ethna Thompson, who collected 313 votes.

**ROCKLAND:** Mayor **Nicole Kalloch** defeated a challenger to retain her seat on the city council. The vote was 2,055 to 1,418.

SACO: Newcomer Douglas Edwards ran unopposed to fill the Ward 1 seat on the city council. Edwards will replace

Marshall Archer, who won the District 129 seat in the Maine House of Representatives.

SCARBOROUGH: Newcomers Scott Doherty and Cory Fellows defeated a challenger to snag two seats on the town council. Fellows received 7,962 votes, while Doherty collected 7,559. They will replace Nick McGee and Don Hamill, who did not seek reelection. Meanwhile, William **Donovan** ran unopposed to replace Councilor **Jean-Marie** Caterina, who ran unopposed for a seat on the board of Cumberland County Commissioners.

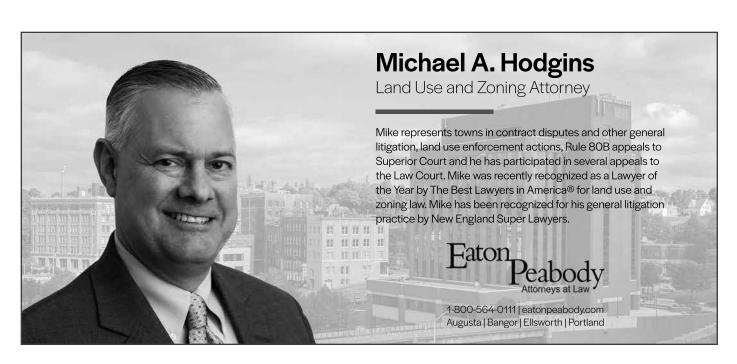
SOUTH PORTLAND: Incumbent City Councilor Misha Pride and newcomer Jessica Walker will take seats on the council. Pride defeated a challenger by a vote of 7,553 to 5,757 to win another term. Walker defeated incumbent Steven **Riley** by a vote of 6,741 to 4,633.

WATERVILLE: Newcomer Catherine Tamara Herard defeated incumbent city councilor Thomas McCormick, Sr. for the Ward 7 council seat. The vote was 408 to 353.

WESTBROOK: Newcomer Anna Turcotte defeated a challenger by a vote of 1,021 to 645 to win the Ward 3 city council seat. In Ward 4, Amy Faulkingham narrowly defeated incumbent Gary Rairdon by a vote of 896 to 883.

WINDHAM: Incumbent town councilor David Nadeau easily held off a challenger by a vote of 5,180 to 4,510 to win another term as at-large councilor.

WINSLOW: Incumbent councilor Dale Macklin and newcomer Doris Labranche received 459 and 572 votes, respectively to win terms on the town council. Both held off challengers. Labranche will replace Ray Caron, who did not seek reelection.





The "Where in Maine?" series offered an opportunity to explore the unique characteristics of a variety of municipalities across Maine. While I'd like to suggest that a fancy algorithm was in play when the featured communities were selected, the reality is that Google was used to find all the communities within a county, and then as fate would have it, one would just pop out.

Although I was provided with significant latitude with respect to which community to feature each month, the end goal remained the same.

Not only has the series been a fun geographic guessing game but it has also become a tool for sharing the diverse stories behind Maine's municipalities by shedding light on the critical role that geography, history, and governance play in shaping local communities. Whether it's a town reinventing itself as a tourism destination, or a city maintaining its role as a regional economic hub, the series captures the spirit of Maine's municipalities and their ongoing evolution in a rapidly changing world.

Throughout this series, many of the municipalities featured have experienced significant shifts in their economies. Historically reliant on industries such as logging, fishing, or agriculture, these municipalities have had to adapt to changes in the economy by focusing on tourism, outdoor recreation, or technology sectors

Maine's varied landscape also plays a prominent role in defining each municipality's character and economy. For example, while coastal towns have a different economic focus compared to inland towns, all are shaped by their natural surroundings and underscore how geography influences everything from local traditions to the industries that sustain these communities.

Each community profiled is a testament to the strength of local governance in Maine.

Given the challenges that winter weather poses, coupled with my workload during the legislative session, it made sense to pause the series briefly. But rest assured that in the spring 2025, the "Where in Maine?" series will continue and feature a town or city from one of the counties that have not yet been explored.

In the meantime, however, please enjoy the following summary of the municipalities featured to date, organized by county, along with some personal insights regarding this journey.

Turner, Androscoggin County. Turner was featured in the November 2023 issue of the magazine for a variety of reasons. It is close to where I live, which made research and travel easier; Turner is the new hometown of MMA's executive director; and considering the ready access to

local beef, farm fresh vegetables and homemade ice cream, the community has a lot to offer visitors and residents alike. Additionally, I had recently read an article about an amusement park that used to be where the town beach now sits, which seriously piqued my inter-

Turner, incorporated in 1786, was primarily a farming community, whose agricultural roots were memorialized in 2009 when a cattle pound was added to the National Register of Historic Places. The eastern border of Turner, the Androscoggin River, is a haven for recreation with historical significance. Native Americans gave the river its name meaning "plenty of fish" and have used this water source for several millennium, and as such, small riverside settlements popped up. Today, the Androscoggin is still a popular spot for anglers to enjoy the sport whether from the shore or in a boat.

Saint Agatha & Houlton, Aroostook County. Considering that Aroostook County's 6,800 square miles account for 22% of the state total land mass, this area of the state appeared in two separate articles.

Saint Agatha, featured in the August/September 2023 magazine, is a picturesque town in northern Maine located a mere 14 miles from our Canadian neighbors. The community boasts a year-round population of 730 that swells with recreational enthusiasts throughout the year due to the easy access to snowmobiling and ATV trails, along with the attraction to Long Lake. As its name implies, the lake is twelve miles in length, to be exact, covers over 6,000 acres, hosts two public boat launches and a marina.

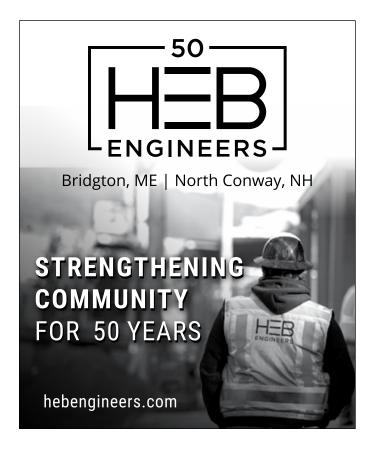
The landscape in St. Agatha is breathtaking, and the people are some of the kindest in the state. Conversation flowed easily with everyone I encountered, whether it was with a municipal official about solid waste, or just random chit chat with a stranger about the weather.

The total eclipse in April 2024 brought me back to The County, since not only would covering the historic event make for some interesting reading, but also provide insight as to how a community plans and executes an event expected to draw tens of thousands of people. Over the course of three years, Houlton town staff and volunteers planned for the implementation of a multiday festival leading up to the eclipse. While festivities and fun were part of the planning, so were strategies for safely rerouting traffic, establishing shuttle bus routes, securing parking, and coordinating efforts with local businesses that were also preparing for the potential massive increase of customers.

The Town of Houlton was buzzing on that picture perfect day, and the total eclipse was unlike anything I've ever witnessed. I was able to bring my six-year-old son with me to experience this majestic occurrence, which for him was better than any traditional science class. We ate snacks from food trucks, watched a tribal drumming presentation, danced in the street to music, and painted rocks. At the moment of totality, the crowd cheered, and speakers blared Bonnie Tyler's "Total Eclipse of the Heart." Other than the traffic on the way home, it was an incredible day.

Chebeague Island, Cumberland County. The newest town in Maine is a quaint New England community that holds a rich historic narrative spanning indigenous presence, early European settlement, fishing and maritime industries, and the island's transformation into a tight-knit year-round community. Chebeague's history is unique, founded in the strength of its community identity and adaptability to changing economic and environmental circumstances. The island is walkable, breathtaking at every turn, and replete with very friendly residents. As a matter of fact, I felt like a celebrity as everyone waved to me when they drove by. Evidently, that's part of the culture here.

I started planning a trip to the island for an article published in the October/November 2024 issue. The



weather turned out perfect that day, but unfortunately a lot of businesses had just closed for the season. However, with a bit of sleuthing, it was quickly determined that the food culture of the island community is understandably heavily influenced by its maritime location, as seafood dominates the culinary scene. Lobstering and fishing continue to play vital roles in both the island's economy and its fare offerings. Local farms and sustainable agriculture also contribute to the growing farm-to-table movement, reflecting the island's efforts to maintain ecologically conscious island living while providing high-quality food experiences.

Rangeley, Franklin County. The December 2023 issue featured the Town of Rangeley, which serves as the epicenter of the Rangeley Lakes Region and has a little something for everyone. From hunting camps, inns, and camping to a variety of recreational options, and scenic overlooks, there is much to enjoy. There are several shops in the downtown area with local wares, art galleries, a movie theater, and plenty of sporting goods and outdoor gear stores, which is essential if you have forgotten something or encounter unexpected weather.

On that note, despite a familiarity with the community, I did learn, the hard way, that a lot of the scenic turnouts and rest areas are not plowed in December.

A short drive from Rangeley, in Oquossoc, is the Outdoor Heritage Museum, operated by the Rangeley Lakes Historical Society. This museum showcases the rich history of the region, how the town was created and the importance of the logging industry and waterways. The exhibits take you on a trip from the region's humble beginnings through its transformation into an age of steamboats and legendary hunting camps.

Wayne, Kennebec County. The "Where in Maine" series began in July 2023 and featured the bucolic Town of Wayne and its downtown area lined with antique, gourmet food and crafters' shops, a general store, quaint parks and an ice cream shop that lends to the community's charm.

Spanning approximately 25 square miles, Wayne boasts water frontage on several different water bodies along the Thirty Mile River, which is a chain of lakes, ponds, and rivers used by Native Americans and early pioneers traveling down the Androscoggin River to the Sandy River Valley. This aquatic highway includes Androscoggin and Pocasset lakes, and Pickerel, Wilson, Lovejoy, Berry, and Dexter ponds, as well as several rivers and streams, making it a popular destination to recreate

in any season.

Wayne is also home to an engaged year-round community of residents and a healthy seasonal population committed to preserving the charm of the community for years to come.

Wiscasset, Lincoln County. Wiscasset is a quaint coastal community steeped in character and artistic charm that has a knack for seamlessly blending its historic legacy with contemporary attractions. In towns with such rich histories, you are bound to find antique shops, and in Wiscasset there are plenty to browse. All along the charming Main Street you will find antique shops, art galleries, and eateries that attract visitors year-round, but are especially buzzing in the summertime.

Red's Eats, an iconic lobster shack, has gained national fame for its lobster rolls, drawing food enthusiasts from far and wide and generating long lines. Across the street on the dock, Sprague's Lobster is another seafood shack offering fresh seafood with equally delicious lobster rolls.

Not to be outdone by the other award-winning communities featured in this series, 20 years ago the Wiscasset was dubbed by National Geographic as the "worm capital of the world," due to the ample supply of bloodworms in the region. In June of this year, they hosted



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the first ever Wormfest, which the community intends to make an annual event. See the July 2024 edition to read more about Wiscasset.

The Forks, Somerset County. The Forks in Somerset County is renowned for its special brand of adventure tourism, particularly white-water rafting on the Kennebec and Dead rivers. Historically a logging hub, The Forks has evolved into a destination for outdoor enthusiasts, and I had a great time hiking into a little-known spot to watch and photograph rafters coming down the river.

On a historical note, in 1775 Benedict Arnold made his famous expedition through the Maine wilderness with the help of Reuben and Samuel Getchell who were known for their knowledge of the local geography, particularly where the Kennebec and Dead rivers intersect, and expertise in navigating the challenging wilderness of Maine, including The Forks region. This knowledge made them invaluable assets to Arnold's expedition to capture Quebec City during the Revolutionary War.

Exploring the community through the lens of a reporter on assignment made the experience just as awe-inspiring as the first time I visited the area. You can find the The Forks article in the September 2024 issue.

Eastport, Washington County. The City of Eastport, a picturesque island community known for its deep-water port and its role in the early fishing industry, was featured in the October 2023 magazine.

Of historic significance, Eastport is home to the last remaining stone ground mustard mill in North America, which is the perfect pairing for a community with a history steeped in the sardine industry. The working museum draws thousands of tourists from all over the

world to get a firsthand look at the mustard production process and to learn about the area's fishing history.

The bed and breakfast options, restaurants, wine bar, brewery, and eclectic shops provide evidence of the community's can-do attitude. Also unique to Eastport is a fisherman statue commemorating the filming of the show "Murder in Small Town X," the bronze mermaid statue, a granite sculpture, which is part of the Maine Sculpture Trail, and a large buoy at the pier, which is like the iconic anchor found in Key West.

Biddeford, York County. The City of Biddeford was selected from York County for the August 2024 magazine. I knew little about Biddeford, other than it was primarily a mill town, but learned it had strong roots in the textile industry due to its location along the Saco River. However, as the textile industry declined, it posed significant challenges to Biddeford which led to an economic downturn and a need to redefine its identity. It wasn't until the turn of the 21st century when local government, developers, and stakeholders recognized the historical significance of the giant brick mill buildings and the potential to be used for new purposes. One of the most significant transformations has been the Pepperell Mill Campus. This sprawling complex has been converted into a mixed-use development, that houses apartments, offices, retail spaces, and art studios. The adaptive reuse preserved the historic character of the mills while integrating modern amenities that attract both residents and businesses.

Biddeford also offers an incredible variety of food and lodging options, retails stores, and a walkable downtown with lovely little shops. A perfect blend of history with modern amenities and culture.



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| Concise Summary August                            | Inappropriate Public Comments February                 |
| Education & TrainingMay                           | Interest on Abated TaxesAugust                         |
| Everything You Need to Know, Introduction January | Law Court Upholds Referendum Vote                      |
| Navigating Disciplinary ProceedingsJuly           | LD 1 Levy Limit Repealed July                          |
| Fundamentals of Municipal Government February     | Liability WaiversMarch                                 |
| State Level Advocacy June                         | Manufactured Housing, Expanded Locations December      |
|   | Maximum Interest Rate for 2024 January                 |
| General Government                                | Medical Cannabis, ConfidentialityAugust                |
| Aroostook Renewable Gateway January               | Merit Retirement Program, Not Applicable April         |
| Annual Town Meeting February                      | Military Excise Tax ExemptionJuly                      |
| Benefits of Regionalization February              | New Minimum Wage January                               |
| Books & Big Ideas Initiative April                | Not Transferable, Legal Services Opinions February     |
| Community Heart & SoulMarch                       | Personal Property Taxes                                |
| Cultivating Maine's Agricultural Future December  | Plantation Terminology February                        |
| Federal Earmarks February                         | Police & Fire Health Insurance                         |
| Fun Side of Municipalities April                  | Revenue Sharing, Local Appropriation Not RequiredMarch |
| Holiday Schedule, 2025 October/November           | Rules for Tax Acquired Property                        |
| Hiring Youth August                               | Role of a Board ChairMay                               |
| Importance of Trees                               | Speaking at Town MeetingsApril                         |
| MacGyver Mode to Property ConstructionMay         | State Minimum Exempt Salary; Not Applicable April      |
| Maine Office of Community Affairs December        | Subdivision Ordinance Review October/November          |
| Making Public Service ExtraJune                   | Tax Lien Notices Revised June                          |
| More Than a Waning OpportunityMay                 | Town Administrator, What's in a Title January          |
| Municipal Manager Shortage September              | Written ContractsJuly                                  |
| Municipal Salt & Sand Shed                        | · · · · · · · · · · · · · · · · · · ·                  |
| PFAS Problem                                      | Legislative Session & Elections                        |
| Preparing for the Unexpected, Lewiston February   | Election Process                                       |
| Opioid Settlement Funds                           | HousingJune  |
| Ransomware AttacksJuly                            | General Assistance June                                |
| Short-term Rentals January                        | Legislative Preview                                    |
| The Municipal Audit                               | Local Results, March & AprilMay                        |
| Trust in Municipal Government                     | Local Results, May & June                              |
| nose in Monicipal Government                      | Local Results, November                                |
| Legal Notes                                       | MMA Advocacy & You                                     |
| 250-Foot Rule Tweaked                             | New Laws June  |
| ACO Appointments & Training                       | Perspective of a Policy Wonk                           |
| ADA Webs Access StandardsJuly                     | Public Safety  |
| Annual Meetings, Setting the Date January         | Toblic surety  |
| Annual Report RemindersJanuary                    | Maine Municipal Association                            |
| ARPA Deadlines                                    | 88th Annual Convention, Takeaways October/November     |
| ARPA Funds Must Be Obligated October/November     | Douglas M. Eugley Scholarship WinnersJuly              |
| ATV Access Routes                                 |  |
|   | MMA's ServeStrong Program October/November             |
| Ban on Sunday Hunting Upheld                      | Middle School Essay Winners                            |
| Bonding Requirements                              | Sneak Peek at the 88th Annual Convention               |
| Budget Committees, Who Can Serve October/November | Technology Conference, Cybersecurity Matters April     |
| Budgeting for Paid Family/Medical LeaveJune       | Municipal Digital Compains Code                        |
| Charter Commission Discretion Confirmed September | Municipal Digital Capacity Series                      |
| Clerks & Mercantile Filings                       | Communications in Hancock County                       |
| Contracting Tips                                  | Connectivity Through Storms                            |
| FLSA Salary Threshold                             | Dirigo Moment for Maine                                |

| How to Digitize Your Town  |
|--|
| Municipal Risk Manager2024 MMA Annual ConventionOctober/November2024 MMA Tech ConferenceJulyCybersecurity, Be SuspiciousAprilFraudulent Impersonation AlertOctober/NovemberHazardous Insects, Exposures Spring UpAprilLone WorkersJanuaryOnline UniversityAprilParade SafetyJulyPothole SeasonAprilStrengthening CybersecurityOctober/NovemberTrench TroubleJulyWorkers' Compensation Payroll AuditJanuary |
| Municipal Risk Manager, FAQ         Fraudulent Impersonation       April         Return to Work Program       July         Two-factor Authentication       October/November         Unemployment Comp Fund       January   |
| Page 5Advocacy Road TripMarchAdvocacy TakeoverJuneBuilding on Our SuccessesOctober/NovemberFresh Slate & New OpportunitiesDecemberImportance of NetworksJulyMMA as a ResourceFebruaryMMA TraditionsAugustMaine People, National StageMayNew Approach on the New YearJanuaryNon-traditional PathsSeptemberWomen in GovernmentApril  |
| Profiles of ServicePelletier, Ryan, Aroostook County.October/NovemberMoon, Valerie, Brewer Assessor.SeptemberRawski, Wendy, Eliot Town ClerkAugust   |
| Public SafetyRetaining First Responders.MayRecruiting First RespondersMarchTraining First Responders.April   |
| Q&A SeriesBurgess, Paul, Wales SelectpersonMarchCross, John, Standish Public Works DirectorOctober/NovemberDubois, Patti, Waterville City ClerkAprilCorneau, Ryan, Portland GA DirectorMayGran, Jacob, Winterport Town MangerFebruaryHines, Diane, MMA PresidentJanuary & December   |

| Leichtman, Camden/Rockport Assessor   | ·                  |
|---|--------------------|
| Storms & Weather  Damaging Winter  Extreme Storms  Public Safety During Extreme Storms  Stats, Trends & Costs | April              |
| Where in Maine?   |                    |
| Biddeford   | August             |
| Chebeague Island  | . October/November |
| Houlton   | May                |
| The Forks   | September          |
| Wiscasset   | July               |

#### TRAINING CALENDAR

MMA 1/23/2025 Thursday **Elected Officials Workshop Zoom Webinar** 

MMA 1/28/2025 Tuesday The Legislative Process A-Z **Zoom Meeting** 

Check the MMA website for the 2025 calendar coming soon!

#### **UPCOMING AT MMA!**

**Technology Conference** Wednesday, May 14 University of Maine at Augusta, Augusta

**HR & Management Conference** Wednesday, June 11 University of Southern Maine, Portland

MMA Annual Convention Wednesday & Thursday, Oct 8 & 9 Cross Insurance Center, Bangor

# **PEOPLE**

Former Bangor Mayor Michael Aube died November 29 at the age of 74. Aube, who served two terms as mayor in the late 1990s, had a distinguished career. The Biddeford native attended Thornton Academy before graduating from Boston College in 1972. He worked in the offices of Sens. George Mitchell and Ed Muskie, as well as Gov. John McKernan, before accepting the job of president and CEO of Eastern Maine Development Corp. in 1981. He served two stints as president, from 1981 to 1992, and again from 2009 to 2018. He was involved in some of the biggest economic development projects in the Greater Bangor area during his tenure as president. In 2019, the Bangor Chamber of Commerce honored Aube with its lifetime achievement award.



Luke Dyer

Van Buren town manager Luke **Dyer** was awarded the William F. King, Jr. Downtown Champion Award in November for his efforts to improve and revitalize the downtown. The award was presented by the Maine Development Foundation, an affiliate of Main Street America, which recognizes

downtown revitalization efforts across the nation. Dyer worked for 30 years in law enforcement before being named town manager in 2022. He shared the recognition with community leaders, the town council and various volunteer organizations that have all contributed to the town's development efforts.



Lynette Eastman

Alna deputy town clerk Lynette Eastman was awarded the lifetime achievement award this fall from the Maine Town & City Clerks' Association. Eastman, who will retire on Dec. 31, has worked for Alna since 2018, her most recent position in a 37-year career. She worked previously for the

Town of Pittston for more than eight years and another 21 years for the Town of Woolwich, where she served the final 10 years as town administrator. The lifetime award included a certificate and an engraved, handcrafted rocking chair.

The Presque Isle city council voted in November to promote librarian Sonja Eyler to assistant city manager, effective Nov. 1. Councilors decided to create the assistant's position rather than fill the vacant economic and community development director's position. Eyler worked as a librarian for 26 years before the move to city hall.



Patrick Fox

The Cape Elizabeth town council in September introduced Patrick Fox as its new town manager. He replaces Matthew Sturgis, who took the manager's job in Cumberland. Fox, who lives in Saco, has worked as Saco public works director since 2012. The council received more than 20 applications for the

position. Fox holds a bachelor's degree in environmental engineering.

Waterville deputy fire chief Jason Frost was promoted to chief, effective on Oct. 4, to replace outgoing chief **Shawn Esler**, who was named the state's new fire marshal in September. Frost started his long career in firefighting in 2001 for the Skowhegan fire department. In June 2002, he was hired as Waterville deputy chief. Officials said Frost's selection as the next chief was an easy one.

Brewer city councilors named interim city manager Eric Glidden to the post permanently in November. He assumed the top job when longtime manager Stephen Bost took medical leave last November and later retired. Glidden, who spent part of his childhood in Brewer, worked as assistant city manager for 11 months before being promoted. He graduated from the University of Maine in 2008 and worked previously as town clerk in Hermon and Searsport and as a management assistant in Chevy Chase, Maryland.

David Hamel has been named Saco fire chief, effective Nov. 1, replacing John Duross, who retired. Hamel joined the Saco fire department in 2003, after working in firefighting and EMS in Vermont for 10 years. Most recently, he worked as deputy fire chief of EMS. Hamel also works as a firefighter for the Kennebunk fire and rescue department. He has taught at the Maine Fire Service Institute since 2012.

Southwest Harbor town manager Marilyn Lowell retired in October after 22 years in municipal government. She worked for 17 years in the mental health field and three years for a car dealership before starting her Hancock municipal career in 2002. Lowell was named Southwest Harbor town clerk in 2013, serving as interim manager several times over the years.



Vern Maxfield

Vern Maxfield is retiring next July as Woodstock town manager after 36 years. He was hired on Aug. 1, 1988, after serving three years as town clerk in Waterford. Maxfield told selectmen he had had "a long and satisfying career" and was grateful for the elected officials and the residents who al-

lowed him to serve for so long. Maxfield, a longtime popular town meeting moderator, said he will help with the transition to a new manager.

Anson town administrator Tammy Murray died unexpectedly on Nov. 14. She was 55. Murray worked for Anson for nearly 10 years and is a former tax collector for the town of Madison. She was called "the heart and soul" of the town.



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Photos are encouraged.

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# **NEWS FROM AROUND THE STATE**

#### **STATEWIDE**

The state will pay for Starlink satellite dishes for the 9,000 businesses and homes that still lack internet service, officials announced in October. The equipment is estimated to cost more than \$6 million. Businesses and residents will have to pay the \$120 monthly service fee, which includes unlimited data. Most of the businesses and homes still without internet are located in Oxford. Aroostook and Penobscot counties. Starlink is a subsidiary of Space X, the aerospace company founded by Elon Musk. The deal was announced by Maine Connectivity Authority, which said the plan will fulfill its goal of offering internet service to all Mainers by the end of this year. The authority plans to spend \$350 million to improve internet service where it is spotty and unreliable. That represents 5% of Maine internet users, or 29,000 locations.

#### **AUGUSTA**

The Olde Federal Building located downtown will be renovated into a boutique hotel after the city council voted 8-0 to approve a tax increment financing deal with two developers worth \$2.6 million over 20 years. The castle-like landmark still houses a U.S. Postal Service branch and has housed various entities over the years. The developers plan to build a 40-room hotel with a café, rooftop bar and event and meeting space. When the Post Office lease ends in 2027, they plan to add a bath house and spa. Councilors hope the project will draw traffic to the capital city's downtown, where several storefronts have been converted to restaurants and other commercial space.

#### **BIDDEFORD**

The city council on Oct. 15 endorsed a six-month moratorium on downtown condominium conversions out of concern that taking away apartments for condos would further exacerbate the city's housing crisis. The vote was 6-2. The emergency measure will prevent a developer from converting 154 rental units into condos within the next three years. The proposed condos would cost between \$200,000 and \$800,000, according to plans, with the majority of units expected to cost in the \$300,000 range. The conversion would displace 150 residents, although the developer has plans to make it easier for tenants to buy their apartments. Still, local officials worry that most tenants could not make the transition to condos and would put new pressure on the housing market in the city.

#### **CAPE ELIZABETH**

The town council in October voted to beef up its senior property tax relief program by increasing funding for the program and boosting the maximum amount residents can receive. The council approved adding nearly \$200,000 to the program fund, for a total of \$300,000. The program helps taxpayers aged 65 and older with incomes of no more than \$70,000. Last year, the average income for the 183 people who took advantage of the program was \$28,700. The average age was 77. Under the new three-tier program, people making less than \$30,000 may receive up to \$1,500 in property tax relief. Those with incomes between \$30,000 and \$50,000 will qualify for up to \$1,000, and those earning \$50,000 to \$70,000 will qualify for up to \$750.

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#### **KITTERY**

The Maine Supreme Judicial Court ruled in mid-November that a cannabis company can proceed with its lawsuit against the Town of Kittery, which awards recreational marijuana licenses by a lottery-style process. A superior court judge had ruled that High Maine LLC did not have standing to sue the town. But the high court decided Kittery's alleged "defects in the process" had "directly and negatively affected the company." The case has been sent back to the superior court for further proceedings.

#### LEWISTON/AUBURN

Officials from the twin cities of Lewiston and Auburn broke ground in October on a \$30 million project to protect the Androscoggin River and public health. The project calls for expanding capacity at the Lewiston-Auburn Clean Water Authority treatment facility, as well as building a holding tank that will take storm runoff, diverting it from the river. Officials called the project one of the most important of its kind in Maine. The project is expected to be completed by early 2026.

#### LIMESTONE

Town officials have approved a program to allow town office staff to distribute Narcan, the opioid overdose reversal medicine. The town is among a handful in Maine participating in the Maine Naloxone Distribution Initiative. The town is also working with other Aroostook County leaders in developing ways to get Narcan in vending machines and businesses. Although deaths from opioid abuse have declined over the past year, there were still 6,324 nonfatal and 372 fatal overdoses in 2024 in Maine. In Aroostook, there have been 409 nonfatal and 40 fatal overdoses.

#### ROCKLAND

The city council in mid-October voted unanimously to create a housing working group and hire a consultant to help the community develop new ways of promoting housing development. The city, like many Maine municipalities, is confronting an acute housing crisis. It has taken several steps to encourage more housing construction, including eliminating the minimum house lot size in certain neighborhoods and cutting the permitting fees for affordable housing projects by 50%. The new working group will include a wide range of commu-

nity members. It will work with the housing consultant to update the city's housing stock data and to develop ideas on how to spur more housing development.

#### WATERVILLE

The city fire department will hire a New York collection agency to recover nearly \$500,000 in ambulance debt. The city council endorsed the proposal in November by a 6-1 vote. The debt began building in 2020 after the department started transporting patients to the hospital, replacing Delta Ambulance. Much of the debt is from unpaid Medicare and Medicaid patients and people who are self-insured but don't pay. Waterville residents will not be included in the collection effort, officials said. Empire Credit & Collection Agency touts an 82% collection rate.

#### WINTHROP

Police Chief Paul Ferland has recommended that the two departments he leads, Winthrop and Monmouth, consolidate into one entity before one department closes as personnel recruitment continues to be an ongoing challenge. In an open letter to residents of the Kennebec County towns, Ferland said merging the departments would allow department leaders to better supervise officers and enhance their ability to schedule staff. Overtime would be reduced under the proposal while ensuring there are always two officers on duty, as well as a supervisor.

#### **YARMOUTH**

The town council voted this fall to commit to the goal of eliminating all traffic deaths and serious injuries in town by 2045. The council will develop a local Vision Zero Policy, the first Maine municipality to take this action. Town leaders will collaborate with the town's Bike and Pedestrian Safety Committee, as well as the Complete Streets Advisory Committee and town officials. The Greater Portland Council of Governments adopted a Vision Zero action plan in 2023. The plan is a safety strategy that started in Sweden in the 1960s on the belief that the only acceptable number of traffic deaths is zero. Key to the strategy is designing roads that anticipate the human errors that are inevitable in driving. Yarmouth officials will rely on the regional policy in developing one for the town.



# LEGAL NOTES (by MMA Legal Services)

#### FEES, SURCHARGES AND TAXES

Question: We'd like to create a fund to pay for municipal improvements such as electric vehicle charging stations or for initiatives addressing homelessness or climate change. The property tax is already high in our municipality so we thought adding a \$10 surcharge to building permits or to transfer station tokens could fund these programs. That's a great idea, right?

Answer: No, unfortunately that sounds like an unauthorized tax.

Although municipalities have authority to impose a wide variety of user or service fees, Maine law reserves the power to tax exclusively to the state Legislature. Municipalities have no "home rule" authority to impose or collect any type of tax unless expressly authorized by statute (see Me. Const. art. IX,  $\S$  9). For this reason, the distinction between an authorized "fee" and an unauthorized "tax" is critical.

The Maine Supreme Court has addressed the difference between a tax and a fee in two separate decisions. In City of Lewiston v. Gladu, 2012 ME 42, the Court upheld an annual municipal stormwater charge as a fee, not a tax, where the revenues paid for only stormwater-related expenses and the fee was based on the amount of impervious surface area developed on each property. Likewise, in State v. Biddeford Internet Corp., 2017 ME 204, the Court upheld a state broadband sustainability fee as a fee, not a tax, where the revenues paid for broadband infrastructure expansion and the fee was assessed only on broadband service providers using the infrastructure.

In both cases the Court employed a four-part test to determine whether the charge was a fee or tax: (1) whether the primary purpose is to raise revenue or further regulatory goals, (2) whether there is a direct relationship between the assessment and the benefit conferred, (3) whether the assessment is voluntary in that it can be avoided, and (4) whether the assessment is a fair approximation of the government's costs and the benefit conferred.

Charges added to a service primarily to raise general revenue or that are not voluntary or are not related to the cost of that service are likely to be deemed unauthorized taxes.

Note that although municipal authority to set fees is broad, state law contains limits on numerous types of fees. For example, state law expressly limits fees for land use permits to the reasonable costs of administration and enforcement of the permit (see 30-A M.R.S. § 4355).

Other examples include tax lien fees, impact fees and vital record fees, which are all limited by statute. Where not otherwise addressed in statute, the common-law (e.g., Gladu and Biddeford Internet Corp. cited above) limits fees to an approximation of the government's costs and the benefit conferred.

For more on various fees, see our "Information Packet" on Fees, User Fees, Impact Fees, Service Charges and PI-LOTs available free to members in the "Legal" section of MMA's website (www.memun.org). (By S.F.P.)

#### **EXPANDED LOCATIONS FOR** MANUFACTURED HOUSING

Effective August 9, 2024, legislation broadened the locations where manufactured housing must be allowed. See PL 2023, c. 552. ("Manufactured housing" generally includes mobile and modular homes, as specifically defined in 30-A M.R.S. § 4358).

Previously, the law required that municipalities allow manufactured housing "on individual house lots in a number of locations on undeveloped lots where single-family dwellings are allowed." The law now requires that municipalities allow manufactured housing to be placed or erected on all individual house lots where single-family dwellings are allowed subject to the same requirements as single-family dwellings, unless otherwise provided in the law. See 30-A M.R.S. § 4358(2).

The legislation also slightly revised municipal authority to impose design standards on manufactured housing (§ 4358(2)(A)), primarily to remove a prohibition on municipal width requirements. As reworded, the law allows municipalities to establish design criteria for manufactured housing, including, but not limited to, a pitched, shingled roof; a permanent foundation; and exterior siding that is residential in appearance. However, municipal design standards cannot "have the effect of circumventing the purposes" of the law and may not be used to "prevent the relocation of any manufactured housing, regardless of its date of manufacture, that is legally sited within the municipality as of August 4, 1988." See subsection 4358(2)(A).

Finally, the law now states that "manufactured housing" (in addition to modular homes) that meets the construction standards for state-certified manufactured housing under 10 M.R.S. § 9402, must be allowed in all zones where other single-family homes are allowed. See subsection 4358(2)(E).

Municipal officials are advised to review local zoning ordinances for conformity with the new amendments.

Note that this legislation did not alter existing limits on municipal regulation of mobile home <u>parks</u>. See 30-A M.R.S. § 4358(3). (*By S.F.P.*)

#### **CONTRACTING TIPS**

We thought it would be helpful to provide a few tips for officials who manage contracts for goods or services:

- Put the Contract in Writing. Doing business based on a handshake sounds great, but the terms of an oral agreement can be difficult to prove. The municipality is vulnerable if questions arise about the desired services, payment terms or other details. Moreover, Maine law requires that some contracts be in writing to be enforceable, including contracts for the sale of land, contracts requiring more than a year to perform and contracts for sale of goods exceeding \$500.
- The Contract Should Describe the Entire Agreement.
   Include a detailed description of the services or specifications, materials, equipment, payment terms, time for performance, insurance, liability, remedies, funding contingencies, assignment, termination and a statement that the contract is the entire agreement between the parties.
- Authority is Needed. The purchase of a service or product is generally a legislative decision requiring municipal legislative body approval. A budget appropriation covering the purchase may imply one-year authority to purchase or contract, but municipal officials generally cannot bind the municipality to a multi-year contract without specific authorization from the municipal legislative body.
- Don't Simply Accept the Vendor's Standard Contract.

  Standard contracts are usually written to heavily favor the vendor. They may impose sweeping obligations and shift much of the risk to the municipality. Carefully review the fine print with the assistance of an attorney. Contract "boilerplate" can be negotiated.
- Require Performance & Payment Bonds. A bond protects the municipality if a contractor fails to perform.
   Municipalities are often reluctant to require bonds, believing a bond will increase the contract price. However, any added cost is money well spent if, for example, a new contractor must be located at additional cost on short notice. Also, Maine law requires performance and payment bonds for certain public works construction or repair contracts exceeding \$125,000.

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

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

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

- Read Indemnification Clauses Carefully. Do not agree
  to defend or hold the other party harmless from "any
  and all" claims or claims "of every kind and nature."
  Don't agree to accept liability for another party's actions or for claims over which the municipality has no
  control. In turn, contracts should require contractors to
  release and indemnify the municipality appropriately.
- Require Insurance. A release of claims or indemnification is only as strong as the resources behind it. Make sure the contract specifically requires the contractor to maintain liability, workers' compensation and vehicle insurance and to name the municipality as an additional insured. In turn, when a contract requires the municipality to carry insurance, it should not require insurance exceeding the municipality's existing coverage or inconsistent with Maine Tort Claims Act liability limits.
- Confirm That Maine Law Governs the Contract and Disputes Will be Handled in Maine. Executing a contract governed by another state's laws may void the protections of the Maine Tort Claims Act and subject the municipality to contracting rules significantly different than those applicable in Maine. Include a provision specifically choosing Maine law. Also, review dispute resolution requirements; future expense and inconvenience can be avoided if disputes are adjudicated in Maine rather than in another state.
- Every Contract is Unique. Don't use any form or contract from another municipality without carefully tailoring it to the specific situation, applicable law and local requirements. Always review the contract with an attorney before executing.

MMA Legal Services' Contracts & Competitive Bidding Information Packet contains sample documents and much more information on contracts, competitive bidding and statutory requirements. (*By S.F.P.*)















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### MAINE MUNICIPAL BOND BANK

# 2025 Spring Bond Issue Schedule

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. Traditionally twice a year, in the spring and fall, the Bond Bank will consolidate eligible applicants and engage in a bond sale. From application to receipt of funds the bond issuance process usually lasts four months. Below is the schedule for the Bond Bank's Spring Issue. Applications can be found on our website at <a href="https://www.mmbb.com">www.mmbb.com</a>.

| February |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|
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| 9        | 10 | 11 | 12 | 13 | 14 | 15 |
| 16       | 17 | 18 | 19 | 20 | 21 | 22 |
| 23       | 24 | 25 | 26 | 27 | 28 |    |

| March |    |    |    |    |    |    |
|-------|----|----|----|----|----|----|
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| 9     | 10 | 11 | 12 | 13 | 14 | 15 |
| 16    | 17 | 18 | 19 | 20 | 21 | 22 |
| 23    | 24 | 25 | 26 | 27 | 28 | 29 |
| 30    | 31 |    |    |    |    |    |
| May   |    |    |    |    |    |    |

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| 11  | 12 | 13 | 14 | 15 | 16 | 17 |  |
| 18  | 19 | 20 | 21 | 22 | 23 | 24 |  |
| 25  | 26 | 27 | 28 | 29 | 30 | 31 |  |

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

Wednesday, February 5<sup>th</sup> - Application Deadline

Wednesday, March 12<sup>th</sup> - Application Approval (MMBB Board Meeting)

Monday, April 7<sup>th</sup> – Preliminary opinions and loan agreements due from bond counsel of each borrower

Wednesday, April 9<sup>th</sup> – Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of April 21st – Maine Municipal Bond Bank Pricing

Monday, May 12<sup>th</sup> – Final documents due from bond counsel

Wednesday, May 21st - Pre-closing

Thursday, May 22<sup>nd</sup> – Closing – Bond proceeds available

If you would like to participate in or have any questions regarding this bond issue, please contact Toni Reed at <a href="mailto:treed@mmbb.com">treed@mmbb.com</a> or (207)622-9386 ext. 213.





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