

Maine Town & City

The magazine of the Maine Municipal Association

FEBRUARY 2023 | VOLUME 85 | ISSUE 2

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The Annual Report

Also In This Issue:

1st Amendment Audits

Q&A: Stuart "Stu" Marckoon,
30 Years & Counting

Augusta Civic Center Celebrates
Golden Anniversary

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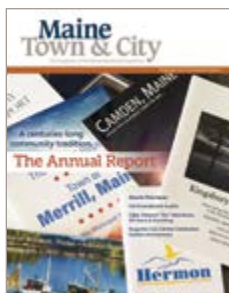
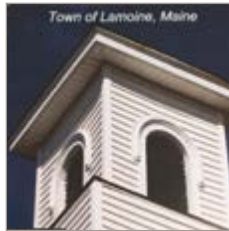
In this issue

A CALL FOR VOLUNTEERS. MMA relies on volunteers who serve on the Executive Committee to oversee and guide the Association's operations. Are you ready to serve? **PAGE 5**

THE HISTORY OF TOWN REPORTS. The proper telling of the history of the town report results in the acquisition of knowledge best suited for a Maine-based trivia night. While it may not be commonly known that "tythingmen" is old school for local peace officers, it is clear that MMA's Annual Report competition is serious business, bringing out the desire to win in some of the most unassuming municipal officials. **PAGE 7**

FIRST AMENDMENT AUDITS. The act of testing municipal officials' understanding of the public's right to information via First Amendment audits is growing in popularity. While occasionally intimidating, officials who have experienced these audits recommend that employees stay calm, answer questions, and avoid confrontation. Failure to do so could result in a cameo in a YouTube video. **PAGE 19**

AUGUSTA CIVIC CENTER. From serving as a warming center to hosting international music stars, including the likes of Willie Nelson and Aerosmith, the Augusta Civic Center has kept people safe and entertained for 50 years, all the while fostering economic growth in the city. **PAGE 23**



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ABOUT THE COVER

A compilation of annual reports spanning the decades. (Photographed by Rebecca Lambert, MMA)

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The Importance of Volunteers

By Catherine M. Conlow/Executive Director



Rosalynn Carter once said that “Without volunteers, we’d be a nation without a soul,” and so it is for the Maine Municipal Association (MMA).

Like many of our members who depend on residents to serve on councils, select boards, and committees, volunteers are the heart and soul of MMA. The Association is governed by a 12-member volunteer executive committee comprised of elected officials and city and town managers who generously give their time to govern the organization. The members of MMA’s Executive Committee, who have a passion for local government service, establish the policy priorities for important programs through the annual budget process.

In addition, the committee serves as the governing body for MMA’s Risk Management Services, which provides pooled property and casualty, unemployment, and workers’ compensation insurance programs to our members, while a separate group of volunteers serving on the Maine Municipal Employees Health Trust Board of Trustees, plays a vital role in guiding our health insurance programs and services.

Why are these boards so important? They are responsible for establishing policies, priorities and budgets that support all our municipalities. The composition of the Executive Committee is extraordinary. Members representing communities of different populations and areas of the state convene monthly to ensure that all municipalities have access to affordable and high-quality services. By ensuring these highly specialized services are available to all communities, our members are better able to focus on the immediate needs of their citizenry.

It is for this reason that I encourage you to make your voices heard.

Whether you represent one of our large cities in Southern Maine, a small plantation in northern or western Maine, a college or coastal town and everything in between. Whether you are new to Maine or have been here for a while. Whether you serve in an elected position or as the chief appointed officer, your perspective is welcomed and needed on the Association’s governing board.

So, what is the primary obligation of a member of the Executive Committee? The simple answer is to share your perspective, passion, and commitment for the betterment of local government in Maine. Bring that dedication to the table, and our staff will provide the technical support to better position you to serve municipal leaders, staff, and volunteers.

Do you have an interest or want to talk to someone about serving on the Executive Committee? Phone a current or former board member or staff at the MMA. Are you ready? If so, in March you will find information on the nominating process in our direct mailings, posted on the website, and published in the *Maine Town & City* magazine.

Not interested in the Executive Committee? MMA has other opportunities for member engagement. Consider getting involved with training and development programs. In 2023, MMA will initiate a member driven Advisory Council directed to help staff identify and implement enhanced training opportunities for municipal professionals.

Not interested in serving on an official MMA board or committee but have an idea for a training? Consider developing a session for our conferences and annual convention or hosting a workshop on a particular issue. The Educational Services staff is available to help support those efforts.

But the opportunities to volunteer do not stop there. MMA hosts several affiliate organizations that support the training needs of specific professions, including managers, clerks, assessors, and tax collectors. These organizations focus specifically on the training needs of members and all have extensive opportunities for volunteer involvement whether it is serving on a governing or professional development board, or other subcommittees.

The bottom line being that MMA is your association. If you want to see change, have a unique perspective, or respect our mission, get involved. We are here to meet the needs of our members, but we can only do so when we understand what our members need. 🇺🇸



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A Concise History of Town Reports

A journey of countless rabbit holes and healthy supply of Maine trivia.

By Janine Pineo

It sounded easy enough: Write a story on when and why annual town reports came into being, how they have evolved and how these reports created for people are used by those people.

Ah, reader, it was not.

It is, however, a journey that included countless rabbit holes (did you know Maine Central Railroad wrote a book in 1888 called “The Front Door-Yard of Our Country and What It Contains,” urging you to “Look within for Glimpses of Maine and the Provinces”?) and a few emails with the reference librarians at the Maine State Law & Legislative Reference Library.

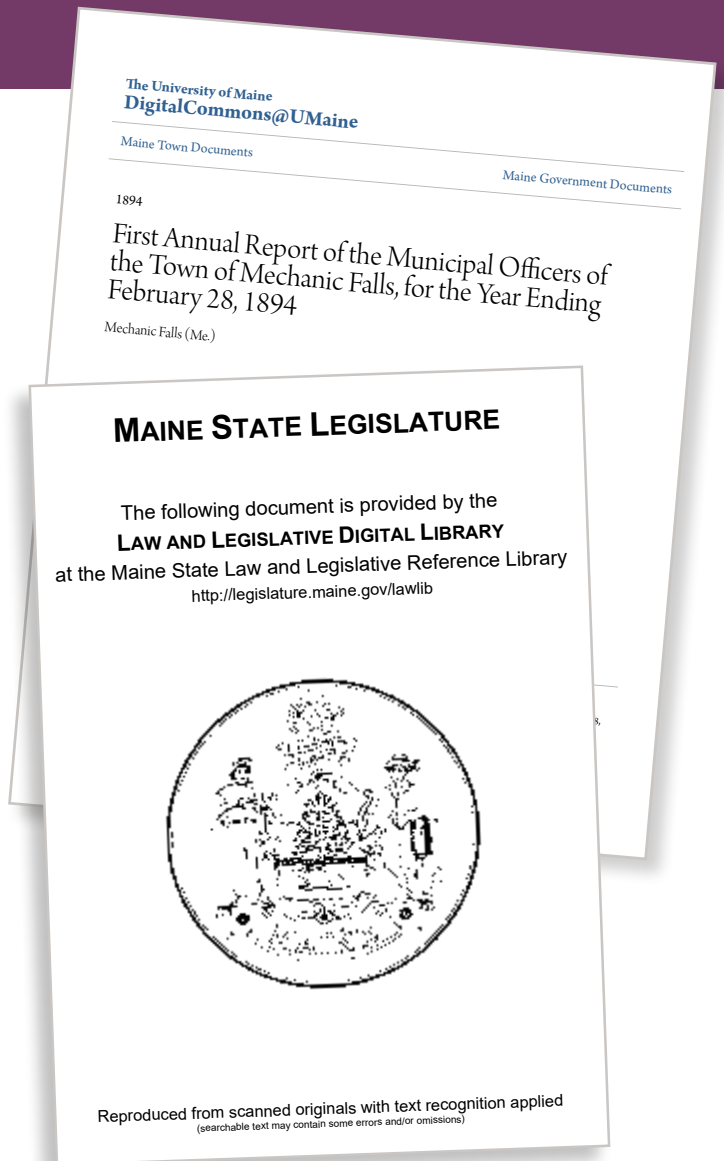
Perhaps most importantly what it brought was the realization that what was revealed were the building blocks of our government, how we as a new state in 1820 decided to conduct ourselves and hold our officials accountable, setting standards and transparency that are the hallmarks of a democracy, putting the ideals in writing and codifying them in our statutes to be carried down through the generations, tweaking when necessary.

There has been a lot of tweaking, but more on that later.

After a number of fruitless Google searches that found the current law for annual municipal reports (Title 30-A: MUNICIPALITIES AND COUNTIES; Part 2: MUNICIPALITIES; Subpart 3: MUNICIPAL AFFAIRS; Chapter 127: MUNICIPAL REPORTS; §2801. Annual report) and a very large rabbit hole with hundreds of enticing tunnels that led to scores of digitized annual reports dating way back (digitalcommons.library.umaine.edu/towndocs/), the search engine took pity and popped up a link to the law librarians at maine.gov.

An inquiry form filled out on Martin Luther King Day was answered the next day by Andrew, one of the reference librarians, with a link to a PDF of the very section about the first law requiring annual municipal reports for a still-young state.

Approved on Feb. 22, 1865 – 46 days before the Civil War officially ended – Maine enacted its town report



law during the 44th session of the Legislature. Chapter 305 of the Public Laws of the State of Maine laid out the requirements for “An act further defining the duties of town officers in relation to the disbursements of moneys.”

Section 1 begins: “The selectmen, treasurer, and every other person charged with the expenditure of the moneys of any town, shall on or before the morning of the annual meeting in each year, make detailed written or printed reports of all their financial transactions, for or in behalf of the town during the municipal year immediately preceding, with a full account of the receipts and

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

disbursements during that period, and to whom and for what purposes each item of the same was paid, together with a statement in detail of the indebtedness and resources of the town.”

It continued: “Such reports if printed shall be distributed to the legal voters on or before the morning of the annual meeting, or if not printed shall be presented and read in open town meeting before the election of selectmen, and thereafter, whether written or printed, shall be kept deposited in the office of the selectmen, or if they have no office or usual place of business, with the town clerk, together with the proper vouchers for the disbursements reported, where such reports and vouchers, as well as all the books of the town, shall be open during the usual hours of business to the inspection of any legal voter; and if any town officer shall refuse or neglect to perform any of the requirements of this act, or shall refuse to allow any legal voter in the town to examine the reports, vouchers, and town books herein referred to, he shall be liable to pay a fine of fifty dollars for each and every refusal or neglect, to be recovered by indictment, one half to the use of the complainant and one half to the use of the county.”

It all sounds quite familiar, doesn't it?

Except in 1865, “legal voters” didn't include the same people who vote today. According to a Maine State Museum educational guide, when Maine became a state in 1820, more than half of the residents were not able to vote as the state constitution limited voting to males over the age of 21, and even then excluded anyone re-

ceiving public assistance (defined as paupers) or those under guardianship for not only mental disability but also physical disability. It would be decades before black men could vote, a century before women could vote and not until the 1950s when Native Americans could vote.

As for that \$50 fine for “each and every refusal or neglect” if the official is found guilty of keeping a legal voter from looking at town records? In today's world, taking into account inflation since 1865, it would be the equivalent of \$910.42.

Fun fact: In Title 30-A, the current law reads, “A municipal official who refuses or neglects to perform any duty required by this section commits a civil violation for which a fine of \$50 for each offense may be adjudged.”

So there it was, the first law on an annual report.

But Andrew, the reference librarian, had to dangle a carrot. He wrote, “A great many changes occurred between 1865 and the present in regards to this requirement. Should you like any information on these changes please let us know.”

And thus it came to pass another request was lobbed at the reference library that went something like: “I was told there were a great many changes between 1865 and now, and while I don't necessarily need all of them (al-

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though if it's easiest just to give me links to all, that's great), if there were significant additions or deletions, then I would be interested in those."

This time around, it was Alex who replied – and obviously took to heart to send all the information – with an email brimming with links to more than 40 PDFs and links and laws after every line that read, "This was codified in the (insert year here) statutes as...."

Reader, it was a history class on Maine law that far exceeded the needs of a 1,500-word article for *Maine Town & City*.

Alex was succinct in his description of what he sent: "As you can see, before 1954, this statute fragments into multiple statutes."

Some of the changes spoke to other municipal laws that likely would trickle through to the town report, such as how to handle omissions or errors in the tax record (1869) and receiving money from the state treasurer (1879).

Other changes shared space with tantalizing rabbit holes. 1929 featured an act providing for the attesting of records of city and town clerks by volume if the municipality had more than 35,000 residents, which was immediately followed in the document by an act to create a game preserve in Windham on Little Duck Pond, with directions that include a boundary defined by the location of iron and brass pipes, piles of stones and a series of trees that included maples and a red oak.

Changes in 1941 were preceded in the document by

an emergency act covering the sale of potatoes, described as "immediately necessary for the preservation of the public peace, health and safety." The 1941 municipal changes, you ask? Inserted in the middle of the text about printing copies of the annual report was this addition: "written in ink or printed on paper of not less than 50 pound basis with ink and bound in the size measuring 6 inches wide by 9 inches long."

The fine if any of the requirements of the annual report were refused or neglected? Still \$50.

As for the most recent change to the annual report statute, it was made in 2011 and covers concealed handgun permits, now 3-A in the current law: "The names of persons issued concealed handgun permits under Title 25, chapter 252 may not be printed in the annual report."

Alex, the reference librarian, also sent a couple of other requested links, including the first law on town meetings, enacted on March 8, 1821, a week shy of the state's first birthday. It required the citizens to assemble in March or April annually, choose a clerk and then "three, five or seven able and discreet persons of good conversation, inhabiting in the town to be Selectmen, and Overseers of the poor..." It also included among the municipal roles: Fence Viewers, Surveyors of Lumber, Tythingmen, Sealers of Leather, Measurers of Wood and Clerks of the Market.

For the record, *Maine Town & City* has not pursued clarification from the reference librarians on when, or if, those municipal roles were removed from the law, let alone the "good conversation" requirement. 🇺🇸



It's not just a contest, it's serious business.

By Janine Pineo

The balance due to J.T. Crippen and Co. on the piano at the Cranberry Isles town hall was \$25.

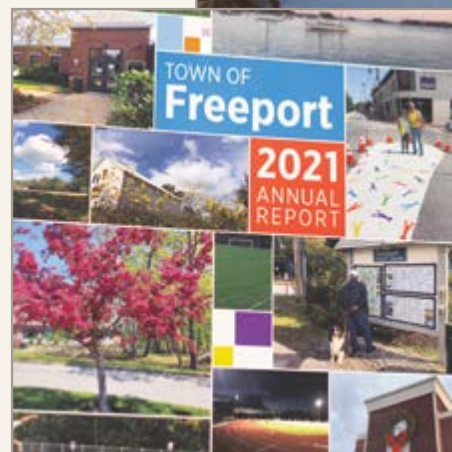
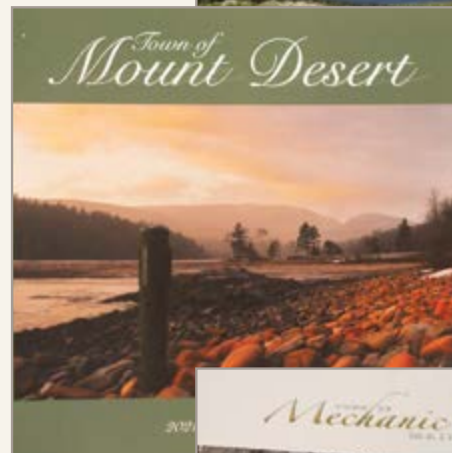
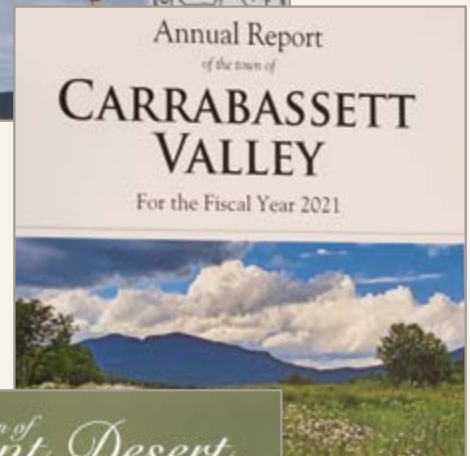
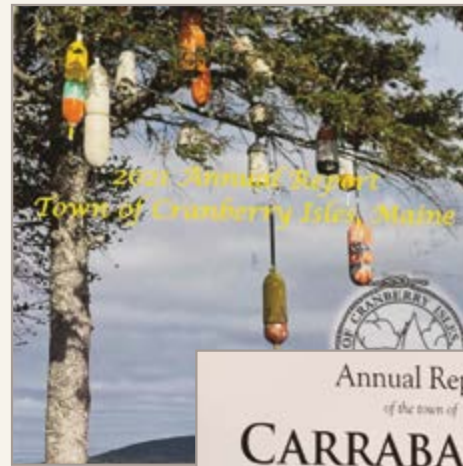
Several pages later in the 1909 annual report, the section ends with this: "The earnings of the town hall the past year is not as large as other years on account of the hall being let only a few times. Nevertheless we must not overlook the fact that the profits from one of the entertainments given by our people assisted by the school teachers went to pay off the debt due on piano. The last payment of \$25.00 made by the town cancels the piano debt and we now enjoy the music from our own piano."

In Mechanic Falls – the 1894 report was its first after being incorporated from parts of Poland and Minot in March 1893 – the town set aside \$400 in the Street Light account to pay for the services of Isaiah Thurlow "for oil, lighting lamps, globes and chimneys" each month, with November and January the most expensive at \$37.50 each. It also listed the Minot debt the new town assumed when it was formed, including snow bills, pauper supplies and school debt.

In the 1878 Freeport report, the supervisor of schools lauded the success of the 18 common schools within the town. Freeport had added six more weeks to the school year, for a total of 30 weeks. It had employed 25 teachers and built two new schoolhouses, "one in the Litchfield district, the other in the Rogers district, so called."

These peeks into the past are more than just a utility: They are records of the people who lived in these municipalities. The reports mark not only the expenditures of the local government but the births and deaths, events and gatherings, openings and closings that define the daily lives of its residents.

Back in 1998, the Maine Municipal Association started a contest for the best annual report, with five population-based groupings. The criteria to judge the reports include the attractiveness of the cover and layout, reader appeal, presentation of materials including financial statements, and the use of a table of contents, photos and graphics to inform the reader of the community's achievements. (Full disclosure: I have been a judge since 2013, except for one year.)



The first-place winners earning the title of Supreme that first year were Arrowsic (0-499), Fayette (500-999), Castine (1,000-1,999), Rockport (2,000-4,999) and Freeport (5,000 and over).

The population range may have changed slightly in 24 years with two of the middle categories shifting to 1,000-2,499 and 2,500-4,999, but the goal is the same: Showcase the best reports in the state.

In 2022, **CRANBERRY ISLES** won the Under 500 category, continuing its regular appearance in the top three. Town Clerk Denise McCormick credited Deputy Ben Sumner with the win, saying in mid-January that he was in the midst of gathering this year's final reports. The island community publishes one of the larger reports each year, which helps keep the summer people informed when they arrive.

McCormick said the town prints about 300 copies to hand out, although it doesn't mail everyone a copy any more unless it's requested. The winning report for the 2022 competition included details on a Manset property to secure more mainland parking, information on shoreline stabilization projects and a photo of an Eurasian collared dove, a rare appearance of the bird, which stayed for three weeks in November and December.

CARRABASSETT VALLEY topped the 500-999 category. "You take pride in making sure everything is correct," said Town Clerk Wendy Russell. She said she looks for pertinent information and events all year long, comparing it to keeping a journal. "To do better every year, it's a little bit stressful."

The Franklin County town is another seasonal locale, although the bulk of visitors come in the winter. Russell said they print about 175 copies and put an electronic version on the website.

She did have a warning for other competitors in her category for this coming year because, believe it or not, Carrabassett Valley celebrated its 50th anniversary as a town last year. "This town report ... is going to be over and above because it's about the fiftieth year."

MOUNT DESERT won its category of 1,000-2,499. Another repeat winner, the Hancock County town is another seasonal community that issues an impressive annual tome.

"It's getting boring, isn't it?" laughed Town Manager Durlin Lunt. He credited his staff, describing them as "driven" to produce a quality report.

"We want it to be much more" than spreadsheets, Lunt said. The result, besides regularly winning one of the top spots, is a useful collection of information. "It gets widely disseminated," he said.

A first-year town clerk won the 2,500-4,999 category. "It was a challenge for me," said Janice Ferri of **MECHANIC FALLS**. "It was totally new to me."

Ferri said the council has remarked on the positivity in the report. "This is our town and I tried to make it people-centric," she said.

She also wanted to meld in historic details and not just "bland" information. To that end, she has been working all year preparing for 2023. "You better believe this summer I've been taking pictures," Ferri said.

FREEPORT, in the 5,000 and over category, is a perennial winner in the contest. Town Clerk Christine Wolfe credits the designer with the visual quality and the staff with the information found within.

"This shows our residents what we are doing behind the scenes," Wolfe said. The report itself presents detailed information in graphic form on exactly how the taxpayer's dollars are spent.

"I've never had negative feedback," Wolfe said, adding that the report is a useful reference not only for residents, but the staff, too.

Wolfe, like the other towns, was in the middle of working on this year's reports, which, by the way, are due by Sept. 1 at the MMA offices for the 2023 competition. 🏔️



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Stu Marckoon, small towns and unicorns

By Liz Mockler

Stuart “Stu” Marckoon thought he’d seen it all in his 30 years as Lamoine administrative assistant. But that changed on January 9, when he received a written request from a five-year-old girl looking for town approval to own a unicorn.

Marckoon, the father of two daughters, got right down to business. He designed and wrote an application for the girl to fill out and return to the town. Marckoon listed the girl, Brielle, and her unicorn application on the select board agenda for January 20.

“You don’t mess with five-year-old girls and unicorns,” Marckoon told *Maine Town & City*. “I had five-year-old girls once and unicorns are important.”

The girl and her family attended the select board meeting, when officials approved her application and asked her questions about how she plans to take care of the unicorn.

Marckoon’s wife, Bonnie, bought a pattern of a unicorn and made one for the girl, which she received in a gift bag at the meeting. “She held it close. You could tell she loved it,” Marckoon said.

Unicorns aside, you might think that after running the small town for a few decades, Marckoon could slow down a bit. But the size and character of the town pinned between Ellsworth and Mount Desert Island hasn’t allowed for much down time.

With help from a small office staff, he keeps the town ticking with frequent communications, attention to detail, treating people well and simply by showing up for work everyday, he said.

One of Lamoine’s main roads dead ends at Frenchman Bay. The remainder of the town is nestled among trees, numbing the noise of bumper-to-bumper traffic headed on or off Mount Desert Island – especially in the summer.



Stuart Marckoon

In a question-and-answer email exchange, Marckoon talks about what has kept him in Lamoine for so long, what’s still undone after 30 years on the job, and what he hopes for the future of the town.

Q You marked 30 years in your job last month. How did you find your way into Lamoine government and what keeps you interested in the job?

Back in 1992, the previous town administrative assistant, Joe Hayes, had contacted me while I was working as the news director at a radio station in Ellsworth to let us know about a special town meeting coming up. I knew that he was looking to leave, and the town had some difficulty finding someone to fill the post, so we chatted about that and he mentioned a possible internship.

The radio news business was headed into some major unfavorable transitions, so I took the chance and the three selectmen at the time opted to hire me on full time in January 1993. While my college degree was in accounting, my practical experience was in broadcasting and journalism. Those two fields actually combine well for many aspects of the job.

What keeps me interested are the residents of our community, the other employees of our town, and the diverse challenges that confront a municipality daily. For instance, as I write this in early January, the roads are slippery, so the morning started out (with me) salting the town hall steps; communicating with the town clerk who has school aged children who don’t have school, so she will be late; fixing a vehicle registration that we had screwed up; hosting a zoom meeting with several other towns to finalize a regional animal control officer plan through the county government; preparing the expenditure warrant and numerous other documents for tonight’s select board meeting; sending several e-mails to our code enforcement officer who opted to stay off the slippery roads; and answering an inquiry about an animal control case.

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



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And that was all before noon time! The challenge of trying to keep it all organized and being of some use to others is what makes this a fantastic job.

Q You have almost always lived in Lamoine and are likely among the longest-serving AAs in the same town in modern Maine history. What is your favorite aspect of Lamoine?

I've lived in Lamoine for 39 years, having grown up in Winthrop and Rockland and attending college in Bangor, so this is certainly where my adult life has been spent (though some may argue about the adult part).

This little town has some of the nicest people that you would ever meet. There's very little commercial business here, but it's only a short drive to Ellsworth to get groceries, do banking, and grab a bite to eat.

I have to confess that as I age, it's a relief to turn onto the roads to Lamoine and not experience the high volume of stop-and-go summer traffic that goes with a larger community.

Our residents are respectful when you treat them with respect. People choose to live here, and while the view is pretty spectacular, it's the residents of the town and the folks who work in our little town government that make this a wonderful place to live and work. They've got your back. I hope they know we've got their backs too.

Q Considering the dearth of media coverage of your town, how do you communicate with residents? Has your radio career helped you in communicating with the public?

We have utilized a wide variety of communication technologies over the years; cable TV, a wicked good website, social media, e-mail and a printed newsletter. As technology evolves, utilizing it presents challenges.

Back in 1995, when the town celebrated the 125th anniversary of its founding, we started publishing a town newsletter and the job has fallen to the town administrator to produce an eight-page newspaper style publication four times a year.

People love it, and it's been a great way to spread the "news" of our town government. Often there is more news than fits. *The Ellsworth American* prints a few hundred copies that we distribute to the K-8 school, at a couple of businesses and at the town hall. It's also replicated online and the link is e-mailed to those who signed up to receive it.

Most of the town board meetings are televised on the local CTV channel and streamed on the town's website, and we recently upgraded that website to make it much more attractive. There has always been an extraordinary amount of content on the website.

The radio career (which ended in July 2021 with retirement from that part-time job) certainly helped with the other aspects of communication. Knowing the other players in the media field helps if you've got an important message to get out to a wider audience. For instance, this article's instigator, Liz Mockler, and I often reported the same stories in Hancock County for different media outlets many years ago.

Over the years I hope that I have learned how to be diplomatic. Recently a neighbor of mine died as a result of homicide and the TV stations from Bangor showed up for a "comment." This fellow had been banned from our town office because of his often-violent outbursts. After a very brief soundbite on TV, that message was imparted along with the fact that he had strong beliefs and was a fellow human being, and a few folks who viewed commented that it was well delivered.

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Q What makes a good administrative assistant? Would you recommend it as a career path?

In a few words a good town leader projects honesty, compassion, and dedication. Own your mistakes, care for the people who live in and do business with your community and government. Put yourselves in their shoes and try to make navigating the government processes easy for them.

You bet I'd recommend it as a career path. The select board has been very generous and supportive financially and personally. The small paid staff here has also been supportive. As a community leader one is held in high regard if you show up to work, get your priorities straight, and make a true effort to do the job correctly. And say thank you – a lot!

Q Is there anything you would change in your job description?

Probably not, since I wrote it many years ago. There are a few positions I would not mind shedding such as General Assistance administrator and animal control officer, but even the diversity of those jobs is an interesting challenge at times.

Q What do you find the most challenging -- and the most frustrating -- part of your job?

The biggest challenge is time enough to get all that should be done completed. If it gets busy and a project is under way, I end up working the front counter with the

clerk/tax collector and the work sometimes piles up.

The most frustrating thing actually is not putting in enough down time to spend with my wife, daughters and now a granddaughter.

Q Is there anything for you that's still undone in the town after 30 years?

Yes! A succession plan for when I plan to retire in about five years. (Also) a plan on how to accommodate the town government and school space needs (we're just starting on that), and an operations manual for how to do things. Whoever replaces me will have their hands full!

Q Given your proximity to Bar Harbor and Mount Desert Island, has the housing market there impacted your community and how? Is this new?

There are a lot of housing issues in Lamoine. One just has to look at the real estate market in the past two years. Recently houses that hit the market are often sold in less than 24 hours and for a higher than asking price. That's cooled off a bit today, but there is precious little inventory in town and it's pricy.

Subdivision lots have sold quickly, but those wanting to build have difficulty finding contractors who can do so quickly. And, it costs a lot of money to buy a home. Our town is attractive because the tax rate is pretty low, and we're located away from the more populated areas of



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Ellsworth and MDI.

My idea of affordable is apparently quite different from reality – I am glad I don't have to find a place to live. Many town employees on MDI live in Lamoine because housing on the island is beyond their reach.

Q Are short-term rentals an issue for you and the select board as they are in so many other towns and cities, especially property close to the water?

We're starting to see some complaints about the short-term rental situation, mostly because of its impact on neighboring properties. There was a call from some to have the town regulate it which was met with strong resistance from people who offer vacation rentals.

The complaint about long-term rental housing availability has not been received in Lamoine yet, though I am sure that some homes that could be available long-term have turned to short-term rentals to maximize income. We don't have the staff or the space to get into hard core regulation at the municipal level.

Q What do you see in Lamoine's future?

I hope the town's character remains unchanged. We're a family with 1,720 very diverse members who support children, education, and the elderly. The municipal

government infrastructure is going to have to change to accommodate the demands on local government space.

The next generation will have to step up to hold elected and appointed positions," he said. "We're an aging community and that brings health and social challenges that some other agencies will have to address. I hope people continue to like and respect each other, even though they might not agree on things.

Our town government doesn't seek to intrude on our residents any more than necessary, and that will need to be kept in mind when tweaking ordinances and policies. And that old guy who lives on Rabbit Run who works at the town hall and types a lot of words – please wave to him with more than one finger when he passes you on the road! 🇺🇸



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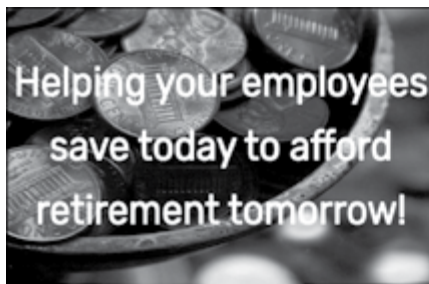
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First Amendment Audits

Stay calm. Answer questions. Avoid confrontation.

By Betty Adams

Early in December 2022, a small group of individuals conducting “First Amendment audits” went into a handful of town offices in York County and began taking videos with cellphones and using separate microphones to capture sound.

They were looking to see whether the municipal employees objected to the filming in public spaces, a practice protected under the First Amendment.

Some of those visitors wore name tags, “I’m me.” “I’m him.” and identified themselves as such. They asked municipal workers their names and what their roles were. The visitors walked into unlocked rooms and offices. They went upstairs in some locations. They did not enter rooms that were posted as private or employee-only.

And as those visitors proceeded along Routes 236 and 4 in southern Maine, clerks sent notices to other municipalities, giving them a heads-up in case they too received visits from those auditors.

A website “First Amendment Auditing.com” defines First Amendment audits as “The practice of exercising one’s constitutional right to record video for the purpose of educating anyone who attempts to infringe on that right and commending those who respect it.”

The First Amendment to the U.S. Constitution says, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

An opinion by the U.S. Court of Appeals for the First Circuit, which includes Maine, Massachusetts, New Hampshire, Puerto Rico and Rhode Island, in a 2011 appeal arising out of a Massachusetts case, discussed rights under the First Amendment. It said, in part, “The filming of government officials engaged in their duties in

a public place, including police officers performing their responsibilities, fits comfortably within these principles.”

A website of The Reporters Committee for Freedom of the Press notes, “A growing consensus of courts have recognized a constitutional right to record government officials engaged in their duties in a public place. This

First Amendment right to record generally encompasses both video and audio recording.”

Each of those encounters in Maine was a little different as evidenced by a selection of those vid-

eos posted on YouTube by “Accountability for All.” Some town employees appear uncomfortable, some object to the filming and opt not to identify themselves; others welcome the visitors, ask whether anything in particular is wanted, and then resume working.

Municipal officials in charge during four of those First Amendment auditing visits offered advice in handling those encounters: Stay calm. Answer questions. Avoid confrontation.

In Eliot, the First Amendment auditors filmed in the hallway and in the clerk’s office, a small area.

“Certainly, they had the right to do what they were doing in an unrestricted area,” said Town Manager Michael Sullivan. “We had already restricted access to other areas. Restricting areas from access is important; making sure there are areas to film is too.” He had previous experience with First Amendment auditors who came into the South Hadley (Massachusetts) Town Office when he was town administrator there.

“I didn’t do my job making sure people here were prepared,” he said in early January. “Now they’re better prepared. They’re not happy about it; they don’t think it’s fair, and they did feel threatened, and the only thing we supplied them with is knowledge.” He noted that one of the town’s newer employees was shaken by the encounter, and added, “The two people most shaken had spent the least amount of time working in the public sector. The longer-serving employees are more anesthetized.” Twelve people work at the Town Hall.

“Certainly, they had the right to do what they were doing in an unrestricted area. We had already restricted access to other areas. Restricting areas from access is important; making sure there are areas to film is too.”
- Michael Sullivan, Town Manager

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

Part of that education came from training – paid for by an Alford Grant – that the staff had been taking through an arrangement with York County Community College. The training is done at the Town Hall.

“Interestingly, we had already scheduled training for the following week on de-escalation,” Sullivan said. “We had a great discussion about the First Amendment, what we should allow and shouldn’t restrict and areas that can be limited. We should make everything that is publicly available available to them. It was a good opportunity to learn about needs and the issues that we face and what our requirements are when someone comes into the building and wants to film.”

The prior week’s training had been on customer service.

Sullivan said that after the visit by the First Amendment auditors, the town received a public records request seeking the results of an investigation into complaints that a staff person put up a hand to block a camera and that Sullivan did not provide his own name. No action was taken as a result of the former, and Sullivan said in mid-January that the latter remained under investigation. He said the results would be provided to those who

inquired.

In North Berwick, Town Manager Dwayne Morin greeted the auditors after they had talked briefly to a secretary. “They have the right to walk around and videotape,” he said. “You can see their main goal is to create confrontation, create YouTube videos and get their cash support.”

“They have the right to walk around and videotape,” he said. “You can see their main goal is to create confrontation, create YouTube videos and get their cash support.”

-Dwayne Morin, Town Manager, North Berwick

The video shows the town had posted some red “STOP” signs and other indicators of restricted areas – mostly held over from the height of the COVID-19 pandemic, Morin said.

“The gentlemen that came in saw our signs that said ‘Employees only,’ and they did not attempt to come beyond those points,” Morin said.

He also noted that the town itself – like a number of other municipalities – uses cameras to record happenings in the Town Office. “We’re public servants; the building’s open to the public.”

His advice on handling the First Amendment auditors: “Don’t engage in confrontation. Answer questions forthrightly.”

Morin noted that most of the staff in North Berwick had gone through freedom of information training, learning what people can request and what information

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can be given out. The visitors did not request any records from town workers.

Lebanon Town Clerk Karen Smith said the First Amendment auditors who visited there for about 20 minutes were cordial and polite. She invited them to look around in the public area and said she had not expected the Lebanon video to be posted.

“All in all they were pretty decent, but the thing that got our attention was when they went into a multipurpose room not normally occupied or used by the public,” Smith said. “We wanted to see who was there. They did seem like they were trying to manipulate the conversation. They were trying to get us to ask things we knew we didn’t need to ask.”

She offered advice on handling the situation: “Don’t engage and definitely know the laws of what you can and cannot ask and where they can and cannot go.”

Smith has been the town clerk since August 2022; however, she had worked there in the ‘90s as deputy clerk and tax collector.

Waterboro Town Administrator Matthew Bors, who doubles as fire chief, said that he had just left the Waterboro Town Hall when he received a phone call asking him to return because two people had come in with cameras and were videotaping. “I had seen some of the (First Amendment audit) videos before, and I had some

idea of what was happening,” he recalled. “I said, ‘Let them videotape. Talk to them. Answer their questions.’”

Bors – after consulting with the town’s legal counsel – previously had sent staff information from the Vermont League of Cities & Towns on “Reducing Risk from First Amendment Audits.” It notes, “Many auditors draw income from creating and posting audit recordings to online platforms, most frequently YouTube, for public consumption and notoriety. The more interactive or argumentative the audit, the greater the draw and potential income for the auditor. In the worst scenarios, something happens during the audit that provides the impetus for the auditor to file a lawsuit alleging a violation of their First Amendment rights, or even false arrest.”

It includes this recommendation: “Do not challenge recording that is taking place in areas that are open to the public. If the public can be present in a space, room, or office, a member of the public can also record in that space. There are a few exceptions for areas where there is a clear expectation of privacy, such as a rest room or locker room.”

Maine Municipal Association’s Legal Services issued its own guidance in response to inquiries about the First Amendment Audits.

It says, in part, “The public generally has a First Amendment right to record municipal officials and members

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of the public in public places, including certain areas in municipal buildings. Think of it this way: if a municipal official is conducting town business in a public

place, any person that comes into that public place and can see or hear what the official is doing, can generally record it.”

And it also says, “A municipality probably can only restrict recording in municipal buildings to the extent required to protect confidential information or transactions or to prevent interference with government business being conducted with other residents.”

MMA also offers educational sessions on conflict and Maine’s Right to Know law, formally known as the Freedom of Access Act.

The First Amendment Museum in Augusta offered an educational Zoom presentation on First Amendment Audits by Eric Shytle, general counsel for the Municipal Association of South Carolina, which has 271 member municipalities. In it, Shytle notes, “Making people uncomfortable yields better YouTube videos.”

He distinguishes between forums or locations: public, limited, and nonpublic, and notes that the municipality has greater rights in a nonpublic forum. He cautioned that there must be areas accessible for exercise of full First Amendment rights. He said municipalities can designate various areas, and in some cases those in South Carolina used a map of the facilities to indicate them.

Shytle stresses the need to educate municipal employees so they can remain calm and rational. “They need to know what to do, what a First Amendment audit is, what a public forum is and what they can do.”

And he cautions: “Always remember that you may end up on YouTube.”

He and others recommend that computer terminals face away from the public to ensure that private or personal information remains that way.

Libraries too have been the focus of First Amendment audits. The Maine State Library provides information on “Legislation and Legal Issues relating to Maine Libraries” on its website. Guidance there notes, “The law distinguishes between a traditional public forum, or public square, and facilities opened to the public for a particular use or purpose, like a library or a courthouse. Facilities like libraries and courthouses are considered to be limited public forums or non-public forums for purposes of the First Amendment. In limited or non-public forums, the government agency administering the space is only obligated to allow those First Amendment activities

that are consistent with the nature of the forum, even if the facility is open to the public.”

“Unfortunately in the last three or four years, we have had to have more people trespassed from our office. It’s the times politically. They think because they pay their taxes, they can behave how they like. We need to foster better behavior and better relationships.”

- Richard LaBelle, Town Manager, Norridgewock

It also says, “Auditors assume library employees and librarians are municipal officials. In Maine, many more libraries are nonprofit organizations who receive some funding from municipalities . . . Libraries may establish policies regarding filming in


their location but should obtain legal advice regarding such policies since governance, building ownership, etc. is so varied in Maine.”

While the First Amendment auditors had not visited the central Maine town of Norridgewock, Richard LaBelle, town manager, said some previous visitors have done audio recordings. “I haven’t seen people come in and try to be provocative with video,” he said.

However, the town office has seen problems with some visitors harassing staff and issuing verbal and physical threats. “Unfortunately in the last three or four years, we have had to have more people trespassed from our office,” LaBelle said. “It’s the times politically. They think because they pay their taxes, they can behave how they like. We need to foster better behavior and better relationships.”

And farther south in Eliot, Sullivan remarked in his “Town Manager’s Report of Dec. 8, 2022, that the customer service training received by staff “recognized the difficulties which have rapidly evolved in Eliot Town Hall and elsewhere over the past few years when dealing with the public . . . From a relatively small but a seemingly growing fraction of the population, the frequency of taunts, threats and disrespectful language is becoming more commonplace.”

The Town of Eliot has a “Visitors Code of Conduct” – something also recommended by Shytle – adopted by the select board in July 2022, which Sullivan described as a de-escalation tool. “We just hand that to some people coming in upset. Perhaps they’re missing their dog license and have to pay a \$5 charge or the neighbors’ fence is too high.” Sullivan said, adding that it helps to ask them calmly to read it and to remind them, “I just work here; I am bound to try to enforce the rules.”

The policy says, in part, “The Town will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual’s performance or that creates an intimidating, hostile or offensive work environment.” 

Augusta Civic Center Celebrates 50 Years

With five decades of experience under its roof, the civic center has shown its importance to the City of Augusta and the region.

By Stephanie Bouchard

Tuxedos, gowns, red carpet, paparazzi, plated meals, live music. Sounds like the Oscars at the Dolby Theatre in Hollywood, but it's not.

It's a Friday night at the end of January and the auditorium at the Augusta Civic Center has been transformed into a ballroom for the Kennebec Valley Chamber of Commerce's annual Kenney Awards. Overnight, the auditorium will metamorphose into a competition zone with bleachers pulled out of their recesses and enormous padded mats rolled out across the floor for the Maine Principals' Association regional cheerleading championship.

As 8,000 to 9,000 people filter in and out of the auditorium for the competition, the North Wing hosts the city council holding their annual goal-setting meeting, and on the upper floor, friends and families are in attendance for the Gaziano Lineman Awards, a presentation of scholarships to high school seniors who are offensive and defensive linemen.

When the cheerleading competition wraps up, the auditorium once again morphs, this time to accommodate a motorcycle swap meet. "That weekend always amazed me," said Earl Kingsbury, who served five years as the civic center's director and eight years before that as assistant director and is now the city's community services director. "In that one weekend, you have really shown the flexibility of that building and the staff."

From serving as a regional COVID-19 vaccination site, to warming center for citizens to go to in a weather emergency to hosting the state legislature during the

height of the pandemic to presenting family entertainment like the Harlem Globetrotters and concerts by international music stars such as Elvis Presley, Willie Nelson, Bruce Springsteen, Aerosmith and Phish, the August Civic Center, which celebrates its 50th anniversary

this year, has proven itself time and again as a versatile and valuable asset to the city of Augusta and the region.

"It was designed to create opportunities and to help develop more revenues for local businesses, and I think we've definitely

done that," said Margaret Noel, the civic center's current director. "Over the last 50 years, we have seen economic growth in the Augusta area: more hotel rooms, more restaurants, more retail. When there's something big happening at the Civic Center, our patrons go to these places."

The creation of the civic center wasn't without controversy 50-plus years ago, but it had strong local champions, including then-city manager Paul Poulin. "He loved the city of Augusta and was very passionate about his job," said the civic center's first director, Lionel Dubay. "He had a great business sense, possessed outstanding leadership skills. He was conservative to a degree but was also a risk-taker and a progressive thinker."

At the time - the early 1970s - civic centers in the United States were more common in large cities. The first civic centers in the U.S. were constructed between the late 19th century and World War II. They were usually built in or near the business district for the purpose of consolidating civic buildings, such as city hall, the courthouse, and civic cultural institutions, into a concentrated area, said Jon Ritter, a clinical professor in New York University's Department of Art History and Urban Design and Architecture Studies, who has written on the

"It was designed to create opportunities and to help develop more revenues for local businesses, and I think we've definitely done that," - Margaret Noel, Director

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

“Paul Poulin’s vision for the Augusta Civic Center was very broad in scope and definitely on target as well as cutting edge for a municipality the size of the city of Augusta” - Lionel Dubay, former director

history and architecture of civic centers in the U.S.

“They’re achieving the goal of creating municipal efficiency through this grouping of buildings, and also the creation of these kind of open spaces,” he said. It wasn’t until after World War II that civic centers began transforming into more multiservice cultural and entertainment centers, he said.

Poulin saw the potential; a modern, multiservice civic center had for Augusta, said Dubay. “Paul Poulin’s vision for the Augusta Civic Center was very broad in scope and definitely on target as well as cutting edge for a municipality the size of the city of Augusta,” he said.

Poulin and supporters of the civic center selected its current location because that rural area of the city had great economic development potential that would also broaden the city’s tax base, said Dubay. “Being adjacent to the interstate was an added plus to make the area attractive to new businesses as well as users and attendees of the (civic) center,” he said.

As the building became an attractive venue for touring entertainment acts and a flexible space able to accommodate a broad variety of trade shows, conferences, and private events, complementary businesses began building nearby, and the civic center itself grew, too, adding an in-house food service operation, and in 1980, the North Wing.

Over the decades, the civic center’s business model evolved, with big-name performer bookings decreasing but trade shows, conventions and conferences increasing, said Noel. Part of the reason for fewer entertainment acts booked at the civic center is that the live events industry changed, she said. It is not as lucrative for top-tier entertainers and show promoters to book at smaller venues such as the Augusta Civic Center.

“I don’t think that we’ll ever (again) be a place where someone like Elvis would go,” Noel said. “The times have changed too much.”

That’s not necessarily a bad thing, though, she said, because the business the civic center is booking – trade shows, conventions, conferences, private events and business meetings – keep the building busy. “We have the auditorium booked about 220 days a year,” she said. “We’re occupied about 80% of the time in our auditorium for a bookable date. . . . It’s a better piece of

business – a trade show or a convention that comes every year. You build relationships that way. You’re helping out a community business and it’s a better piece of business financially with much less risk.”


The civic center has had good times and rough ones financially, she acknowledged. It was designed to be a self-supporting entity. “It’s a service that the city offers where we charge fees and services to cover costs so that we’re not a burden on taxpayers,” she said. “In the event that there’s a loss, the general fund of the city does cover us, but we pay it back.”

In 2020 before the pandemic shut down events, the civic center expected to make \$220,000 but it ended up losing about \$750,000. Events are coming back, but the building is in need of some expensive maintenance.

The roof, which is original, needs to be updated. Since it’s not a typical roof – its structure is specialized to accommodate the various types of equipment needed to present live entertainment – it’ll cost an estimated \$3 million to replace it. As of now, the cost of replacement is being supported by a grant of \$1.2 million and some funds from a \$2.8 million bond voted for in last November’s election. The city continues to explore sources of additional funding for the roof replacement, Noel said.

The roof replacement costs, and future potential costs to update the building’s technology to keep it competitive have spurred conversations about the civic center’s future. In January, at a goal-setting meeting, city councilors discussed possibilities.

The councilors considered whether the building should be scraped and a new one built in its place and whether the city should continue as the sole owner. Joint ownership with Kennebec County or with some combination of partner organizations may be options the city will look into, according to a news report covering the goal-setting meeting.

In the meantime, the civic center continues serving its customers and the residents and businesses of the region – and is celebrating its 50 years of accomplishments. The city kicked off the venue’s 50th year with a party in January and has more special events planned. Go to www.augustaciviccenter.org for more information. 

A trip down memory lane:

The Augusta Civic Center has presented a number of remarkable performances over its 50 years. Here are some of those.



Photos courtesy of the Augusta Civic Center

TRAINING CALENDAR

Maine Municipal Association & Affiliates

MARCH

3/1	Wed.	Broadband 101 for Municipalities	Zoom Webinar	MMA
3/7	Tues.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
3/9	Thurs.	MBOIA March Membership Meeting & Training	Portland - Clarion Inn	MBOIA
3/14	Tues.	MWDA Advanced GA	Zoom Webinar	MWDA
3/22	Wed.	MFCA Annual Membership Meeting	Newry - Sunday River Ski Resort	MFCA
3/23-24	Thurs.-Fri.	MFCA Professional Development Conference	Newry - Sunday River Ski Resort	MFCA
3/24	Fri.	MTCMA 43rd Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn	MTCMA
3/28-29	Tues.-Wed.	MTCCA Vital Records	Day 1: Augusta - MMA (full day) Day 2: Zoom Webinar (half day)	MTCCA
3/29	Wed.	Developing Solutions on Hotly Contested Issues	South Portland - DoubleTree by Hilton	MMA
3/30	Thurs.	MMTCTA Preparing for an Audit	Augusta -MMA	MMTCTA

APRIL

April TBD	TBD	MACA Annual Business Meeting & Training day	Pending	MACA
4/4	Tues.	Diversity, Equity, and Inclusion Immersion Workshop	Augusta - MMA	MMA
4/6	Thurs.	Mental Health First Aid	Augusta - MMA	MMA
4/6	Thurs.	MCAPWA Annual Spring Meeting	Augusta Civic Center	MCAPWA
4/11	Tues.	MMTCTA Tax Liens Workshop	Augusta -MMA	MMTCTA
4/19	Wed.	MMTCTA Basic Excise Workshop	Augusta -MMA	MMTCTA
4/19 & 20	Wed.-Thurs.	MTCCA New Clerks Workshop	Day 1: Zoom Webinar (full day) Day 2: Zoom Webinar (half day)	MTCCA
4/21	Fri.	MAAO Northern Maine Spring Training	Zoom webinar & Caribou Northern Maine Development Commission	MAAO
4/24 & 25	Mon.-Tues.	MCAPWA Supervisory Leadership in Public Works Program - Part I	Fairfield - MDOT Training Center	MCAPWA
4/24 & 25	Mon.-Tues.	MWDA Spring Training Seminar	Bangor - Hilton Garden Inn	MWDA
4/26	Wed.	Elected Officials Workshop	Kittery - Kittery Community Center	MMA
4/27	Thurs.	MTCCA NAMI De-Escalation Training Workshop	Waterville Waterville Elks & Banquet Center	MTCCA
4/28	Fri.	Basic Municipal Budgeting	Augusta - MMA with Zoom webinar	MMA

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MAY

5/3	Wed.	Personnel Practices	Augusta - MMA with Zoom webinar	MMA
5/10	Wed.	MAAO Board of Assessment Review	Augusta - MMA with Zoom webinar	MAAO
5/11 & 12	Thurs.-Fri.	Verbal Judo for the Contact Professional - 2 DAY PROGRAM	Augusta - MMA	MMA
5/16-18	Tues.-Thurs.	MCAPWA Supervisory Leadership in Public Works Program - Part II	Fairfield - MDOT Training Center	MCAPWA
5/18	Thurs.	MMTCTA Annual Conference	Bangor - Hilton Garden Inn	MMTCTA
5/22 & 23	Mon.-Tue.	MBOIA 14th Annual Maine Code Conference	Carrabassett Valley - Sugarloaf Mountain	MBOIA
5/24-25	Wed-Thurs.	Athenian Dialogue: Book TBA	Zoom Meeting	MTCCA

JUNE

6/1	Thurs.	MCAPWA Highway Congress	Skowhegan - Skowhegan Fair Grounds	MCAPWA
6/15	Thurs.	MMTCTA Cash Management	Augusta -MMA	MMTCTA
6/21	Wed.	New Managers Workshop	Orono - University of Maine	MMA
6/22	Thurs.	MEGFOA Summer Training Workshop	Freeport - Hilton Garden Inn	MEGFOA
6/22	Thurs.	Municipal Human Resources & Management Conference	Orono - University of Maine	MMA
6/23	Fri.	Municipal Technology & Innovation Conference	Orono - University of Maine	MMA
6/28	Wed.	MTCCA Notary Public	Zoom Webinar	MTCCA
6/29	Thurs.	MFCA Membership Meeting & Networking	Bar Harbor - Harborside Hotel & Marina	MFCA



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PEOPLE

Livermore Falls interim Police Chief **Michael Adcock** was named permanent chief by the select board last month. He succeeds **Ernest Steward, Jr.**, who served the department for 34 years before retiring last October and taking an officer's position with the University of Maine at Farmington. Adcock earned a bachelor's degree in criminal justice in 2021 from Anna-Maria College in Massachusetts. He moved to Maine and joined the Farmington Police Department in 2007. He worked as a patrolman for three years and another eight as patrol sergeant. He took a sergeant's position with Livermore Falls in December 2018. Adcock also works part-time for police departments at the university, and the towns of Jay and Wilton.



Jennifer Curtis

Jennifer Curtis has been named Bath planning director, leaving her job in Bowdoinham as director of planning and development. She holds an undergraduate degree in environmental management from the University of Maryland Global Campus. She earned a master's degree in public policy and management at the Muskie School at the University of Southern Maine. She worked previously for the Town of Windham and for the state as a senior planner. Meanwhile, **Courtney McDonald** has been named marketing and communications specialist. She served in the U.S. Navy as an information systems technician. She holds an undergraduate degree in graphic design and digital media marketing from Johnson & Wales University in Providence, R.I.

Longtime Rockport Town Clerk **Linda Greenlaw** retired on January 5 after serving two years as deputy clerk and nearly 25 years as clerk. A crowd of well-wishers, co-workers, past and present, family members and officials gathered for a send-off party, which included food, music and a host of speakers who praised Greenlaw for her service and dedication to the town.



Anne Krieg

Bangor city planner **Anne Krieg** has been named economic development director, replacing **Tanya Emery**, who resigned last October. Krieg's municipal career spans 20 years and included working in the Bridgton economic and community development office before being hired by Bar Harbor as director of planning and development, as well as public information officer. She joined the Bangor city staff in 2019.



Anne Laine

The Ellsworth City Council has named **Anne Laine** as its next finance director, hoping the former Gouldsboro office supervisor can reverse the years-long trend of turnover in the job. Laine has experience in corporate finance, supply chains, equity financing and general business. The council also promoted **Matthew Williams** to city planner to replace Elena Piekut, who resigned in November.



Michael A. Hodgins

Land Use and Zoning Attorney

Mike represents towns in contract disputes and other general litigation, land use enforcement actions, Rule 80B appeals to Superior Court and he has participated in several appeals to the Law Court. Mike was recently recognized as a Lawyer of the Year by The Best Lawyers in America® for land use and zoning law. Mike has been recognized for his general litigation practice by New England Super Lawyers.

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Robert Usher, former Westbrook city councilor and firefighter, died in December at the age of 84. A U.S. Navy veteran, Usher also served in the Maine House and Senate for a total of 22 years.



Melissa Lindley

The director of Gardiner Main Street has been hired as the city's new economic and community development director and public information officer. **Melissa Lindley** will replace **Tracey Desjardins**, who accepted a similar job for the City of Saco last October. Lindley worked with city officials and others to develop the city's Downtown Master Plan, completed in 2021. She was named Gardiner Main Street executive director in August 2019. She was among 16 candidates for the position.

Roxanne Lizotte has retired after serving as Greenville town clerk for 40 years. She was presented with a plaque by the select board and it will hang in the town office. Lizotte was praised for her dedication to her work and loyalty to the community. Select board members lamented that they would lose the institutional knowledge Lizotte amassed over the decades.

Tammy O'Donnell has retired after serving the Town of Cumberland for 22 years, the last 12 as town clerk. Former Yarmouth Town Clerk **Jennifer Doten** has been hired to replace O'Donnell. O'Donnell said her favorite part of her job was working with the town staff, as well as enjoying interactions with the public.



Charles Rumsey IV

Cumberland Police Chief **Charles "Chip" Rumsey** has been named to the ethics committee of the International Association of Chiefs of Police, a fraternity of law enforcement leaders with more than 32,000 members in more than 170 countries. Rumsey, Cumberland chief for the past six years, will serve a three-year term on the organization's Police Professional Standards, Ethics, and Image Committee. Rumsey is president of the Maine Chiefs of Police Association and serves on the board of trustees of the Maine Criminal Justice Academy. A former deputy chief for the City of Waterville, Rumsey has a total of 27 years of experience in law enforcement.

The Alna select board has hired **Sarah Perkins** of Pittston to serve as town clerk, tax collector and registrar of voters. She replaces **Michelle Cameron**, who resigned to

Call for Contributions!

Interested in having your community featured in the News or People segments of the Maine Town & City? Is your municipality hosting an annual festival celebrating a favorite crustacean, sweet treat, notorious beverage, or historically significant event? Are new businesses relocating to your downtowns?

If so, MMA wants to help share your successes with municipal officials across the state. Please submit descriptions and photos of your events, promotions and festivities to Sue Bourdon (sbourdon@memun.org) or Kate Dufour (kdufour@memun.org).

Submissions will be published in a time sensitive and as space allows format. Narratives and descriptions should be no more than 150 words, and photos must be 5 x 7 in size.

Depending on the response, we may expand the selection of regular features published in the magazine.

We look forward to hearing from you.

take the Nobleboro treasurer position. Perkins has municipal experience as well as working in banking.

Waterville Assistant Manager **William Post** has been named interim manager until a replacement for **Steve Daly** can be hired. Daly quit without notice due to "personal and urgent" matters on December 22. Post said he is not interested in applying for the city manager position. Post had 26 years' experience in municipal and county government when he joined the Waterville staff, most recently as Sagadahoc County administrator. He also has managed the towns of Bowdoinham, Rockport, and Waldoboro.

Portland city arborist **Jeff Tarling** retired in late January after serving the city for 34 years, beginning in 1989. During his tenure, he planted thousands of trees, built gardens throughout the city and led clean-up and recovery efforts after major storms of all varieties. Tarling was praised for his work ethic and dedication to the city for so long.



Judy Whynot

Judy Whynot ended her municipal career on December 30, retiring as Naples town clerk after 34 years. She was extolled for her professionalism, deep knowledge of the town and its inner workings and her leadership as clerk. Town officials said Naples was a better place because of Whynot's longtime efforts. 🇺🇸

IN THE NEWS

STATEWIDE

Gov. Janet Mills hopes to promote a historic infrastructure program by budgeting \$400 million for the Maine Department of Transportation over the next two years, which would trigger \$1 billion in federal funding for Maine under the most sweeping infrastructure law in memory.

STATEWIDE

As communities across Maine continue grappling with the question of whether to endorse recreational cannabis, the state reported sales doubled last year over 2021. There were 2.5 million individual sales for a total of \$158.9 million last year. In 2021, the total was \$82 million. The sales netted the state about \$16 million in tax revenue. There are 114 stores statewide.

BAR HARBOR

The town is being sued in federal court by a group of businesses that asserts a new limit on daily cruise ship visitors is unconstitutional. They also argue the passenger cap will harm the town economy. Bar Harbor is home to Maine's No. 1 tourism draw, Acadia National Park. In 2021, the town welcomed four million tourists who visited the park that sprawls over parts of all four towns on Mount Desert Island. Bar Harbor voters endorsed a November referendum to limit daily cruise ship passengers to 1,000. More than 150 ships stop in Bar Harbor annually, some carrying several thousand vacationers. The business owners argue in their suit that the limit will discourage some ships from making Bar Harbor visits. But town residents say the ships and passengers are ruining the quaint small-town character of the island commu-

nity and that few businesses benefit from passengers' spending.

DOVER-FOXCROFT

County government will team up with T-Mobile for a pilot program to bring modern "rugged phones" to the regional 911 center. The Piscataquis County dispatch center has historically struggled to resolve longtime reception and coverage problems. If the push-to-talk phones pass the trial phase, the new phones would save the county \$10,000 a month. Presently, the county leases space on three cell towers at a cost of \$3,000 to \$4,000 a month. Each new phone would cost \$20 a month under a T-Mobile proposal. The phones are similar to military phones and are resistant to water and dust.

EASTPORT

Officials will seek a small airline to provide flight service from the remote city under a grant program aimed at helping rural communities improve air travel. The city council agreed in December to hire a consultant to help apply for the grant. The hope is to find a small airline, such as Southwest Airways Express, which operates nine-seat planes. In addition to potentially boosting tourism in the popular port community, plane service would allow the region's elderly population to be transported to major medical centers. The closest major hospital is located in Bangor, two hours south, as well as airports in Trenton, near Ellsworth, and Bangor. Eastport offers a single-runway airport, where small charter flights arrive and leave. The runway has been redone recently and city leaders hope to add a new terminal building when feasible. At the peak of summer, an average of three planes

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per week land at the airstrip. A first attempt at snagging a grant for the airport failed in 2021. Funding is expected to open in January and city officials are optimistic about faring better this time.

KINGFIELD

Town voters last month voted to change their form of government to a town manager/select board model. The vote was 70 to 60. The change will take effect at the June annual town meeting. The select board doesn't plan to advertise the position, saying it was not necessary.

MADAWASKA

The new international bridge is now connected at both ends, a doubling of the length of the span as it runs diagonally from the far northern Maine town to Edmundston, New Brunswick. The existing bridge remains operational but has limited truck weight to no more than five tons. That cap was imposed by the state in 2017 out of safety concerns. It has forced trailer truck traffic to detour to other border crossings. The existing bridge was built in 1921 and stretched straight over the St. John River for 950 feet. The new 1,800-foot bridge will cost \$97 million to build and will be completed either late this year or early in 2024. The bridge deck and other work remains unfinished.

PATTEN

The town of 964 residents has won \$3.9 million in federal funding, half of the money needed for a new library and community center. Officials hope to buy a parcel for a

12,000-square-foot facility off U.S. Route 11. The total cost is estimated at \$8 million. The nearly \$4 million from the feds came from a Friends of Veterans' Memorial Library as part of the agricultural budget. Matching funds must be raised before construction can begin.

PORTLAND

The city will join South Portland and the Portland Harbor Commission in seeking \$10 million in federal funds to dredge its harbors of silt to free up waterfront space and deepen water levels. A first attempt at grant funding for the \$32 million project was denied. If approved on the second attempt, it would complete the project funding; \$22 million has been dedicated to the project to date, including \$10 million from the state through the American Rescue Plan Act. Officials say the dredging project is imperative to the future of the waterfront economies in both cities. The municipal coalition, on both attempts, is trying to get funding from the federal transportation department under a special infrastructure program called RAISE, or Rebuilding American Infrastructure with Sustainability and Equity.

SCARBOROUGH

The town council has passed an ordinance requiring new development to include either electric vehicle (EV) charging stations, or the infrastructure needed to prepare for EV installation. All new or redeveloped parking facilities also must install EV charging station infrastructure. The ordinance has been in preliminary stages since 2021. The vote was 6-1. 🏠

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Maximum Interest Rate for 2023 Delinquent

Taxes: 8%

The State Treasurer has established 8% as the maximum interest rate that municipalities may charge for delinquent property taxes committed during calendar year 2023.

Note that interest does not actually accrue on unpaid taxes unless a municipality's legislative body establishes the rate of interest and the date or dates after which interest will accrue. This must be done at the meeting at which the body votes to raise a tax or at any subsequent meeting prior to commitment of the tax. 36 M.R.S. § 505(4). (By S.F.P.)

EXPANDED ARPA FLEXIBILITY

The 2023 federal budget package (P.L. 117-328) includes a provision entitled the "State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act," (or "ARPA Flex" as we like to call it).

ARPA Flex provisions will provide municipalities new options when using their Coronavirus State and Local Fiscal Recovery Funds (a.k.a. "ARPA" funds), including: (1) providing emergency relief from natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs; (2) spending on eligible transportation infrastructure projects; and (3) spending on programs, projects, or services that would also be eligible under HUD's CDBG program. The amount a grantee may spend on these new purposes is capped at \$10 million or 30% of the total ARPA grant amount, whichever is larger. At this time, we have no other details on eligible projects.

The law also authorizes the U.S. Treasury Department to restore live technical assistance to grantees, which had been largely discontinued last year due to funding limits.

ARPA Flex spending options will not be effective until the U.S. Treasury Department issues guidance or a regulation, which is expected by the end of February 2023. As soon as guidance is issued MMA Legal Services

will update our American Rescue Plan Act Information Packet, located in the "members' area" of our website (www.memun.org). (By S.F.P.)

"LD 1" LEVY LIMIT CALCULATED ANNUALLY

We want to again remind members that every municipality's "LD 1" levy limit must be calculated each budget year using the formula set out in 30-A M.R.S. § 5721-A.

The starting point for calculating the current year's levy limit is the previous year's levy limit. That number is then adjusted by several factors to arrive at a new levy limit for the current year. A worksheet to assist in calculating the 2023 limit (prepared by MMA's Advocacy & Communications staff) is available on MMA's website under "State & Federal Relations Resources" (<https://www.memun.org/Legislative-Advocacy/Resources>).

If the proposed municipal budget exceeds the new levy limit, the voters must: (1) reduce the budget, (2) vote to "exceed" the levy limit, or (3) vote to "increase" the levy limit. See "LD 1 Revisited," *Maine Townsman*, Legal Notes, March 2015, for more details and sample warrant articles.

Confusion about the impact of a vote to increase the levy limit has persisted in recent years. Because such a vote increases the limit permanently, some members have mistakenly believed it was unnecessary to revisit the LD 1 threshold in succeeding years. However, a vote to increase the levy limit only increases the current year's levy limit permanently and is only "permanent" in the sense that the increased limit becomes the starting point for calculating the next year's levy limit. A new levy limit must still be calculated each budget year. (By S.F.P.)

DRAFTING WARRANT ARTICLES

For an overwhelming majority of Maine's 486 municipalities, the town meeting is the municipal legislative body, empowered to elect officials and adopt ordinances and budgets. The town meeting "warrant" calls the town meeting, notifies voters to assemble and simultaneous-

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

Below are some guidelines for drafting warrant articles:

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

MUNICIPAL CALENDAR

BEFORE ANNUAL TOWN MEETING – Unless otherwise provided by charter, select board members must have a warrant posted at least seven days before town meeting by a constable or named resident who must make a return on the warrant. (30-A M.R.S. § 2523).

- If adoption of an ordinance is proposed, comply with 30-A M.R.S. § 3002.
- Referendum question wording must be approved 60 days before election unless a charter provides otherwise. See 30-A M.R.S. § 2528 for hearing and notice requirements.
- The registrar of voters must accept the registration and enrollment of voters prior to the municipal election according to the schedule prescribed by 21-A M.R.S. § 122.
- Copies of annual report must be available in the municipal office or a convenient place of business at least three days before the annual meeting (30-A M.R.S. § 2801).
- Send copy of annual report to: State Tax Assessor, State Librarian, UMO's Folger Library, and MMA.
- Calculate the municipality's “LD 1” levy limit. (30-A M.R.S. § 5271-A). Forms available from MMA.

FEBRUARY 20 – Presidents' Day, the third Monday in February, is a legal holiday (4 M.R.S. § 1051).

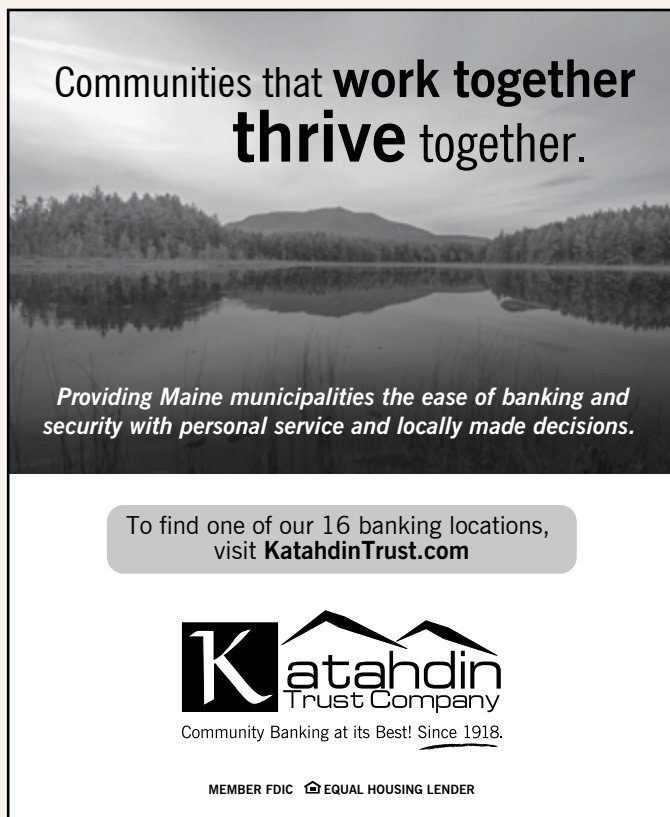
BY MARCH 15 – Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to GeneralAssistance.DHHS@maine.gov, or sent to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

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

- Referendum questions must appear on the warrant exactly as they will appear on the ballot. They should be phrased as “yes” or “no” questions and contain all necessary information, including specific appropriation amounts and funding sources. Referendum questions typically begin with: “Shall the Town . . .” or “Do you favor. . .”

- Before finalizing an article, the select board should confirm that the proposed action is legal, is within the town's home rule authority, is supported by a public purpose, and complies with any applicable time frames.
- Explanatory notes and recommendations may accompany any open meeting articles. Recommendations should be separated from the text of the article and clearly identify their source. Note that referendum questions seeking an appropriation must include select board and budget committee recommendations, as well as school committee recommendations on school budget questions. Otherwise, no notes, explanations or recommendations should appear on a referendum ballot.
- Town meeting warrants need not be published in the annual town report; the report may include a draft warrant as a courtesy to voters, but this is not binding on the select board. The only warrant with any legal significance is a properly signed, attested, and posted warrant.

Sample article formats appear in the box to the right. For more information see MMA Legal Services' *Moderator's Manual and Town Meeting & Elections Manual* or contact us with questions. (By S.F.P.) 🏡



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SAMPLE WARRANT ARTICLE FORMATS:

Broadly Worded Article:

"To see what action the Town will take concerning the purchase of a fire vehicle and what funding, if any, shall be raised and/or appropriated."

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

Narrowly Worded Article:

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

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

Capped Budget Article:

"To see if the Town will vote to raise and/or appropriate \$100,000 for road maintenance."

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

Uncapped Budget Article:

"To see what sum the Town will vote to raise and/or appropriate for road maintenance."

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

Ordinance Article:

"Shall an ordinance entitled 'Anytown Land Use Ordinance' be enacted?"

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

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

(By S.F.P.)

MAINE MUNICIPAL BOND BANK

2023 SPRING BOND ISSUE SCHEDULE

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

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

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

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

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

Wednesday, February 8th - Application Deadline

Wednesday, March 15th - Application Approval (MMBB Board Meeting)

Monday, April 3rd - Preliminary opinions and loan agreements due from bond counsel of each borrower

Wednesday, April 5th - Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of April 17th - Maine Municipal Bond Bank Pricing

Monday, May 8th - Final documents due from bond counsel

Wednesday, May 17th - Pre-closing

Thursday, May 18th - Closing - Bond proceeds available

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



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