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The magazine of the Maine Municipal Association

MARCH 2019

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Eric Conrad, Editor

econrad@memun.org

Valarie Pomerleau,

Circulation Manager

Jaime G. Clark

Graphic Designer/Advertising

MMA website: www.memun.org

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Maine Town & City

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The Magazine of the Maine Municipal Association

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Only Time Will Tell



When will the market bounce back? This question looms during a trying time for recycling operations. Communities are responding in a variety of ways.

MMA President Mary Sabins recounts her entry into municipal government, and how young Mainers view the possibility of working for a town or city. [Page 5](#)

2019 Tech Conference: Details of our annual Municipal Technology Conference can be found here. The May 10 event will be at Bangor's Cross Insurance Center. [Page 31](#)

Route One Project

Madawaska is the start for a special, nine-part series by writer Susan Cover, which begins with a bridge project connecting Maine and Canada. [Page 7](#)

21st Century Farming

With terms like 'precision agriculture' and devices like GPS field stations, farming relies heavily today on quality broadband and cell phone service. [Page 13](#)

So You Want a Charter?

Benjamin Smith, Chelsea select board member and practicing attorney, offers a primer for towns considering writing a municipal charter. [Page 21](#)

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A MESSAGE FROM MMA

BY MARY SABINS / MMA PRESIDENT

Reach out to others, about municipal careers

March is the time of year when many people in Maine yearn for spring and the end to the short winter days and long winter nights. For many towns in Maine, March is also the time for town meeting and municipal elections, where we choose those who will serve in elected office to represent us for a designated term, whether it be for a seat on the Board of Selectpersons, School Board, Budget Committee, Planning Board, etc. Some of those who will be elected will be veteran public servants who have served many years; for others, it will be their first time of volunteering in public office.

I use the term “volunteering” because most public servants do not serve for the monetary stipend they may receive, but rather for the interest they have in contributing to the town they live in to make a difference in the lives of others who live in the community. As the readers of this Town & City magazine already know, elected and appointed municipal volunteers and employees do the work that we do because we enjoy being helpful to others and to share our skills and ideas. We provide a service to others in our communities that do not have the same calling of public service. But if volunteers stopped stepping forward to perform these public service roles, what will become of our sense of community? In the contents of next month’s Maine Town & City, MMA staff will take a deep look at the issue of recruiting volunteers. Be sure to check it out!

As for municipal employees, have you considered what your job will look like in the next five, 10, or 15 years and who (if not you) will do the work that you enjoy doing now? Consider giving this question some thought, and take action now to excite some interest among potential candidates to fill future vacancies. Here at MMA, we have learned that, surprisingly, many high school and college students now are not aware of municipal careers that await them at their

own town offices. To alleviate that, MMA launched the Hometown Careers campaign on the MMA website, which contains tools and videos for us to use to help spread the word about the availability of municipal jobs.

Just recently, I was asked to make a presentation at the Vassalboro Community School on Career Day to talk with seventh and eighth graders about my town manager job, and how my municipal career got started. I told the students of how, back in 1988, I received a phone call out of the blue from the town clerk in my town office about a part-time clerk vacancy in the office with an invitation to apply. I did apply and got the job. About three months later, the town clerk announced that she wanted to retire after 21 years of service, and she asked me to apply for her full-time job. I got that town clerk job, which incentivized me to obtain a college degree to become a town manager. I have been a municipal public servant now over 30 years, working in several communities over time.

If it had not been for the invitation of the town clerk in my hometown to apply for the vacancy, I never would have taken the career path that I did. You, as a municipal worker or official, can make the same difference in the life of someone who you know. Encourage them to consider municipal careers and to pursue any training necessary to become a public servant. Use the videos on the Hometown Careers page on the MMA website (www.memun.org) to entice potential new recruits as I did during my Career Day presentation at the school recently. For the sustainability of municipal careers and quality workers to fill the positions, we all need to take part now in helping to make others aware of the availability of municipal jobs. There is municipal work that will still need to be done long into the future, and after we have completed our time at our jobs well done. ■

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New bridge, new life: Aroostook leaders excited to replace span

A longer, wider bridge connecting Madawaska and Edmundston, N.B. is in the works. Officials on both sides of the St. John River look forward to its completion.

By Susan Cover

A new bridge connecting Madawaska to New Brunswick is in the works, a multi-year effort that has Town Manager Gary Picard working with state, federal and Canadian officials to make it happen.

In January 2018, the Madawaska Board of Selectmen and Edmundston, New Brunswick mayor signed a joint resolution calling for the replacement of the 96-year-old International Bridge. It was an unusual, if not unprecedented show of cooperation between the entities, both of which want a new span to continue to connect their downtowns on either side of the St. John River.

“The town (Madawaska) and the city (Edmundston) grew up around that bridge,” Picard said. “We grew as an area because of the paper industry and that bridge. We agreed we wanted to keep it in our downtowns.”

For Madawaska and other towns along Route 1 in northern Aroostook County, the construction of the new bridge and a new U.S. customs checkpoint will mean hundreds of temporary construction jobs and an infusion of money into a region that has experienced significant population and job losses. Since 1980, Madawaska’s population has dropped 26 percent, from 5,282 to 3,889, according to 2017 U.S. Census Bureau statistics.

Aroostook County lost residents

Susan Cover is a freelance writer from Augusta and regular contributor to Maine Town & City, mainefreelancer@yahoo.com.



Gary Picard

too, going from 90,609 in 1980 to 69,405 in 2016, a drop of 23 percent. It’s a stark contrast to the state as a whole, which grew 34 percent in the same time period, the statistics show.

When it comes to jobs, manufacturing leads the way in Madawaska, with the Twin Rivers Paper Co. at the base of the bridge employing about 500 area residents, according to a Maine Department of

Transportation study on the feasibility of the bridge project.

Work on the bridge is projected to start in 2020, with a completion date of fall 2022.

The current land port of entry is on about a quarter of an acre, far less than what is required for a modern inspection station, Picard said.

“If you’ve ever been through their new ports of entry, they’re large,” he said.

The state transportation department estimates it will cost \$69 million to build the new bridge and remove the old one, with the cost being split by Maine DOT and New Brunswick, said Ted Talbot, press secretary for the department. That estimate does not include the cost of building a new port of entry in Madawaska, which will be paid for by the U.S. General Services Administration.

An engineering feat

The project is challenging because the current 928-foot bridge and port of entry share a small sliver of land with railroad tracks, the river and Twin

ABOUT THIS SERIES

For the next nine months, Maine Town & City writer Susan Cover will take us on a journey along U.S. Route 1, starting with this month’s installment in the Town of Madawaska. We will highlight municipalities and municipally related issues situated along Route 1 every month, ending with an article from York County in December. The series is intended to show the “connectedness” of municipal government in Maine, how current issues and examples of public service often transcend their precise locations. We hope you enjoy the project. We love member feedback. You can email me at: econrad@memun.org.

Eric Conrad, Editor

Rivers mill. The new design calls for the bridge to be much longer – 1,850 feet – because it will now cross the river diagonally and end on the Madawaska side at the far western end of the paper mill, in what is now a parking lot used by the mill. The federal General Services Administration is working to design the port of entry that will be located behind the Madawaska McDonald’s on Main Street, also known as Route 1, Picard said.

State, local and federal officials have been discussing the need to replace the bridge since 2006, but efforts stalled when there was discussion of extending Interstate 95 past the current terminus in Houlton, Picard said. At that point, the bridge was still a few years away from needing to be replaced and disagreement about where

to build a new one prompted officials to put the project on a back burner, Picard said.

A recent inspection showed significant problems with the bridge, prompting the state to post a weight limit of 5,000 pounds, which means trucks cannot use it. Truck traffic now must drive 19 miles to the bridge in Fort Kent or 25 miles to the one in Van Buren to get across, Picard said.

Talbot, who responded to emailed questions, wrote that “inspectors found significantly more steel deterioration on the floor beams and stringers than expected,” which led to the decision to limit the weight of the vehicles using the bridge. He described the project as significant but also noted that the new bridge will not have some of the design elements included in another notable recent bridge project, the Penobscot Narrows Bridge in Prospect.

“The Madawaska (bridge) will be a large, significant bridge project, constructed in a remote northern Maine town, over a major river with ice and flooding concerns,” he wrote. “While the construction dollar amount will be large in comparison to many Maine DOT bridge projects, it will be utilitarian in nature, not having major aesthetic design amenities such as cable stays, an observatory, nor connectivity to parks.”

Van Buren Town Manager Nancy Troeger said to her knowledge, there haven’t been any problems with increased truck traffic crossing the bridge in her town, which connects to Saint Leonard, New Brunswick. In fact, Maine DOT recently repaired the bridge in Van Buren and reduced traffic to a single lane, she said.

“We’ll take more traffic,” she said. “It can help.”

The Madawaska bridge, which is metal with an open deck, can no longer be repaired to a state sufficient to handle modern trucks, according to a May 2018 study by the six entities working together on the project, including the Maine Department of Transportation and the New Brunswick Department of Transportation and Infrastructure.

“After nearly 100 years of service, the overall bridge is in poor condition,” the report states. “Despite efforts to maintain the bridge, the rate of deterioration has accelerated to the



International bridge that connects Madawaska to Edmundston, New Brunswick.
(Submitted photo)

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point that the end of the useful service life of the bridge is fast approaching.”

Fort Kent Town Manager Suzie Paradis said they have seen increased truck traffic in town, which is likely to continue until the new bridge is built. The international bridge in Fort Kent is relatively new, opening in 2014 as bridge connecting to Clair, New Brunswick. Paradis said she expects the Madawaska project to benefit many communities in the St. John Valley.

“Our lodging, retail businesses and restaurants will most definitely see positive outcomes from this project,” said via email.

The new bridge in Madawaska is projected to open in fall of 2022 and after that, the old bridge will be torn down.

Northern priorities

One of the more interesting aspects of the project is that Picard and officials from New Brunswick are hoping to convince the Maine Department of Transportation to make the bridge wide enough to accommodate recreational vehicles such as snowmobiles and all-terrain vehicles, Picard said.

“In trying to develop our economy, our winter economy in particular, we are developing our trail systems,” he said. “We’re trying to be better connected. We are going to bring recreational vehicles to the bridge anyway so these snowmobiles may have to travel in the roadway or on the sidewalk, which is not ideal, it’s a safety concern of ours. We feel that MDOT needs to design a bridge to accommodate whatever traffic goes across it.”

It’s unclear at this point whether state transportation officials will be able to grant that request. From Picard’s perspective, when you are building a structure meant to last 100 years, it’s important to consider all of the possible uses.

“We feel this will bring a lot of commerce to our downtowns,” he said. “This will make a user-friendly gateway for this kind of recreational activity.”

On both sides of the river, there are mapped snowmobile and ATV trails.

Talbot said while DOT cannot widen the deck of the bridge, it is considering other ways to make it safe for snowmobiles to use the bridge.

“These might include widening the five-foot shoulder to provide additional room for snowmobiles and/or alternative surface treatments to address pavement damage from snowmobile carbides,” Talbot wrote.


As the planning process continues, Picard and New Brunswick officials hope to play a role in the design.

“What could this bridge look like to reflect our culture?” he asked.

In its May 2018 report, Maine and Canadian officials noted what they described as “community cohesion” between both communities.

“A strong degree of community cohesion is present between the communities of Madawaska and Edmundston, New Brunswick,” the report states. “The two communities border either side of the Saint John River and share an Acadian cultural heritage.”

In particular, the report mentioned the annual Acadian Festival, which includes a re-enactment of the first time Acadians landed in northern Maine and the International Snowmobile Festival, in which riders cross the bridge to experience trails on both sides of the river.



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Downtown revitalization

The new bridge project comes at a time when Madawaska is working to improve other infrastructure and its downtown, Picard said.

In 2018, the town upgraded its sewer and water plant and related infrastructure at a cost of \$10 million and it has a \$3 million downtown revitalization project in the works. During a walk through the downtown last fall, Picard pointed out two big former apartment buildings that will be torn down to make way for more downtown parking and green space. The plan is to get rid of the blight and help existing downtown businesses update their facades, he said.

“We knew our downtown was becoming more bleak and vacant,” he said.

Pros and cons

Part of the concern is a shopping plaza on the town’s east end that has vacant storefronts, including the loss of Kmart, the town’s only major retailer, last fall.

But there are positive developments too, particularly on the west

end, where Four Corners Park serves as a destination for motorcycle riders completing a circuit that includes seeing all four corners of the U.S.A. California motorcycle club designated Madawaska as the northeast point, joining Key West, Florida; Blaine, Washington and San Ysidro, California on the tour, according to information posted at the site.

When construction starts on the bridge, Picard and others hope the boost will not only help Madawaska

but the entire region.

St. John Valley Chamber of Commerce Executive Director Jen Collin said businesses will welcome the construction workers at hotels, grocery stores, gas stations, restaurants and other establishments. The chamber represents Madawaska, Grand Isle, Frenchville, St. Agatha and Sinclair.

“With the workers here it will bring in more money to businesses,” she said. “It is important for us to have it here.” ■

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'Precision ag' is future of Maine farms and rural communities

Technology provides great hope and opportunity for farmers everywhere. It hinges on reliable broadband service and cell phone coverage, which can be a problem.

By Janine Pineo

One of the newest inventions has the power to transform one of the oldest ones, once the federal government draws an accurate picture of the status quo.

That's the thrust of the Precision Agriculture Connectivity Act of 2018, part of the 2018 Farm Bill enacted in December at the end of the 115th Congress. It marries rapid expansion of rural broadband internet coverage to the rise of precision agriculture technology with a goal of reaching 95 percent of agricultural land in the United States with reliable fixed and mobile broadband capabilities by 2025.

"It's doable," said Heather Johnson, commissioner of Maine's Department of Economic and Community Development, and most recently the director of ConnectME Authority, which leads the state's broadband efforts.

"There's no reason we can't do it," she said, adding that the hurdle is financial.

What is precision ag?

Precision agriculture, often shortened to "precision ag," unites different technologies to grow crops that can be targeted down to the individual plant. It measures fertilizer application, changing the rate depending on soil conditions. It plants perfectly spaced seeds and rows. It irrigates only what needs water. It applies more or less pesticides. It tracks yield with monitors. It harvests the crop.

Precision ag gives farmers the ability to collect data in real time on what's happening in their fields and

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



A Berce Farms potato storage building sits near the shore of Long Lake in St. Agatha. (Submitted photo)

respond to it, even remotely.

And it all depends on a reliable broadband connection.

"There's amazing technology out there," said Keith LaBrie, vice president and owner of LaBrie Farms LLC in St. Agatha. LaBrie started using precision agriculture technology about six years ago. "I was blown away after the first year of running it. It's improved our way to compete. We've rented and purchased more land."

LaBrie now manages about 1,100 acres, growing potatoes, oats, barley and clover. Some of the acreage is in St. Agatha, but the rest is in a 20-mile radius around the town and in Fort Kent, Madawaska and Sinclair.

LaBrie has two GPS base stations that provide the necessary coverage for the fields, although he said repositioning those stations six or seven times a year is not unusual. He pays

for a GPS-satellite subscription as opposed to having cellphone GPS to run his equipment. A single base station was a \$17,000 investment.

The GPS coverage is the heart of the operation. "Most any field work we do is done with GPS technology," he said. "We lose GPS, we won't even go."

LaBrie cites the consistency of the technology as one of the benefits. Before, he said, "it was all done by hand." There were "tracking" problems with plantings, meaning the planter could drift an inch or two or four, which would throw off all the rows that followed. That, in turn, caused problems later with harvesting.

With the GPS-equipped planter, LaBrie said, "the machine is steering itself. The operators are less fatigued." Work can be done day or night, thanks to the GPS-guided machinery.

Mobile devices play a major role

in summertime irrigation for LaBrie and his neighbor, Brandon Berce, co-owner of Berce Farms in St. Agatha. Cell phones connect to the monitors that are tied into the control center of the center pivot irrigation system.

“It will beep my phone,” Berce said. “This will tell me if something is not going right.”

Taking on water

Berce said they added the irrigation technology last year after using other pieces of precision agriculture for the past seven or eight. It’s provided “kind of just peace of mind” knowing that if there is a problem, such as too much water that could lead to crop loss, the response can be immediate.

Berce Farms grows seed potatoes on about 180 acres, rotating that with about 300 acres of grain. All of the farm is in St. Agatha along Long Lake, with the Berces owning between 60 and 70 percent of their acreage and renting the rest.

Berce, too, has a GPS station and said that he can share the device if another farmer needs it for positioning. Berce Farms uses GPS technol-



LaBrie Farms uses precision agriculture technology to grow potatoes, relying on a GPS base station to help map fields for the growing season. (Submitted photo)

ogy for the planter and tractors, with Berce noting that terrain plays a role. “We’re farming on a mountain,” Berce said. That grade means some pieces of equipment need to have independent steering to work accurately with the GPS technology.

Last year, however, something changed for Berce: cell phone coverage.

“It’s gotten worse,” he said. “I lose connection out in the field often.”

He has talked with the provider and doesn’t have any solid answers as to why coverage that used to be reliable suddenly isn’t. He pointed to the irrigation technology as crucial to having a reliable connection, but also said that having his mobile device lets him stay on the farm and connect remotely, even to out-of-town meetings and webinars. Just a trip to local meetings in Presque Isle is an hour or so away, Berce said.

State of Maine broadband

It’s true to say that no one is certain how much of Maine remains without broadband.

Part of this issue is in how broadband coverage is reported by custom-

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ers and part of it is in proprietary information from providers. Then there are the census blocks.

A census block is the smallest geographic unit used by the U.S. Census Bureau. In Maine, one census block could be an entire town. St. Agatha, for example, had three census blocks in the 2010 Census.

Why is this an issue with broadband? If even one customer in a census block has broadband coverage, which is defined as a 25 megabits per second download and a three mbps upload, then it is reported that the entire census block has broadband coverage.

"It's why there's not a clear map," Commissioner Johnson said. She estimates that 55,000 Maine households are not connected, and most are rural. "There are some pockets in urban markets," Johnson said.

An example of pockets would be Presque Isle, with its population of about 9,500. The 75.2-square-mile city in central Aroostook County is home to a medical center, the University of Maine at Presque Isle and Northern Maine Community College. There's a regional airport and a city-owned industrial park.

But go a mile from downtown Presque Isle, said City Manager Martin Puckett, and there's a good chance there is no broadband coverage. "There are gaps," he said.

Last year, Puckett saw the coverage map for the city while working on

MMA BROADBAND LEGISLATION

In recent years, the Maine Municipal Association's Legislative Policy Committee proposed \$10 million bonds for increased state support of reliable, affordable, high-speed internet infrastructure. While the LPC continues to back an increase in state resources, this year in Augusta it is advancing two targeted policy proposals in an effort to facilitate broadband expansion.

- *An Act To Re-Establish Municipal Access To Facilities Located In Municipal Rights of Way.* This proposal seeks to restore municipalities' right to attach municipal facilities to utility poles located in the municipal right of way, without having to pay utilities to move their facilities out of the space on the poles that has traditionally been reserved for municipal uses. By exempting municipalities from having to pay utility companies' "make-ready" fees, this bill will remove one of the largest roadblocks to local broadband efforts.
- *An Act To Recognize The Public Necessity of Broadband Infrastructure.* This legislation would add "community broadband systems" to the list of essential types of infrastructure that municipalities may construct and generate revenue from for reasons of public necessity. The bill would reserve the provision of retail internet services for private sector providers to underscore the aim of enhancing public-private partnerships.

Garrett Corbin, MMA
Legislative Advocate

updating the cable agreement with Spectrum.

"There are large blocks a mile from downtown with no service," he said. Some may have dial-up speeds or nothing at all. He pointed to the city's Public Works garage, which falls into one of the underserved areas. Employees have been known to start the download of a document before leaving for the night, Puckett said, "and hope they have it open when they get

there the next morning."

For fixed broadband in Presque Isle, Puckett said, the requirement is that there need to be 15 houses per mile of road for the cable company to install cable. In rural, agricultural areas, that can pose a hurdle, and Presque Isle has its share of agriculture: The city is about 25 percent agricultural land, according to the city assessor, with 11,725 acres of tillable land out of 47,377 acres assessed.



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Next steps

The Precision Agriculture Act calls for the Federal Communications Commission to establish within a year a task force to review the needs of precision ag. Its duties include identifying and measuring gaps in broadband access on agricultural land, developing policy recommendations to meet the 95 percent coverage goal by 2025, and recommending specific steps the FCC should take to obtain reliable measurements of broadband availability to target funding support. Within 180 days of the act's ratification, the FCC and Department of Agriculture have to submit to the task force a list of all federal programs and resources available for the expansion of broadband access on unserved agricultural land.

"I think it will have a huge impact on Maine, but it's going to happen slowly," said Julie Ann Smith, executive director of the Maine Farm Bureau, when asked about the effect of the act.

"We're kind of, sort of, usually the last to get it," she said, alluding to the way Maine often lags behind the rest of the country with different trends. That isn't necessarily a bad thing, she added, because the delay means Mainers get better service because the problems have been corrected by the time it arrives.

What Smith sees coming from this act is the establishment of reliable broadband connectivity. That, in turn, will spotlight the need to fund programs to help farmers purchase the technology and equipment that can use broadband to increase productivity and lower costs.

Precision agriculture is "an expensive endeavor" for farmers, she said, with expenses that include internet connections, software, equipment in the office and out in the field, maintenance and training. Maine's largest farms pale in comparison to the size of many farms elsewhere in the country, she said.

"We are not at the scale where farmers can afford to pay out of pocket directly," Smith said.

Building the case

Commissioner Johnson said the strides toward better connectivity start locally, particularly with regional internet providers. Many farmers in the County, she said, are better connected

WHAT'S YOUR SPEED?

The ConnectME Authority seeks the help of residents, businesses and internet providers to build an accurate map of broadband connectivity in Maine. The authority will use the data to help the state better its chances of obtaining a portion of \$600 million the federal government has dedicated to broadband expansion.

For more details with county-by-county reports on existing data, go to: <https://www.maine.gov/connectme/communities-resources/Broadbandmapping>.

Anyone can submit speed test data to the broadband map on the same link as above.



This is the office of Willard C. Doyen & Sons potato farm in Mapleton. (Submitted photo)

because a regional provider "understands what they need." The Precision Agriculture Act and other broadband bills in 2018, including the USDA Re-Connect program, would target funds toward companies that would build the infrastructure.

U.S. Sen. Angus King, a co-sponsor of the Precision Agriculture Act, was among the leads on the Measuring the Economic Impact of Broadband Act, which passed in December. This legislation aims to build evidence to show how the deployment and adoption of broadband promotes economic development. When that data is available, it will be another tool to use in directing resources for broadband.

"In the 21st Century economy, there is no substitute for a high-speed broadband connection," King said. "Whether it's a small business trying to reach its global customers, a farm working to improve efficiency, or a student completing a homework assignment, internet access is a vital tool

that fuels economic growth and educational opportunity. That's why I've made the expansion of rural broadband and closing the digital divide one of my top issues in the Senate, and why I released my Rural Broadband Roadmap to identify opportunities to advance this priority."

King's road map, released in 2017, listed four steps as key: modernizing federal programs that support broadband, making broadband a priority in federal infrastructure investment; removing obstacles and reducing costs to broadband deployment; and improving digital equity and closing the rural divide.

"We have made important strides in each of the four points I emphasized but there is more work to do," King said, "and I'll keep pushing to make sure that every American has equal access to the economic, educational, and social opportunities that come with a high-speed broadband connection." ■

Moderating town meetings takes patience, wit and wisdom

Two veteran Maine moderators explain the trials, and rewards, of leading communities through an important municipal event that is thoroughly New England.

By Liz Mockler

Tensions were high in the town meeting hall as voters debated a controversial proposed moratorium when moderator Lee Woodward asked a friend to borrow his referee shirt.

Once the voters saw Woodward dressed in the black and white striped jersey, “they appreciated the comic relief and each side spoke its piece and the vote was taken,” Woodward said.

And after the meeting? “There were no fights in the parking lot,” he said.

Welcome to the purest and most direct form of American democracy, as Mainers usher in the 2019 annual town meeting season.

“I have never had problems keeping peace during town meetings,” said Woodward, a Belfast lawyer who has moderated more than 100 town meetings over 35 years for multiple communities. “I frequently resort to humor to keep the proceedings on an even keel. I know enough of the town regulars to be able to poke a little fun at them along the way. Typically, they reply with a good lawyer joke.”

Woodland moderator and former Selectperson Harold Tardy, 57, has been running town meetings for 13 years and also reports little real trouble from residents. He is keen to notice potential problems.

“You must be quick to step in before things start to get out of control,” he said. “Being polite and giving all people a chance to speak and having an authoritative voice when you need to take control of the room” usually cools the debate.

While both moderators enjoy the town meeting format and like running them, Woodward recalled a time he just

said “no” to a request.

“On one occasion, I was asked to moderate a town meeting at a distant town where tempers were at a peak,” Woodward said. “I was informed not to worry about my safety as the state police would be on the premises. I respectfully declined.”

Long history

First established by the Puritans in the 1600s, town meetings are held only in New England states. In Maine, most meetings are held either in March or June, with a handful held in April, May and August. Often, municipal elections are held either on town meeting day or a day before or after.

In the smallest towns, residents often elect their leaders by nominating from the floor. Secret balloting is the alternative when residents want to keep their votes to themselves.

Town meetings are held mostly in small- and medium-sized communities; in large towns and cities, residents have ended the tradition and given elected councilors and selectpersons authority to decide municipal matters, including the annual budget, following one or more public hearings.

Woodward, 63, is a Belfast native who has practiced law in the city since 1980 after graduating from the University of Virginia School of Law. He moderates town meetings in his hometown and in neighboring Belmont, Northport and Searsport. He also has



Lee Woodward



Harold Tardy

moderated 30 school district annual budget meetings and, in past years, he has moderated Stockton Springs town meetings.

Tardy, 57, a route manager for a private firm, also moderates for several other Aroostook County towns each year, including Perham, New Sweden and Westmanland.

Compared to the mid-20th Century, turnout is lower. Decades ago, before residents could get municipal information from any number of credible sources, town meeting “used to be an all-day affair,” Tardy said.

“It seems the only time you get good attendance is when you have a contentious article or an agitator who would stir the pot, which causes people to come out,” he said.

Woodward said there’s more reason than ever to attend town meetings. “Over the past 35 years, I have perceived municipal government becoming much more complex, especially with respect to federal and state regulations and financial matters.

“I fear that it is becoming very hard for a municipality to be governed by a group of select persons,” Woodward said. “A town is very fortunate if they find three people with the requisite skills and demeanor.”

At ease

Neither moderator uses Robert’s Rules of Order to facilitate the meetings, the most widely used parliamen-

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

tary manual in the nation.

Woodward and Tardy said they prefer the Maine Moderator's Manual, written and published by the Maine Municipal Association. Both moderators said the MMA manual is more helpful when moderating town meetings. Rules are less confusing for the moderator and residents alike and better tailored for the type of meeting.

"In many crowds," Woodward said, "there will always be a person who is a self-proclaimed expert of Robert's Rules. Instead, I follow the Maine Moderator's Manual. The only piece of paper I take with me to the meeting is a copy of the one-page Rules of Procedure contained in the moderator's manual."

Woodward begins the meeting by announcing he is using the Rules of Procedure and "no one has challenged that approach."

MMA also publishes a citizen's guide to town meetings, explaining every facet of town meetings and their various forms and even what questions are good to ask. (<https://www.memun.org/Training-Resources/Local-Government/A-Guide-to-Town-Meeting>)

TOWN MEETING ROOTS

The purpose of the New England town meeting is to include registered voters of the community to decide new (municipal) laws and budgets in a town forum. Town meetings originated in Puritan New England (in the 1600s) as a way to preserve local autonomy and self-government over issues such as religious freedom and tax laws.

Source: *Participedia.net*

Both men said they have ways to control the meetings. Otherwise, they would be all-day affairs. For Woodward, when he is not 100 percent sure he has the right answer, he says nothing and just continues on with the warrant.

Keeping control of town meetings could be like herding cats if the moderator lets it, though. Divisive issues, perhaps stewing in town for months before the town meeting vote, stir passions and create divisions.

"You have to know what you're doing or they will tear you apart," Woodward said. Hence, move the meeting along, even when doubting whether every exact rule was followed to a tee.

'Move the question'

A challenge for all moderators is dealing with new residents who don't

know much about the community and nothing about an annual town meeting. They can unintentionally slow down proceedings, ask irrelevant questions or cause upset.

Fortunately, both moderators know residents in all of the towns that understand the procedures well and will "move the question" after a person "asks the same question in a different way to try to get a different answer to the same question," Tardy said.

Moving a question stops debate and initiates a vote, if necessary. "I try to do a service for the townspeople and keep the meeting going in a productive and successful manner," Tardy said.

Woodward, the lawyer, likes to see "government work in a very simple, straightforward manner. There is no talk of appeals or protesting, as the



Welcome to the Firm

Michael A. Hodgins

Eaton Peabody is pleased to welcome Michael A. Hodgins to the firm. Mike will be resident in the firm's Bangor office and will serve as Senior Counsel. 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. He has been listed by Best Lawyers in America in many practice areas, with distinction for land use and zoning, and recognized for his general litigation practice by New England Super Lawyers.

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matters are discussed and then voted upon.”

In addition to annual meetings, select boards and town councils may call for special town meetings for when there are proposed funding changes, emergencies or unexpected issues that cannot wait for the next March or June.

Back when people lived in villages and transportation was limited, the annual town meeting was a big deal. After a long, lonely winter, the entire town would gather in one place to visit friends and make local spending decisions for the year ahead. It was indeed an all-day affair.

That tradition is one residents of the Cranberry Isles still cannot resist. The all-day meeting is stopped for a pot-luck lunch and residents ask questions on nearly every article. Some voters bring young children. Others bring knitting or newspapers. It is a town-wide social affair, even while they debate and decide a lengthy government agenda.

Unlike the Cranberries, residents in most towns aim to get through the meeting as quickly as possible, unless there is a controversial issue – which often happens. Tardy’s favorite part of the town meeting is watching people hotly debate an issue and then leave the town hall “asking about their children or ‘How do you like the new car?’ ”

Tardy also is pleased when he knows there has been a lot of debate about an article before the meeting “and you get there and everything goes smoothly, and everyone is looking at each other and saying ‘that’s not how I expected it would go,’ ” Tardy said.

Woodward has a story, too. There was a situation when residents bitterly fought over a zoning article for a full hour. After the vote and the meeting, people gathered down the street for an open house.

“When I walked into the open house, I saw individuals who had just 30 minutes earlier been at each other’s throats,” Woodward said. “At the open house, they were respectful and actually quite jovial.”

Woodward said another perk from being town meeting moderator for a long time in several places is knowing important issues in Greater Belfast as well as unique people with polar personalities. “After you moderate a particular town over a decade, you basically become an adopted member of the community,” he said.

Experience helps

Woodward replaced his law partner as Belfast town meeting moderator in the 1980s, after his partner was elected to the Legislature. His only training was watching his partner moderate a meeting.

“I was basically thrown into the pool and learned how to swim,” he said.

Woodward, who has never served in elected office, was named Belfast Citizen of the Year by the chamber last November for “outstanding positive impact” on the city. His town meeting leadership to local governments was listed among his attributes.

He has been told to work less after a heart problem last fall, but intends to carry out his moderator’s duties as usual, he said.

For Tardy, his experience as an elected selectperson has helped him moderate town meetings, especially when the discussion heats up. Having sat behind the Select Board’s desk, he

can explain policies and proposals to attendees. The institutional knowledge he has of town matters from serving as a selectperson also is valuable during town meeting, he said.

“I think that helps questions and answers make sense on both sides,” said Tardy, who chaired the Select Board for six years.

The institutional knowledge he has of town matters from serving on the select board also is valuable during town meeting.

In fact, Tardy has served as leader of many private and public boards, which is easier than any town meeting he has led.

Tardy said he hopes younger residents step up to public service at all levels. Woodward agrees.

“For any younger person who is considering acting as a moderator... most moderators, me included, don’t mind giving advice (and war stories) to the next generation of moderators.” ■

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Information will be available soon on our website: www.memun.org

To charter or not to charter: A legal and political primer

Select board member and practicing attorney recounts the steps that Chelsea took in enacting its first town charter – and the lessons learned along the way.

By Benjamin Smith, practicing Attorney and elected Select Board member, Town of Chelsea

Years ago, as a newly elected member of the select board in the Town of Chelsea who filled the position of a former board member who had been recently indicted on federal criminal charges, I found myself working with my colleagues to not only try and correct past practices, but to also establish protocols and procedures that would prevent similar events from happening in the future. One tool that was not yet in our toolbox, but which we quickly explored as a town, was a charter.

A charter is a document that establishes the form of government for the municipality and provides guidance to municipal officers and officials as part of the municipality's "home rule" authority. Charters help municipalities establish rules by which business is conducted. For the Town of Chelsea in 2011-2012, the pressing interests of members of the community in the wake of criminal conduct involving a former select board member involved the need to create rules that would prevent similar future actions by town officials or officers, would provide remedies to address conflicts of interests of town officials or officers, including a recall process when these persons may no longer serve the best interests of the town. Residents also wanted provisions that would provide clear guidance on how officials were to conduct town business, including the

Ben Smith is a current select board member and tax assessor of the Town of Chelsea, where he has held these positions since 2011 and previously served as chair of both boards. Ben also served as chair of the charter commission in the Town of Chelsea. He and his law partner James Bass, of Soltan Bass Smith LLC also represent municipal entities, businesses, and other private entities in municipal and government matters. Ben can be reached at 207-621-6300 or via email at: Benjamin.Smith@SoltanBass.com.

oversight of various officials.

Charters may be enacted under any of these forms of government, although their degree of complexity and characteristics will be different. Charters fall into four categories: (1) pure town meeting charters, (2) limited town meeting charters, (3) council/manager charters, and (4) council/mayor charters.

Breaking them down

For the first category, these towns have chosen to adopt charter provisions to govern the framework of municipal affairs even though no legislative authority is placed with the select board/town council. The town's business, including municipal appropriation, decisions related to capital or other improvements, is still decided upon by voters at town meeting. According to a 1992 Maine Townsman article entitled, "Municipal Charters, a Comparative Analysis of 75 Maine Charters" (August 1992), approximately 17 of the 75 municipalities with charters at that time fell into this category. These towns were smaller than others with regard to their populations (ranging from 1,000-8,000 persons) and most were adopted following the enactment of 30-A M.R.S.A § 2631 et seq. that established a town manager form of government.

Under limited town meeting charters, generally the council is authorized to take action on any municipal decision by order, resolve, or ordinance, except that voters at town meeting decide the amounts to be appropriated to fund municipal operations through either taxing or borrowing. According to the 1992 Maine Townsman article, 13 of the 75 charters were of this type and populations for these

towns/cities ranged between 1,000 and 13,000 inhabitants.

Under council/manager charters, the distinguishing feature is that **all** legislative authority resides with the city or town council. At the time of the 1992 Maine Townsman article, 33 of the 75 municipal charters were of this type, and the population of these towns/cities ranged between 1,700 and 65,000 residents.

The final category, council/mayor charters, vests executive and administrative responsibilities to city mayors/managers. Characteristics of these charters include that the mayor is elected by the full electorate rather than chosen/appointed by the town council, the mayor has the power to veto (including in some instances budget line-item vetoes), and the mayor is given various powers of appointment.

Title 30-A contains various process and timing requirements for municipalities wishing to enact new charters or pursue amendments of existing charters, which are detailed in 30-A M.R.S. § 2101 through 2109. Although the legislative authority governing towns and cities in Maine are different depending on the various forms of government chosen, the process for establishing new charters or amending charters is the same. This is true regardless of whether authority is vested in a select board, council/manager, or mayor/manager form of government. This is because, under section 2105 of Title 30-A, "[t]he method of voting at municipal elections, when a question relating to a charter adoption, a charter revision, a charter modification or a charter amendment is involved, shall be in the manner prescribed for municipal elections under sections 2528 to 2532, even if the municipality has

not accepted the provisions of section 2528.” Section 2528 pertains to the secret ballot process governing towns’ election of town officials or for municipal referenda elections.

Understanding the process

At a high level, the process for establishing a new charter first involves an initial vote on the establishment of a charter commission that is initiated either through a citizen petition process or by warrant article passed by the town establishing an election at which the question is presented to the voters. The process is set forth in 35-A M.R.S. § 2102. If this vote is successful, a commission is established based on certain members which are appointed and others which are elected. The membership and procedure for appointment and election of members is set forth in 35-A M.R.S. § 2103.

Once a charter commission is established, the commission is required to hold an initial organizational meeting during which members elect officers. This meeting is then followed by various other public meetings, which can take place over the course of several months. During these meetings, commission researches and investigates different town/city charters, invites public input from members of the commission as well as the general public, narrows down and chooses provisions that voters may wish to adopt based on needs and concerns in the given municipality. Perhaps the most time consuming work during this pe-

riod involves the commission’s review of draft language for a charter and revisions, which can be refined over the course of several public meetings.

After the commission has produced a comprehensive draft, which has been reviewed by counsel, the charter commission issues a proposed charter along with an explanation of the charter provisions to be published and posted. A public hearing is held at which time the commission receives public input on the proposed charter. If time permits, additional public hearings may be held. These hearings are noticed through posting of the draft charter and report of the charter commission in the manner ordinarily required as well as through publication in the newspaper. Based on the public hearings, the commission may amend the charter provisions. Thereafter, the commission generally provides a final report and a final proposed charter. Following appropriate notice and procedure to place the final charter before voters by referendum vote,

voters of the municipality vote on the proposed charter.

Fact-specific needs

Needs of municipalities across the state vary according to their geographies, economic realities, histories and traditions. For the Town of Chelsea in 2011-2012, our commission’s proposed charter established eligibility criteria for elected and appointed municipal officers/officials, timelines governing business to be conducted during the fiscal year, including, the process by which budgets were proposed and vetted prior to town meeting. The proposed charter also established the terms of elected or appointed office (some of which differed from the periods set forth under the statute), the compensation structure for employees and officials, an outline of their responsibilities as well as those responsible for their oversight. Under the proposed charter, the select board had an affirmative obligation to fill vacancies in office.

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Finally, the charter established codes of conduct for municipal officers and officials as well as a recall mechanism that would allow for their removal when such persons forfeited their position through non-attendance, their actions violated conflict of interest policies and laws, or when they otherwise were no longer capable of serving the best interests of the town. Other provisions were also proposed in effort to return transparency and fair process to municipal business (e.g., the need for establishing meetings on a regular basis and at times when members of the public could be in attendance). The proposed charter also provided guidance to town officers and officials on fundamental aspects of town government, including by way of example, the duties of the town manager, which under the town's proposed charter would also include responsibilities to serve as the town's road commissioner.

There is no one-size-fits-all approach to municipal charters, and

the approach must always balance the needs of the community with the support and reception that will be received from voters. For the Town of Chelsea, in my opinion, residents and voters historically have been reticent of legal frameworks that might be seen as regulating the town's citizens or increasing powers of the town, regardless of whether such perceptions are accurate. The focus of the commission became the adoption of provisions that would provide needed guidance for the conduct of municipal business. The commission's recommendations had to avoid the perception and reality of overreaching into areas that were previously unregulated or were reserved to the voters through their participation at town meetings. Ultimately the process that led to the exploration of a new municipal charter in the Town of Chelsea proved to be fully supported and well warranted. Voters of the town approved the charter at the June 2013 town meeting election by a vote of 364-45.

There is also no perfect timing for municipalities wishing to explore the adoption of charters. Put another way, it is not necessary that your town or city has experienced turmoil before a charter commission is formed. A commission to explore a new municipal charter or charter amendment can be formed at any point. 30-A M.R.S. § 2102(5) requires the question posed to voters to simply state, "Shall a Charter Commission be established for the purpose of establishing a New Municipal Charter/revising the Municipal Charter?" Although the statute appears to anticipate that voters may ultimately want to adopt a new municipal charter/charter amendments, this result is not a *fait accompli*. The establishment of a charter commission does not bind the town or the voters to a future course of action or adopting of charter provisions/amendments. But the process does allow for the investigation and meaningful deliberation of protocols that may be of assistance to Maine towns and cities. ■

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- 2019 -

Elected Officials Training Opportunities

Elected Officials Workshops

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

- What are our rights and duties as officials?
- Can we hold multiple offices?
- Which of our meetings are open to the public?
- Must we have an agenda and take minutes?
- What ordinances can we enact?
- What are our liabilities and immunities?
- What is a disqualifying conflict of interest?

Course Description: As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that this course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou.

A perfect opportunity for elected officials to take advantage of the expertise that the Maine Municipal Association has to offer, attain a better understanding of their role as public officials, and stay abreast of ever-changing local government responsibilities and issues.

Managing Freedom of Access Requests

Who Should Attend: This timely workshop is aimed at helping municipal staffs, newly designated “Public Access Officers” and elected and appointed officials understand Maine’s Freedom of Access Act, why FOAA requests are filed and how to handle them properly. (**Qualifies as Maine-required FOAA Training**).

How to Lead Effective Meetings

Who Should Attend: Anyone who leads or participates in meetings that could be improved. This hands-on workshop will offer practical tips to increase collaboration and results in team, staff, and board meetings. This course applies to the Maine Town, City and County Management Association Certification Program as 6 credits in the Leadership category.

Roles of Elected Officials & Municipal Managers

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

Elected Officials:

Dates & Locations:

Wednesday, April 17, 2019
Ramada Inn & Conference Center – Saco

Thursday, June 20, 2019
Fort Kent Outdoor Center – Fort Kent

Wednesday, August 28, 2019
LaFleur’s Restaurant – Jay

Tuesday, October 29, 2019
Hutchinson Center – Belfast

Thursday, November 21, 2019
Mayo Regional Hospital – Dover-Foxcroft

Managing Freedom of Access Requests

Dates & Locations:

Thursday, December 12, 2019
Hilton Garden Inn – Freeport Downtown

How to Lead Effective Meetings

Date & Location:

Wednesday, March 27, 2019
Maine Municipal Association – Augusta

Roles of Elected Officials & Municipal Managers

Date & Location:

Tuesday, October 15, 2019
Bridgton Town Hall – Bridgton

Online registration is easy!

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



Maine Municipal Association

Recycling update: Still tough for some, with reason for hope

A Chinese crackdown on contaminants and other standards has taken a toll, but some Maine agencies report strong recycling numbers. The public likes doing it.

By Janine Pineo

The fallout from China's "Green Sword," a 2018 import ban on 24 types of solid waste coupled with tighter contamination standards, continues to put pressure on Maine municipalities and their recycling programs.

One of the recent casualties is the nonprofit Coastal Recycling, owned by the towns of Franklin, Hancock, Sorrento, Sullivan and Winter Harbor. The facility is expected to close in late April because its financial picture changed drastically, with certain types of recyclables costing money instead of providing a revenue stream as had been the case for years. As the recyclables dried up, and as towns reduced or cut recycling, so have the reasons for the facility to be open.

The towns expect to stop their recycling programs and send their solid waste to the landfill, according to the Ellsworth American newspaper. Sullivan plans to send its waste to the Fiberright facility in Hampden after it opens sometime this summer. The delay in the opening of Fiberright, which will have a single-stream process, has meant multiple communities with Municipal Review Committee shares have diverted their trash to landfills as their contracts with Penobscot Energy Recovery Co. have run out.

Lamoine – which until last year was part of Coastal Recycling, had an MRC share and had a PERC contract – shifted to ecomaine in Portland.

"We saw the handwriting on the wall," said Stu Marckoon, administrative assistant to the Lamoine select board. Small operations, like Coastal, have been hit the hardest, he said,

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



These ecomaine employees inspect trash for contamination. (Submitted photo)

with "transportation heartburn" adding weight to the costs of recycling.

Still committed

Marckoon said Lamoine is committed to recycling and the proposal to move to ecomaine "passed overwhelmingly."

The town has a "silver bullet" recycling container from ecomaine that is picked up weekly for transport to DM&J in Winterport, where it is swapped with an empty container. The bulk of the cost is in the transportation: \$275 for every returned silver bullet. Marckoon said that to save costs, the waste is mixed with that from other ecomaine communities until there is enough to transport to the Portland facility.

"People love that it's a zero-sort facility," he said. The numbers show results; Marckoon said the town is up 35 tons in recycling and down 35 tons in municipal solid waste.

There may be more change on the

horizon. Marckoon said Lamoine's 25-year-old recycling facility needs a redesign that encourages more recycling, and this year's town meeting will include that item. Compaction is another wish, he said. It would mean that instead of weekly swaps for the silver bullet, the town might only need a monthly one, which would cut transportation costs.

Howland opened a new transfer station in September 2018, specifically designing the flow to encourage recycling first before residents move on to the compactor, said Town Manager David Wilson. "We did that flow on purpose," he said.

Wilson said the town contracts with PERC because it takes more types of material. "We've been able to scale back fees a little bit," he said.

Social aspect

The evolution of the new facility began with a \$700,000 price tag and concerned residents. "There was the

worry that we weren't going to offer recycling," Wilson said. He pointed to the town's aging population that pushed for a recycling center instead of curbside pickup, saying that having a facility where people could show up was important not only for recycling but for social interaction.

In the end, the town was able to shave the final price for the new transfer station down to \$285,000, Wilson said.

"Recycling is still very important to people," he said, and is "basically on track" for the town. "The new facility actually costs us less than the old facility. It's cheaper for us to have the recycling station."

Poland is looking to change its recycling and solid waste plans because of the effect of the 2018 China rules. Town Manager Matt Garside said that while the town has a multi-year contract with ecomaine, there is an option to pull out on the anniversary date. The town will make a decision by the end of March from the submitted bids.

One contributing factor is transportation. "With ecomaine, their facility is so far away," Garside said. He added that it is due diligence to look at all town contracts to see that they are still the best option. "This is a normal part of how we manage town contracts," he said. "Periodically, we do this with all municipal contracts."

The town still takes all recyclables, Garside said, with the cost of recycling about \$30,000 in the town's annual \$7 million budget. He said it's not a huge portion, but that someone had to earn that dollar.

"We're trying to be good stewards of the money," he said.

Volume is down

Dave Stanley, manager of the Tri-County Solid Waste Management Organization in Union, sees the recycling issues daily. "I don't have the volume," he said. "I don't have the capital."

Tri-County is a quasi-municipal entity owned by the towns of Appleton, Liberty, Union, Somerville and Washington, with a combined population of about 6,600 residents. Stanley said he can't ship a heavy enough load to pay for itself with the current marketplace, but he is a proponent of recycling because it's important.

RECYCLING RESOURCES

Numerous ways exist to help communities recycle, with some free for municipalities to use. For plastic bags and films that gum up sorting machines, there are scores of locations in Maine that take not just shopping bags, but also the plastics used to bag products such as toilet paper and diapers.

A searchable online map is here: www.plasticfilmrecycling.org/recycling-bags-and-wraps/find-drop-off-location/

The following programs are free for municipalities to participate as collection sites or refer residents to the nearest free drop-off sites:

- Mercury thermostats: People recycling a mercury thermostat get a \$5 coupon for recycling at participating retail stores. Find drop-off sites at thermostat-recycle.org or maine.gov/dep/helpmercycycle.
- Mercury-added light bulbs: fluorescent, neon, black light, UV, HID – Find drop-off sites at lamprecycle.org or maine.gov/dep/helpmercycycle
- Rechargeable batteries and cell phones – Find drop-off sites at call2recycle.org
- PaintCare recycling program (oil-based and latex paint) – Find drop-off sites at paintcare.org

Source: Maine Department of Environmental Protection

"I'm amazed at the towns that aren't going to recycle anything," he said. "Why not do what you can?"

Tri-County ships to ecomaine and Lincoln County Recycling. Stanley says he isn't a fan of single stream, but he does like seeing trash not go to waste. "We've always believed in waste to energy," he said.

"Trash needs to pay for itself," he

said, but that has been tested by the Chinese policy on recyclable commodities.

Is the situation for recyclables dire and getting worse? According to some, it's not.

"We have had a bad 12- to 18-month run," said Matt Grondin, communications director for ecomaine, the non-profit governed by 20 municipalities



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and serving 73 across the state. “I would argue that the markets are relatively balanced. For ecomaine, we’re quite happy in terms of recycling. We’re getting very good prices.”

Paper is doing better, he said, although there is still a \$10 to \$20 per ton fee they are paying to move it, but that is improved from the \$60 to \$70 per ton fee from last year. And there’s less stockpiling happening.

Plastics and metals are at a good price point, Grondin said, and cardboard is stable.

Dollars and sense

“The fiscal argument is still with recycling,” he said. “It might be cheaper in the very short term” to stop recycling, but costs loom 20 years in the future if all the solid waste is sent to landfills. “It is really storing that waste forever, essentially,” Grondin said, adding that New England is running out of landfill space – with Maine “kind of the exception” – making it both an environmental and a capacity issue.

Ecomaine’s waste-to-energy plant is at capacity, he said, producing annu-



This is the ecomaine recycling facility in Portland. (Submitted photo)

ally 100 megawatts of electricity from 175,000 tons of solid waste. The organization’s landfill receives 17.5 tons of ash, a reduction of 90 percent.

A couple of developments are promising, Grondin said.

Last year, a Chinese paper company purchased two Maine mills, in Rumford and Old Town. Nine Dragons Paper Ltd. plans to construct a “green field” recycled-content pulp facility in Rumford, part of its global fiber strategy to develop a U.S.-based

containerboard business. Old Town will produce unbleached pulp.

Nine Dragons’ parent company is Asia’s largest container board producer. Grondin said it is among the companies that the United States has been shipping recyclables to, and it falls under the Green Sword rules. “It would certainly be an outlet for us,” Grondin said.

It’s expected that the Rumford mill will accept cardboard and ship the pulp out for manufacture in Chi-



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GOT PAINT?

In 2015, PaintCare started its Maine paint stewardship program, required by a 2013 state law. As of last year, all of the state’s household hazardous waste collection sites were participating in the program, which collected nearly 130,000 gallons of paint for recycling in its latest fiscal year.

According to PaintCare Director of Communications Brett Rodgers, most drop-off locations are in paint and hardware stores for convenience to the public. However, municipalities are encouraged to participate in the free program.

“In states that have passed a paint stewardship law and adopted the PaintCare program, we welcome partnerships with municipal agencies, especially those that operate household hazardous waste collection programs, transfer stations, recycling facilities and landfills,” Rodgers wrote in an email.

“With these partners, PaintCare covers the cost of paint storage bins, paint transportation and recycling, and public outreach and education. There is no monetary compensation for operations or labor costs associated with serving as a drop-off site. For municipal agencies that wish to offer services to PaintCare in addition to serving as a drop-off site, monetary compensation may be negotiated. These additional services include reprocessing paint at your site, bulking paint in situations where storage space is limited, offering usable paint in original containers to the public (Reuse Program), and transportation from municipal satellite sites (e.g., landfills) to a main site.”

Visit paintcare.org, click on the Maine (ME) link for the tab on Waste Facilities to access fact sheets for more information.

na, he said. "The industry (in China) is still hungry for the material."

Another positive is that ecomaine is seeing less contamination, which was one of the main thrusts of Green Sword last year. "We've noticed a difference in the contamination rate," Grondin said. "I think there's greater awareness by consumers... on contamination."

He attributes that to education and enforcement. "Education and enforcement both have a role to play. Obviously we prefer education," he said.

One on one education

"I think that there hasn't been a lot of education going on for quite a while," said Carole Cifrino, recycling programs' supervisor with the Maine Department of Environmental Protection. There are no funds or programs statewide for continuing education, she said, and because China accepted a higher contamination rate for so long, there was no urgency to educate for better recycling rates.

"The best education is one-on-one education," she said. Recycling centers that station someone at the bins to teach residents what and how to recycle can make all the difference in contamination rates.

Resources for recycling are changing, said Megan Pryor, environmental specialist in the DEP's Division of Materials Management. "In the long term, we will have domestic capacity," she said. While there are domestic facilities, more are being built and solutions are out there. She acknowledged that transportation is a factor, but that stopping recycling has consequences.

"It's a lot harder to start up again," Pryor said.

Cifrino and Pryor said the state will issue a request for proposals, likely at the end of March, for waste diversion grants again this year. Last year, six grants were issued, totaling \$89,000. This year, up to 10 grants totaling \$111,000 will be issued for recycling and composting initiatives.

It was the first year that the DEP provided grants to help businesses, institutions and municipalities with funds to assist with solid waste management. Among the grants issued was one for Falmouth's pilot program to divert food waste from disposal to composting and one for Central Penobscot Waste Facility to construct a

reuse building where the public can get obtain usable goods for free and reduce disposal rates.

The Request for Proposals for the

2019 waste diversion grants will be posted at www.maine.gov/dep/rfp/ once the DEP makes the announcement. ■

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MMA Personnel Services and On-site Consulting Services

MMA Personnel Services offers a wide range of specialized on-site consulting services for our municipal and associate members. Personnel management and labor relations expertise is available for direct assistance or general inquiries through a toll-free telephone line. Direct on-site assistance is available in the following areas:

Labor Relations — Representation of the municipality in labor negotiations, mediation, arbitration and grievance processes. **Executive Search** — Assistance with the recruitment of a new city or town manager, department head and/or senior management position. **Training** — On-site training in a variety of topics. **Testing** — Entry level police and fire testing.

For more information on all Personnel Services programs, or general personnel management information, contact David Barrett, Director of Personnel Services and Labor Relations at 1-800-452-8786.

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

Maine Marijuana Statutes Cheat Sheet

Prepared by MMA Legal Services. For more information on marijuana and municipalities, please contact our office at: 207-623-8428, or visit our Member Center website at www.memun.org.

Marijuana Legalization Act (or Adult Use Marijuana Law) – 28-B M.R.S. Ch. 1

- Legalizes the use and commercial sale of marijuana for recreational (adult use) purposes
- Personal use and cultivation allowed state-wide – can grow up to 3 mature plants, 12 immature plants and unlimited seedlings
- Establishes state licensing process for 4 types of adult use marijuana establishments: cultivation facilities (including nurseries), retail stores, products manufacturing facilities, and testing facilities – **NO** social clubs
- **Default is prohibition** – municipality must vote to “opt in” to operation of adult use marijuana establishments within the municipality (if it wants to allow them)
- State licensing through DAFS, conditioned on municipal approval - will not begin until at least fall 2019
- Municipalities may regulate adult use marijuana establishments locally
- Municipalities may regulate home cultivation, but may not generally prohibit, zone, or license the activity
- State collects sales tax on retail sales and excise tax on wholesale marijuana and marijuana products (20% effective tax rate)– no state-municipal revenue sharing or local option taxation

Maine Medical Use of Marijuana Act – 22 M.R.S. Ch. 558-C

- Legalizes the use and distribution of marijuana for medical purposes by qualifying patients, caregivers, dispensaries, manufacturing facilities, and testing facilities
- Establishes registration requirements through DAFS for medical marijuana caregivers, dispensaries, manufacturing facilities, and testing facilities
- Authorizes registered caregivers to operate medical marijuana retail stores (retail store is undefined)
- Allows six additional registered dispensaries, and unlimited dispensaries after 2021
- Local code enforcement officers can obtain caregiver registration information from State
- Municipalities may regulate registered caregivers, registered caregiver retail stores, registered dispensaries, testing facilities, and manufacturing facilities, except municipalities cannot prohibit or limit number of caregivers
- **Default is prohibition** – municipality must vote to “opt in” to operation of registered caregiver retail stores, registered dispensaries, testing facilities, and manufacturing facilities (if it wants to allow them)
- Medical marijuana establishments already in operation with “municipal approval” as of December 13, 2018 are grandfathered
- Most medical marijuana products sold by registered caregivers and dispensaries subject to 5.5% sales tax. Edible marijuana products subject to 8% sales tax – no state-municipal revenue sharing or local option taxation

Industrial Hemp – 7 M.R.S. § 2231

- Allows cultivation, harvest, possession and processing of industrial hemp by individuals who obtain a state license
- Defines “industrial hemp” as any variety of *Cannabis sativa L.* with a THC concentration below 0.3% on a dry weight basis, that is grown by a licensed grower in compliance with state law
- Statute does not address municipal regulation of hemp – Maine Agriculture Protection Act (7 M.R.S. Ch.6) may apply
- State license **DOES NOT** include manufacturing of CBD oils or other hemp-derived concentrates – manufacture and sale of CBD products, regardless of source, is illegal unless done in compliance with Maine medical or adult use marijuana statutes



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ABOUT OUR CAMPAIGN



Maine Municipal Association's Hometown Careers campaign was born out of necessity. Maine is one of the "oldest" states in the nation, many municipal employees are nearing retirement and the unemployment rate is low. Plus, municipal jobs are so important. The need for municipal services will never go away.

In January 2018, MMA launched a statewide social media and web advertising campaign designed to make people - especially young people - more aware of the exciting career options available within municipal government.

That effort drives people to our interactive website, www.mainehometowncareers.org. Upon arrival, readers learn what local government does, they see and hear real Mainers talk about the rewards of municipal employment. And, they have searchable access to MMA's municipal Job Bank, the most extensive listing of local government job openings in Maine.

For MMA members, even more tools are available. The Members Area of the MMA website provides handouts that municipal employers can use, logos and instructions about how to promote Hometown Careers on municipal websites and Facebook pages.

The sky is the limit! Municipal careers in Maine offer unparalleled quality of life and they provide deep satisfaction, knowing that you serve a community in meaningful ways.

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2019 Municipal Technology Conference

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2019 Keynote Speaker

The State of Maine, Technologically Speaking

Come hear Brian Whitney, president of the Maine Technology Institute, give his assessment of Maine's preparedness for the technology demands of 2019 and beyond and how we must rise to the challenge of working and competing in a more complicated and technically focused global marketplace. Brian will also explore how the Maine Technology Institute can play a key role in helping to grow the economies of Maine's towns and cities through their funding and support of innovative new products and companies, in turn leading to the creation of quality jobs for Maine people.

2019 Municipal Technology Conference - Preliminary Program

8:00-8:45 a.m. – Registration & Continental Breakfast/Visit with Partners

8:45-9:00 a.m. – Welcome

Stephen W. Gove, Executive Director, Maine Municipal Association

9:00-9:45 a.m. – Keynote Address

Keynote Address – The State of Maine, Technologically Speaking

Come hear Brian Whitney, president of the Maine Technology Institute, give his assessment of Maine's preparedness for the technology demands of 2019 and beyond and how we must rise to the challenge of working and competing in a more complicated and technically focused global marketplace. Brian will also explore how the Maine Technology Institute can play a key role in helping to grow the economies of Maine's towns and cities through their funding and support of innovative new products and companies, in turn leading to the creation of quality jobs for Maine people.

Presenter: Brian Whitney, President, Maine Technology Institute

MTCMA Certification – .75 points Leadership and Finance/Budget categories

9:45 a.m. – 10:00 a.m. Morning Break/Visit with Partners

10:00 a.m. – 11:00 a.m. Concurrent Sessions

Using Partnerships to Get Energy Projects Done (Well)

Learn how municipalities can work together to mitigate the worst impacts of climate change and transition to clean, efficient, renewable energy. Municipal energy projects done in partnership – from LED street lights to efficient buildings and solar power – can help us reach these goals, reduce energy costs and be economically competitive.

Presenters: Julie Rosenbach, Sustainability Coordinator, City of South Portland; Tex Haeuser, Director of Planning & Economic Development, City of South Portland

MTCMA Certification – 1 point Leadership and Finance/Budget categories

Municipal Banking in the 21st Century

Are you tired of paper checks, multiple deposit slips and manual payment processing? During this hour, attendees will learn about remote check scanning, electronic payments, handheld devices and credit card swipes – and much more. Today's technology can make municipal banking faster, easier, more secure and less time-consuming. It can also require updating controls and improving risk management. If you want to run an efficient and secure town office, taking advantage of what today's technology offers, this is the presentation for you.

Presenters: Barbara Rath, SVP, Government Banking, People's United Bank; Lucie Hannigan, SVP, Treasury Management, People's United Bank

MTCMA Certification – 1 point Finance/Budget category

Generating a 3D Point Cloud from UAV Images

These days, it seems that more and more people are discovering creative uses for UAVs or drones. Whether it's Amazon's plans to deliver packages, film makers looking for that perfect shot, or law enforcement officials keeping an eye on the bad guys. The GIS industry is eagerly jumping on this proverbial band wagon, with the rapid proliferation of UAVs opening the broad field of remote data collection and processing to an ever wider audience. In this presentation we will explore how overlapping geotagged images are processed to create a high-density 3D point cloud. We'll also address the challenge of calculating the volume of a landfill represented in a surface model derived from a photogrammetrically-generated point cloud.

Presenter: Katrina Schweikert, Blue Marble Geographics

1 CMA/CAT re-certification credit through Maine Revenue Services

GIS & Drones: An Easy (and Free) Way to Marry the Two (30-minute session)

This session will provide a brief introduction to drones and their application to municipal projects as well as demonstrate how to use DroneDeploy to automate flight plans, collect aerial data and process it into a product usable in ArcGIS Online mapping.

Presenter: Sue Bickford, Wells Research Reserve

.5 CMA/CAT re-certification credits through Maine Revenue Services

Generating Individualized Tax Assessment Maps (30-minute session)

For the past several years, an innovative product has been delivered to taxpayers outlining the basis for their tax assessment. This product includes individualized maps depicting recent sales near the taxpayer's parcels as well as comparables and other useful information designed to help the parcel owners understand their assessment. Mr. White will describe the development and production of these mailers, which was awarded the 2017 IAAO Public Information Award.

Presenter: Mike White, Global Information Systems

.5 CMA/CAT re-certification credits through Maine Revenue Services

11:00 a.m. – 11:15 a.m. Morning Break/Visit with Partners

11:15 a.m. – 12:15 p.m. Concurrent Sessions

The Essentials of Data Back-Up and Disaster Recovery

In municipal government, critical data is everywhere: property assessments, mill rate calculations, license applications, permits, zoning codes, etc. Naturally, it only makes sense to back up that data. Not so long ago, merely having back-up tapes stored off-site was enough of a safeguard. But times – and the rate of data proliferation -- have changed. The cloud and high-speed fiber connectivity afford more sophisticated ways to store, back-up, and recover data. And backing up data is only part of the battle. Municipalities need a clear and detailed disaster recovery plan to ensure the right data is restored in the event of a natural disaster, human error, or cyber-attack – and management within the organization is on the same page. Join Rob Williams, as he reviews the basics of back-up and recovery, disaster recovery planning, and how to protect critical municipal data.

Presenter: Rob Williams, Director of Product Marketing, FirstLight

MTCMA Certification – 1 point Finance/Budget category

The Law and Protecting HIPAA Data

Learn about the laws that govern the retention and disclosure of a public entity's electronic records. What electronic records are public records under Maine's Freedom of Access Act and what electronic records are confidential under Maine law or federal law, such as the Health Insurance Portability and Accountability Act (HIPAA)? This session will also cover best practices for maintaining such records and providing access to them when appropriate under the applicable laws. This topic is important for all municipal officials and may be of particular interest to human resources professionals, public safety officials, public access officers and General Assistance administrators.

Presenters: Mark Bower and Natalie Burns, Attorneys, Jensen Baird Gardner & Henry

MTCMA Certification – 1 point Legal and Human Resources categories

The Future for Maine GIS Data (30-minute session)

This session will address the need to increase state support for data acquisition and distribution, what those data acquisition needs are and how communities benefit from having access to accurate data, how to reduce project costs, support economic development, and plan for improving resilience to climate change and mitigating exposure to natural disasters. It will also address pending legislative initiatives.

Presenter: Joe Young, GIS Consultant

All Those Darn Data Collection Devices! (30-minute session)

There are so many devices out there on the market it today – which one is right for you? What the heck is survey-grade? Is there any free part? This talk will center around enlightening you as the data collector about devices that exist, services that are out there, and other various facets of devices on the market.

Presenter: Bradford Folta, Honey Badger Analytics

.5 CMA/CAT re-certification credits through Maine Revenue Services

Integration: Documents Made Interesting, Connected to a Map (30-minute session)

Over the last 10 years, the Town of Hampden has employed part time help to scan in vast amounts of property record documents – basically any document that can be tied to a parcel or parcels (over 150,000 documents and 4000 parcels). These documents are public record – available to anyone that comes in the office – so why not make them

available online? Not only would this cut down on calls and office traffic, it can provide a powerful, easy-to-use tool for staff and public alike. Find out how Hampden was able to implement this and now has a town full of GIS users!

Presenter: Kyle Severance, GIS/IT Specialist, Town of Hampden

.5 CMA/CAT re-certification credits through Maine Revenue Services

Equity, Social Justice and GIS (30-minute session)

How does GIS intersect with issues of equity and social justice? What are the responsibilities of GIS professionals? What do our maps say about us? How do the boundaries of our maps matter? How does the way we provide data make a difference? What data do we use, what data do we reject? We will have an open discussion about how we can be thoughtful about the impacts of our work as GIS professionals.

Presenter: Judy Colby-George, GISP Spatial Alternatives

12:15 p.m. – 1:30 p.m. Buffet Luncheon

12:45 p.m. – 1:30 p.m. Luncheon Address

Assets, Maps and Data – Oh My!

Pete Coughlan and Nate Kane will discuss the various resources available to support transportation asset management, including local road inventories for funding assistance, emergency response, sign/drainage asset inventories, locally-funded road repairs and planning capital/maintenance repairs. They will also provide an overview of Geographic Information Systems at MaineDOT and show capabilities of the MaineDOT Map Viewer.

Presenters: Pete Coughlan and Nate Kane, Maine DOT

1:30 p.m. – 1:45 p.m. Afternoon Break/Visit with Partners

1:45 p.m. – 2:45 p.m. Concurrent Sessions

Cybersecurity for Elections

In a connected world, cybersecurity is a concern for every industry, and our Elections Infrastructure is not immune. This session will review the threats our elections systems face as well as the tools and resources available to state and local elections offices. In particular, we will focus on a no cost, elections-focused cyber defense suite available through the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC) and Center for Internet Security (CIS), including sector-specific threat intelligence products, incident response and remediation, threat and vulnerability monitoring, cybersecurity awareness and training products, and tools for implementing security best practices.

Presenter: Kateri Gill, Elections Program Manager, Multi-State Information Sharing and Analysis Center/ Elections Infrastructure Information Sharing and Analysis Center

MTCMA Certification – 1 point Elected Relations and Leadership categories

Municipal Broadband – Public/Private Partnerships

Are they working? Where will the money come from? Community perspectives! What does the future hold? Join Brian Lippold and Mike Edgecomb as they share their views on the state of broadband in Maine.

Presenters: Michael Edgecomb, Franchise Consultant; Brian Lippold, President, Casco Bay Advisors, LLC

MTCMA Certification – 1 point Leadership and Finance/Budget categories

New Geospatial Technology for Local Government

Governments of all sizes want to share information and data about themselves in meaningful ways. In this session we will cover three areas of developing technology showing how agencies can inform and engage the public about government initiatives through data, maps and apps. Using an open data approach with focused apps for one, how planners can easily show proposed zoning/building changes and analysis on city projects in 3D second, and a new way to for mapping and navigating large campuses and buildings.

Presenter: Matt Deal, ESRI

Municipal Benefits of Terrestrial LiDAR

Utilization of LiDAR for municipal projects allows for data extraction of almost limitless value. When implemented into existing municipal records, scan data can provide invaluable insight when analyzing condition, location, variability and other factors. Consumers of LiDAR data are only beginning to understand new uses for LiDAR scanning and the value it provides. The robust amount of information contained in the data can be leveraged for

planning and removing major obstacles before they cause delays in a project, thereby saving money on your projects.

Presenter: Levi Ladd, GISP, James W. Sewall Co.

2:45 p.m. – 3:00 p.m. Afternoon Break/Visit with Partners

3:00 p.m. – 4:00 p.m. Concurrent Sessions

Mobile Device and the Internet of Things (IoT) Security

This session will focus on common cybersecurity threats that many municipalities face and introduce the concept of the Internet of Things (IoT). We will look at the risks and vulnerabilities of mobile devices and other devices that are connected to the internet, methods to secure these devices within the workplace, and methods and practices to mitigate these common threats.

Presenter: Henry Felch, Associate Professor, Cybersecurity, University of Maine at Augusta

MTCMA Certification – 1 point Human Resources and Leadership categories

Status of the Public Safety Broadband Network (FirstNet) in Maine

The wireless public safety broadband network in Maine is operational and is in the third year of a five-year build-out. Learn more about the status of the project and what work remains to be completed in order to provide required coverage in Maine by 2022.

Presenters: David Maxwell, Program Director, FirstNetME, State of Maine Office of Information Technology; Bruce Fitzgerald, Principal Consultant, AT&T FirstNet

MTCMA Certification – 1 point Leadership category

Municipal Broadband: Mapping, Money, and Models

Municipal broadband projects are happening all over Maine. There are many models for funding, build out and delivery that are being tried. This panel will explore some of the GIS foundations of municipal broadband, as well as the Open Access fiber model.

Panelists: Representatives from VETRO, Neighborly and others TBD

Remember How Long It Took Before We Had GIS? (30-minute session)

Municipalities large and small are embracing the value of using GIS to increase staff efficiency. Today's available technologies allow for faster creation and deployment of affordable applications focused to meet particular needs. See examples of how some are using online GIS services and mobile Apps for distributing data, managing/improving workflows, inventorying/tracking assets, as well as for planning and making more informed decisions.

Presenter: Aaron Westin, CAI

.5 CMA/CAT re-certification credits through Maine Revenue Services

Assessing the Impact of Rising Sea Levels on Maine's Coastal Communities (30-minute session)

The Coastal Risk Explorer, a tool customized for Maine, ties the projected impacts of rising sea levels on the transportation lifeline for emergency services with the social vulnerability of Maine's coastal communities. In this talk, you will get an introduction to this web-based tool, the data behind it, and will leave understanding how to use it.

Presenters: Jeremy Bell, The Nature Conservancy; Elizabeth Hertz, Blue Sky Planning Solutions; Eileen Johnson, Bowdoin College

4:00 p.m. – 5:00 p.m. Maine GIS User Group Board Meeting

CERTIFICATION:

MTCCA (Maine Town & City Clerks' Association) is offering 5 points for attending the full conference toward MTCCA certification. Certificate of attendance or proof of registration and payment required.

MTCMA (Maine Town, City and County Management Association) is offering points toward MTCMA certification for attending select sessions. See session descriptions for more information. Certificate of attendance or proof of registration and payment required.

MMTCTA (Maine Municipal Tax Collectors' and Treasurers' Association) is offering 10 points for attending the full conference toward certification as treasurer. Certificate of attendance or proof of registration and payment required.

Maine Revenue Services is offering CMA/CAT re-certification credits for attending select sessions. See session descriptions for more information. Attendees must sign-in to receive credit.

Pay by credit card when you register online here: <https://www.memun.org/2019-Technology-Conference/Registration>

2019 Municipal Technology Conference

Friday, May 10, 2019 – Cross Insurance Center, Bangor, ME

(Sponsored by: Maine Municipal Association & Maine GIS User Group)

ATTENDEE REGISTRATION FORM

Registration Type *(please check ONE):*

MMA Member Municipality/Patron/Non-Profit/State Agency-\$75.00 Non Member Municipality-\$150.00 MEGUG Member-\$75.00 Business Representative-\$100.00

Billing Information:

Full Name: _____

Employer: _____

Billing Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Name Badge Information *(Name badge will read as indicated here):*

First Name: _____

Last Name: _____

Primary Title: _____

Employer: _____

Payment Options: Send invoice* Check will be mailed** Payment Enclosed** PO #: _____

*(*You will be invoiced after the Conference – **Please send a copy of this registration form with payment)*

→ Credit card payments accepted with online registration only. ←

Fax registration form to: (207) 626-5947 **Mail form to:** Municipal Technology Conference Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Please make check payable to: Maine Municipal Association.

Overnight Rooms: An overnight room block has been setup at the Hollywood Casino Hotel for \$94/night plus tax & amenity fee for Thursday, May 9, 2019. Group code is MTECH. Call 1-877-779-7771 for reservations.

Questions/Cancellations: Cancellation notification must be given in writing at least 3 business days before the session begins. Any cancellation received within that 3 day window will be charged the full registration fee. All cancellations are subject to a \$10 administrative fee for processing. Please go to <http://www.memun.org/TrainingResources/WorkshopsTraining/Cancellations.aspx> to cancel. If you have any questions please contact the Educational Services Office at (800) 452-8786 or (207) 623-8428.

Dietary Requirements: We do our best to plan meals according to general dietary guidelines. If you have a specific dietary restriction, please call our office at least 5 business days prior to the start of the event. Please note that we are not able to accommodate onsite requests, as catering planning happens in advance of the event.

In order to ensure your complete participation, we would appreciate being informed of any special requirements you may have due to a disability.

2019 MMA & Affiliate Training Calendar

KEY TO GROUPS/WORKSHOP SPONSOR

MMA	Maine Municipal Association	MFCA	Maine Fire Chiefs' Association
MACA	Maine Animal Control Association	MLGHRA	Maine Local Government Human Resources Association
MAAO	Maine Association of Assessing Officers	MMTCTA	Maine Municipal Tax Collectors' and Treasurers' Association
MBOIA	Maine Building Officials & Inspectors Association	MSFFF	Maine State Federation of Firefighters, Inc.
MCAPWA	Maine Chapter of American Public Works Association	MTCCA	Maine Town & City Clerks' Association
MCDA	Maine Community Development Association	MTCMA	Maine Town, City and County Management Association
MeWEA	Maine Water Environment Association	MWDA	Maine Welfare Directors Association

*Please note that the listings in "cyan" with a 🔍 symbol are new courses!

Date: Day: Course Name: Location: Sponsored By:

MARCH

3/13	Wed.	MWDA Advanced GA	Augusta - Maine Municipal Association	MWDA
3/20	Wed.	Planning Board/Boards of Appeal	Portland - Fireside Inn & Suites	MMA
3/22	Fri.	MTCMA 40th Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn	MTCMA
3/22	Fri.	MeWEA Ski Day with NHWPCA	Gorham, NH - Wildcat Mountain Ski Resort	MeWEA
3/27	Wed.	How to Lead Effective Meetings	Augusta - Maine Municipal Association	MMA
3/28	Thurs.	MBOIA March Membership Meeting & Training	Newry - Sunday River	MBOIA
3/27	Wed.	MFCA Membership Meeting	Newry - Sunday River	MFCA
3/28 -29	Thurs.-Fri.	MFCA Professional Development Conference	Newry - Sunday River	MFCA

APRIL

4/4	Thurs.	MCAPWA Annual Spring Meeting	Waterville - Waterville Elks Banquet & Conference Center	MCAPWA
4/5-6	Fri.-Sat.	MACA Annual Business Meeting & Training	Newry - Sunday River	MACA
4/10	Wed.	MTCCA New Clerks	Portland - Fireside Inn & Suites	MTCCA
4/11	Thurs.	MMTCTA Tax Liens Workshop	Orono - Black Bear Inn	MMTCTA
4/11	Thurs.	MLGHRA Wage & Hour Workshop	Augusta - Maine Municipal Association	MLGHRA
4/11-12	Thurs.-Fri.	MCAPWA Supervisory Leadership in Public Works Program - Part I	Augusta - Buker Community Center	MCAPWA
4/17	Wed.	Elected Officials Workshop	Saco - Ramada Inn & Conference Center	MMA
4/17	Wed.	NMBOIA Gravel Pits - Compliance with State Laws/Rulings	Brewer - Brewer Auditorium	NMBOIA
4/18	Thurs.	MMTCTA Tax Liens Workshop	Portland - Fireside Inn	MMTCTA
4/22-23	Mon.-Tues.	MWDA Spring Training Seminar	Bangor - Hollywood Hotel & Casino	MWDA
4/24	Wed. 🔍	Regulating Vacation Rentals (NEW!)	Belfast - Hutchinson Center	MMA
4/24-25	Wed.-Thurs.	JETCC North Country	Presque Isle - TBD	MeWEA
4/26	Fri.	MAAO Northern Maine Spring Workshop	Caribou - Northern Maine Development Commission	MAAO
4/30	Tues.	MTCCA Vital Records MTCCA Vital Records - Video Conference	Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission	MTCCA

MAY

MAY	TBD	MCAPWA Supervisory Leadership in Public Works Program - Part II	Augusta - Buker Community Center	MCAPWA
5/2	Thurs.	Personnel Practices	Augusta - Maine Municipal Association	MMA
5/10	Fri.	Municipal Technology Conference	Bangor - Cross Insurance Center	MMA

Date:	Day:	Course Name:	Location:	Sponsored By:
5/15	Wed.	MAAO Board of Assessment Review MAAO Board of Assessment Review - Video Conference	Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission	MAAO
5/15	Wed.	NMBOIA Advanced Structures & Composites	Brewer - Brewer Auditorium	NMBOIA
5/16	Thurs.	MMTCTA Annual Conference	Waterville - Waterville Elks Banquet & Conference Center	MMTCTA
5/20-21	Mon.-Tues.	MBOIA 10th Annual Maine Code Conference	Northport - Point Lookout Resort and Conference Center	MBOIA
5/22	Wed.	MTCCA Licensing	Augusta - Maine Municipal Association	MTCCA
JUNE				
6/5	Wed.	NMBOIA SSWD/Internal Plumbing	Brewer - Brewer Public Works	NMBOIA
6/6	Thurs.	MCAPWA Highway Congress	Skowhegan - Skowhegan Fairgrounds	MCAPWA
6/13	Thurs.	MMTCTA Cash Management	Augusta - Maine Municipal Association	MMTCTA
6/18	Tues.	New Managers Workshop	Augusta - Maine Municipal Association	MMA
6/20	Thurs.	Elected Officials Workshop	Fort Kent - Fort Kent Outdoor Center	MMA
6/25	Tues.	MTCCA Municipal Law for Clerks MTCCA Municipal Law for Clerks - Video Conference	Augusta - Maine Municipal Association Machias - Machias Career Center	MTCCA
6/27	Thurs.	Municipal Human Resources & Management Conference	Waterville - Thomas College	MMA
JULY				
7/11	Thurs.	MFCA Membership Meeting & Networking	Hope - Hope Fire Station	MFCA
7/11	Thurs.	MMTCTA I've Got The Job - What Now? Workshop	Augusta - Maine Municipal Association	MMTCTA
7/18	Thurs.	MBOIA July Membership Meeting & Training	Augusta - Maine Municipal Association	MBOIA
7/22	Mon.	Verbal Judo - Tactical Communication for the Public Employee	Saco - Ramada Inn & Conference Center	MMA
7/25	Thurs.	MMTCTA Basic Excise Workshop	Augusta - Maine Municipal Association	MMTCTA
7/30	Tues.	Planning Board/Boards of Appeal	Bethel - The Bethel Inn	MMA
7/30	Tues.	MTCCA New Clerks	Waterville - Waterville Elks Banquet & Conference Center	MTCCA
AUGUST				
8/7-9	Wed.-Fri.	MTCMA 74th New England Management Institute	Carrabassett Valley - Sugarloaf Mountain	MTCMA
8/15	Thurs.	MTCCA Vital Records	Orono - Black Bear Inn	MTCCA
8/21	Wed.	Legal Update on Recreational Marijuana	Saco - Ramada Inn & Conference Center	MMA
8/22-23	Thur.-Fri.	MMTCTA Basic Accounting I	Waterville - Waterville Elks Banquet & Conference Center	MMTCTA
8/28	Wed.	Elected Officials Workshop	Jay - LaFleur's Restaurant	MMA
SEPTEMBER				
9/3	Tues.	MTCCA Voter Registration	Presque Isle - Northern Maine Community College	MTCCA
9/4	Wed.	MTCCA Title 21A - State Election Law	Presque Isle - Northern Maine Community College	MTCCA
9/5	Thurs.	MMTCTA Payroll Law	Waterville - Waterville Elks Banquet & Conference Center	MMTCTA
9/6	Fri.	MCAPWA Golf Tournament	Cumberland - Val Halla	MCAPWA
9/10	Tues.	MTCCA 24th Networking Day & Annual Business Meeting	Waterville - Waterville Elks Banquet & Conference Center	MTCCA
9/11	Wed.	MeWEA Golf Tournament	Rockland - Rockland Country Club	MeWEA
9/12	Thurs.	Planning Board/Boards of Appeal	Orono - Black Bear Inn	MMA
9/12-13	Thurs.-Fri.	MeWEA Fall Convention	Northport - Point Lookout Resort & Conference Center	MeWEA
9/13-15	Fri.-Sun.	MSFFF Annual Convention/Meeting	Fryeburg Fairgrounds	MSFFF
9/16-17	Mon.-Tues.	MWDA GA Basics/Advanced GA	Freeport - TBD	MWDA
9/17	Tues.	Labor & Employment Law	Portland - Clarion Hotel	MMA
9/18-20	Wed.-Fri.	MAAO Fall Conference	Sebasco - Sebasco Harbor Resort	MAAO
9/26	Thurs.	MBOIA September Membership Meeting & Training	Gray - Spring Meadows Country Club	MBOIA

Date: Day: Course Name: Location: Sponsored By:

OCTOBER

10/2-10/3	Wed.-Thurs.	83rd Annual MMA Convention	Bangor - Cross Insurance Center	MMA
10/3	Thur.	MFCA Annual Membership Meeting	Bangor - Cross Insurance Center	MFCA
10/5	Sat.	MSFFF Firefighters Memorial Service	Augusta	MSFFF
10/8	Tues.	MTCCA Voter Registration	Augusta - Augusta Civic Center	MTCCA
10/9	Wed.	MTCCA Title 21A - State Election Law	Augusta - Augusta Civic Center	MTCCA
10/15	Tues.	Roles of Elected Officials & Municipal Managers	Bridgton - Bridgton Town Hall	MMA
10/16	Wed.	NMBOIA Subdivision Laws	Brewer - Brewer Auditorium	NMBOIA
10/24	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Orono - Black Bear Inn	MMTCTA
10/29	Tues.	Elected Officials Workshop	Belfast - Hutchinson Center	MMA
10/29	Tues.	MBOIA DECD & Fire Marshal's Office Training	Portland - Fireside Inn & Suites	MBOIA
10/30	Wed.	MBOIA DECD & Fire Marshal's Office Training	Brewer - Jeff's Catering	MBOIA
10/31	Thurs.	MBOIA DECD & Fire Marshal's Office Training	Waterville - Waterville Elks Banquet & Conference Center	MBOIA

NOVEMBER

NOV	TBD	MLGHRA Fall Training	TBD	MLGHRA
11/1	Fri.	MBOIA DECD & Fire Marshal's Office Training	Augusta - Maine Municipal Association	MBOIA
11/7	Thurs.	Legal Advice: Sexual Harassment (NEW!)	Orono - Black Bear Inn	MMA
11/13	Wed.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Augusta - Maine Municipal Association	MMTCTA
11/14	Thurs.	Basic Municipal Budgeting	Union - Union Town Hall	MMA
11/20	Wed.	NMBOIA ADA Compliance	Brewer - Brewer Auditorium	NMBOIA
11/21	Thurs.	Elected Officials Workshop	Dover-Foxcroft - Mayo Regional Hospital	MMA

DECEMBER

12/3	Tues.	Workplace Active Threat Defense (NEW!)	Augusta - Maine Municipal Association	MMA
12/5	Thurs.	Planning Board/Boards of Appeal Planning Board/Boards of Appeal - Video Conference	Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission	MMA
12/6	Fri.	MWDA Winter Issues Training	Augusta - Maine Municipal Association	MWDA
12/9	Mon.	Diversity Immersion (NEW!)	Lewiston - Ramada Inn	MMA
12/12	Thurs.	Managing Freedom of Access Requests	Freeport - Hilton Garden Inn	MMA
12/12	Thurs.	MBOIA Annual Membership Meeting & Training	Lewiston - Green Ladle	MBOIA
12/17	Tues.	MMTCTA Small Claims - Snow date 12/19	Augusta - Maine Municipal Association	MMTCTA

Online registration is easy!

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

PEOPLE



Erick Bechtel

Caribou police officer **Erick Bechtel** was honored last month for rescuing a woman from drowning in Caribou Stream, located just below the city's police station. Bechtel responded to a walk-in report and immediately ran to the stream. The woman was underwater and nonresponsive when Bechtel dove into the frigid stream wearing his uniform and gear. The officer pulled the victim from the water just before fire and ambulance staff arrived. Bechtel was presented the Life Saving Award from the Maine Chiefs of Police Association.

Former Bangor Fire Chief **Robert Burke** died Feb. 13 at the age of 82. Burke, who lived in Bangor, worked as a National Guard sharpshooter before joining the city's fire department in 1957. He was promoted to chief in 1982 and retired in December 1990. Burke then served as chief of the Orono Fire Department until 1998, and worked for a year for Old Town before being forced to resign because of illness.



Thomas Fiorelli

Thomas Fiorelli was hired as Gardiner's director of planning and economic development, effective Feb. 19. Fiorelli relocated from Eugene, Ore. He was the unanimous choice of a public/private search committee, which included city employees and a city councilor. Fiorelli holds a Bachelor's degree in planning, public policy and management, and a Master's degree in public administration from the University of Oregon. Fiorelli is certified in ecological design. His past experience includes working as a professional researcher and

instructor of planning and landscape architecture at the University of Oregon. Among Fiorelli's early priorities in Gardiner are recruiting new businesses, expanding the city's business park and Brownfields work.



Richard Gleason

Former Auburn Mayor **Richard "Dick" Gleason** died Feb. 9 at the age of 71. Although Gleason lived in Auburn, his Gleason Media Services operated seven radio stations from Kennebunk to Rangeley. WOXO in Norway was his foray into broadcasting. He is a former city councilor who also was elected mayor in 2009 and served through 2011. He is remembered as a tireless community advocate and a kind, quiet and no-nonsense leader, serving on many nonprofit boards throughout Androscoggin and Oxford counties. He served as president of many boards and won numerous business and public service awards over his lifetime.

Robert Linscott, who served the Union Fire Department for 62 years, died Jan. 30 at the age of 84. The department dedicated a pump truck in his honor in 2009. He was the town's 1996 Firefighter of the Year. A Washington native, he was a lifetime member of the Knox County Firemen Association.



John Menario

Former Portland City Manager **John Menario** died Jan. 31 at the age of 83. He worked for the city for 14 years, including 10 years as manager, during the national push for urban renewal. He championed many projects after being promoted to manager in 1967. He served until 1976. Menario

served in the U.S. Army as a Morse code operator during the Korean Conflict. After his discharge, he studied public management at the University of Maine at Orono. He earned a master's degree from the Fels Institute of Government of the Wharton School at the University of Pennsylvania. He made and maintained friendships across Maine throughout his life. Due to a dearth of municipal jobs nationwide, Menario was packing for California when former Portland Manager Graham Watt called Wharton looking for an intern from his alma mater. According to his obituary, of all of his lifelong efforts he was most proud of being one of three founders of the Strike Out Cancer in Kids Charity. In 2016, the Portland council honored Menario by renaming a downtown plaza in his honor.

Longtime Houlton doctor and community leader **Paul Romanelli** died Feb. 9 at the age of 72. He dedicated his life to both medicine and public service, serving several stints as town councilor for a total of 13 years. After finishing his medical studies, he moved in 1976 to Houlton. He operated a private practice in internal medicine while also treating patients at a weekly cancer clinic. He served as director of medical affairs at the Houlton hospital for 25 years. His service on the town council included a number of years as chairman. He advocated for historical preservation, but also supported new businesses and development.

Bath City Councilor **Bernard "Bernie" Wyman Jr.**, considered a city icon, died Jan. 29 at the age of 80. A Sanford native, Wyman was serving on the council at the time of his death. When he was re-elected to an eighth term last November, he became the longest-serving councilor in city history. He served 24 years in all, beginning in 1994, and served as chairman three times, including a stint from 2006 to 2011. The number of nonprofit and various municipal boards on which he served were "staggering," officials said. ■

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

Eric Conrad: econrad@memun.org or Jaime Clark: jclark@memun.org

ASHLAND

Aroostook County's sole remaining biomass plant will close in April, the owners announced in February. Twenty employees will lose their jobs. The plant was built in 1993 and was acquired by ReEnergy in 2011. The facility can generate up to 284,000 megawatt hours of electricity annually – enough to power 37,000 average homes, according to reports. Reasons cited by the owners for the closure included rejection by the Maine Public Utilities Commission last fall for a sales contract and a weak market for renewable energy as other options emerge, especially wind. Employees will receive severance packages, including three months of continued health insurance coverage. The owners said they regretted the closure and its impact on employees, their suppliers and the residents of the Ashland area.

BLUE HILL

The historic and iconic Falls Bridge will be replaced in three years, and even history buffs aren't upset. The bridge is too old and worn to continue carrying Route 157 traffic between Salt Pond and Blue Hill. The new bridge is expected to last 100 years. When built in 1926, the existing bridge was expected to last 50 years. The bridge is known as the Stevens Bridge, in honor of former Selectperson A.T. Stevens. The bridge is one of only two remaining rainbow-arch bridges in Maine. The tentative cost estimate for a new span is \$7 million.

CARRABASSETT VALLEY

For the first time in two decades, one of New England's premier ski resorts, Sugarloaf, has received more than 200 inches of snow from Mother Nature before the start of March. The Maine resort averages 189 inches of snow a year, including 38 inches in March. Last November, Sugarloaf recorded its snowiest November with 69 inches. The real snow has helped the resort hold down the cost of making its own snow. The resort currently offers 152 open trails, covering nearly 1,200 acres, and 52 groomed trails. Sugarloaf is the largest ski resort on the east coast of the U.S. and the second largest east of the Mississippi when measured by skiable area.

NEW ON THE WEB www.memun.org

Highlights of what's been added at www.memun.org since the last edition of the Maine Town & City.

Federal Issues Paper. Maine Municipal Association's State & Federal Relations Department produced its 2019 Federal Issues Paper, which shows how federal actions affect towns and cities. Key issues explored this year are the trend of federal pre-emption of home rule and Clean Water Act mandates.

Animal Control Legal Packet. MMA's Legal Services staff updated its information packet on animal control issues and requirements. This packet is located in the (password required) members area of the website.

Aerial Drones. Winthrop Attorney Amanda Meader recently led a workshop on the role of municipal government regarding aerial drones. Her helpful Power Point presentation is available.

Senior Tax Liens and Town Meeting. Maine Municipal Association's Legal Services Department has produced an important "patch" to help municipalities with town meetings properly authorize the sale of tax-acquired properties.

ELIOT

Town police are taking yoga classes in an effort to improve flexibility, get healthier and relieve some of the stress of the job. Police Chief Elliot Moya told reporters he and officers are now comfortable with the class after two months. He said the idea emerged after the department held a meeting on health, which included a yoga presentation. "We can get the job out of our heads and have an hour in the present," Moya said, according to a public report. "We have definitely stretched parts of our bodies we didn't know we had." The owner of Yoga in ME holds free classes for military veterans and from there developed a program for first responders.

KENNEBUNK

As of mid-February, a local grassroots environmental advocacy group had convinced 51 of 100 businesses in Greater Kennebunk to ditch the use of plastic straws in favor of paper versions. They will make the change by Earth Day, April 22, according to a published report. That gives the businesses time to use what plastic straws they have on hand and to find a supplier of paper straws. Group members plan to continue visiting coffee shops and restaurants to make their plastic-free pitch. The volunteer effort eliminates any brouhaha before the town council or request for an ordinance. Nationally, Americans use an estimated

500 million plastic straws every day. Like single-use plastic bags that are being banned more and more in Maine, straws are not biodegradable. While the thin plastic bags take 100 years to fully rot, thicker plastic straws, disposable diapers and Styrofoam take up to 500 years to decompose completely, according to experts.

PARIS

Lovell Fire Chief Thomas McKenzie was directed by the Oxford County Commission last month to seek grants to help pay for a study of the county's emergency radio system, which McKenzie said was ripe for "disaster." McKenzie asked for a third-party study into the condition of the 9-1-1 system and recommend changes or a new system, which could cost as much as \$1 million. A study would cost \$50,000 to \$75,000. In making his plea, McKenzie noted several deficiencies in the existing system: it is only one-way, slowing down communication between dispatchers and first responders; first responders must manually readjust their radios as they travel from town to town or risk losing contact with the same dispatcher; the current system has frequent "dropouts" under certain weather conditions or when equipment fails. Dropouts can leave residents in rural areas without a way to call for help. One commissioner recommended any cost for a new system be phased into the county budget. ■

MUNICIPAL BULLETIN BOARD

SPECIAL SESSION!

MARCH 27

How to Lead Effective Meetings: Augusta

Portland meeting facilitator extraordinaire Nancy Ansheles returns to lead this highly regarded workshop on preparing for, organizing and running effective meetings. The session is designed for many people in municipal government, from elected officials who handle large and sometimes boisterous groups to deputy department heads who lead small staff meetings, and want them to be as effective as possible.

The day-long meeting will be held at the MMA Conference Center in Augusta. It starts with registration at 8:30 a.m. and will conclude at 4 p.m. Cost is \$75 for MMA members and \$150 for non-members. MTCMA (managers) members who attend can receive six credits in the Leadership Category.

APRIL 10

New Clerks: Portland

This course, designed to familiarize new municipal clerks with their duties and responsibilities, will be held on April 10 at the Fireside Inn and Suites in Portland.

The workshop will be led by Kim McLaughlin, Town Clerk in Old Orchard Beach; and, Merton Brown, Town Clerk in Kennebunk. It will touch on the many, varied topics that municipal clerks oversee. There will be time for a question-and-answer period following the presentations. Registration begins at 8:30 a.m. Cost for the program is \$60 for MTCCA members and \$80 for non-members.

APRIL 11

Tax Lien Procedures: Orono

The Maine Municipal Tax Collectors' and Treasurers' Association will host a timely workshop on Tax Lien Procedures on April 11, at the Black Bear Inn in Orono. There have been changes in this area recently. This workshop focuses on the "how to" of the tax-lien process, rather than legal aspects.

The workshop will start with registration at 8:30 a.m. and conclude at 3:30 p.m. Stu Marckoon, Treasurer in the Town of Lamoine, will present. Cost is \$55 for MMTCTA members and \$85 for non-members.

APRIL 17

Elected Officials Workshop: Saco

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on April 17 at the Ramada Inn and Conference Center in Saco. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members.

APRIL 18

Tax Lien Procedures: Portland

The Maine Municipal Tax Collectors' and Treasurers' Association will host a timely workshop on Tax Lien Procedures on April 18, at the Fireside Inn and Suites in Portland. There have been changes in this area recently. This workshop focuses on the "how to" of the tax-lien process, rather than legal aspects.

The workshop will start with registration at 8:30 a.m. and conclude at 3:30 p.m. Stu Marckoon, Treasurer in

the Town of Lamoine, will present. Cost is \$55 for MMTCTA members and \$85 for non-members.

APRIL 22, 23

MWDA Spring Training Seminar: Bangor

The Maine Welfare Directors Association will hold its 2019 Spring Training Seminar, a two-day event, at the Hollywood Hotel & Conference Center in Bangor, on April 22 and 23.

Many topics will be covered, including: child support and enforcement; veterans' housing; establishing fact patterns; and, legislative updates and updates from the state Department of Health & Human Services. Cost varies based on number of days in attendance, lodging and other factors.

SPECIAL SESSION!

APRIL 24

Regulating Vacation Rentals: Belfast

We all know that short-term vacation rental websites like AirBnB and VRBO are transforming the tourism industry. This afternoon workshop looks at how municipalities can regulate short-term rentals and educate citizens about them, if they choose to do so.

Presenters will be: Kristin Collins, an attorney with Preti Flaherty; and John Root, code enforcement officer with the City of Rockland. Cost is \$45 for MMA members and \$90 for non-members. Registration begins at 1 p.m. The workshop, to be held at the Belfast Hutchinson Center, will end at 4:30 p.m. ■

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

Use the following link:

**[http://www.memun.org/TrainingResources/
WorkshopsTraining.aspx](http://www.memun.org/TrainingResources/WorkshopsTraining.aspx)**

LEGAL NOTES

Marijuana & Impact Fees

We've heard it suggested that municipalities should consider imposing impact fees as a way of generating new revenue to compensate for allowing marijuana establishments. But this advice strikes us as seriously flawed.

First and foremost, Maine law does not permit impact fees to be used to raise general revenue. Impact fees are restricted to recovering the cost of public infrastructure improvements, such as new roads and sewers, made necessary by new, generally large-scale development such as residential subdivisions or commercial or industrial projects (see 30-A M.R.S. § 4354). Impact fees are *not* the same as taxes. Taxes are generally based on the value of something, such as real estate, are designed to raise general revenues, and are legal only if and as authorized by the State Legislature. (To date, the legislature has not authorized any local taxes on marijuana, nor has it agreed to share any State marijuana tax revenues with municipalities.)

Impact fees also require a fairly sophisticated impact fee ordinance (see 30-A M.R.S. § 4354(2)). Among other things, the ordinance must ensure that the amount of the impact fee is proportional to the development's share of the cost of infrastructure improvements necessitated by the development. The ordinance must also establish a schedule for spending the fees collected and a mechanism for refunding unspent fees or fees exceeding the actual cost of infrastructure improvements made by the municipality to accommodate the development. These requirements entail careful planning and meticulous tracking of public costs and expenditures.

Finally, an impact fee ordinance must be consistent with a comprehensive plan adopted by the municipality's legislative body (see 30-A M.R.S. § 4314(3)). Without an approved comp plan, a municipality cannot enforce an impact fee ordinance, and without an ordinance, impact fees are uncollectable even where they might otherwise be allowable – to recoup the cost of new public infrastructure necessitated by major new development.

There could be good reasons for a municipality to allow marijuana establishments, but the prospect of impact fees or other significant new local revenue isn't

currently one of them.

For much more on adult use and medical marijuana and municipal options, see MMA's "Information Packets" on these two topics, available free to members at www.memun.org. (By R.P.F.)

FOAA Fees for Staff Time

Question: Can we charge a fee for the cost of staff time expended in responding to FOAA (Freedom of Access Act) records requests?

Answer: Yes, depending on the type of staff time expended. Maine's FOAA (aka "Right to Know" law) authorizes custodians of public records to charge up to \$15 per hour after the first hour, which is free, to cover the cost of staff time for searching for, retrieving, and compiling requested records, including reviewing and redacting confidential information (see 1 M.R.S. § 408-A(8)(B)).

Records custodians may also charge for the actual cost of converting records into a comprehensible format or a usable form (see 1 M.R.S. § 408-A(8)(C)). This charge is not limited to \$15 per hour or subject to a free first hour.

But staff time for supervising or monitoring requesters while they inspect or copy records is *not* chargeable. In fact, the law expressly prohibits charging for inspections unless the records cannot be inspected without being compiled or converted, in which case the respective charges for compiling or converting records apply (see 1 M.R.S. § 408-A(8)(D)).

Where staff time is chargeable, if the estimated total cost of responding to a records request exceeds \$30, the custodian must inform the requester before proceeding (see 1 M.R.S. § 408-A(9)). If the estimated total cost exceeds \$100, or if the requester has previously failed to pay costs, the custodian may require the requester to pay in advance (see 1 M.R.S. § 408-A(10)). Whatever the total cost, the custodian may require full payment before the requested records are actually delivered to the requester (see 1 M.R.S. § 408-A(8)(E)).

Incidentally, although the law specifically uses the term "staff time," Maine's Public Access Ombudsman (an assistant attorney general) has opined that this also includes the time of officials who are not staff if they are involved in searching for, retrieving, or compiling requested

MUNICIPAL CALENDAR

APRIL 1 — Municipal assessments are controlled by this date (36 MRSA §502).

■ Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333 (22 MRSA §4311).

APRIL 15 — Patriot's Day, third Monday in April, a court holiday (4 MRSA §1051).

ON OR BEFORE APRIL 21 — Every employer required to deduct and withhold tax shall, for each calendar quarter, file a withholding return and remit payment as prescribed by the State Tax Assessor (36 MRSA §5253).

records (such as searching their own personal electronic devices).

Also worth noting is that the per-hour charge for searching for, retrieving, and compiling requested records includes the time of each and every staff member and official involved in the process. The first free hour can thus be used up very quickly if more than one person is involved.

For a full summary of authorized fees for FOAA records requests, see "FOAA Fees," *Maine Townsman*, Legal Notes, December 2015.

We recommend that the municipal officers (selectmen or councilors) adopt a written policy establishing these fees so that the general public and municipal staff are aware of them before making and responding to a FOAA records request.

For more on responding to records requests, see "Public Records Requests," *Maine Townsman*, Legal Notes, August-September 2015. (By R.P.F.)

No-Violation Notices Are Also Appealable

Until fairly recently the Maine Supreme Court routinely held that notices of violation (NOVs) were not appealable because they were only a code enforcement officer's interpretation of an ordinance – as such, appeals from them

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called for merely advisory opinions, which courts are traditionally loath to issue (see "Advisory Appeals Board Decision not Reviewable," *Maine Townsman*, Legal Notes, January 2011).

But then, in 2013, the statute governing appeals boards was amended to provide that NOV's or enforcement orders by a CEO under a land use ordinance are appealable to an appeals board and then to court unless a charter or ordinance expressly states that they are only advisory or not appealable (see 30-A M.R.S. § 2691(4)). Accordingly, the Law Court has since held that NOV's are generally appealable (see *Paradis v. Town of Peru*, 2015 ME 54).

Now, however, in *Raposa v. Town of York*, 2019 ME 29, the Court has held that written notices of no violation are also appealable under 30-A M.R.S. § 2691(4) even though the statute does not explicitly mention them. In extending the law to include no-violation notices as well as NOV's, the Court reasoned that in both instances, such notices often determine the use and value of property and that the parties affected would otherwise have no legal remedy.

If a municipality does not want either NOV's or no-violation notices to be appealable, it should amend its ordinances to preclude such appeals expressly.

For the *Raposa* decision in full, go to the Maine Law Court's webpage at <http://www.courts.maine.gov/opinions/orders/supreme/publishedopinions.shtml>. (By R.P.F.)

Public Library Records

We're not often asked about it, but public library staff especially, and public officials generally, should be aware that public library records are confidential if they contain (1) a library patron's personally identifying information, including but not limited to name, address, phone number and e-mail address, or (2) information that identifies a library patron as having requested, obtained or used books or other materials in any medium at the library or provided by the library (see 27 M.R.S. § 121(1)). Thus, any list identifying library patrons and any record of an identified library patron's transactions are confidential.

Confidential library records may be released only (1) with the express written

permission of the patron, (2) to library staff to the extent necessary for library administration, or (3) pursuant to a court order (see 27 M.R.S. § 121(2)).

A library may, however, publish and release as a public record aggregated and statistical information pertaining to library patronage, circulation activities and use of any service or consultation the library provides as long as the information does not jeopardize the confidentiality of a library patron's personally identifying information (see 27 M.R.S. § 121(3)).

Incidentally, a "public library" is a library that is freely open to all persons and receives its financial support from a municipality, private association, corporation or group (see 27 M.R.S. § 110(10)).

Confidential library records constitute only one of many, many types of records that are exceptions to the definition of

"public records" under Maine's Freedom of Access Act (FOAA) or "Right to Know" law (see 1 M.R.S. § 402(3)). For a handy search tool for statutory public record exceptions to FOAA, go here: <http://www.mainelegislature.org/legis/foa/>. (By R.P.F.) ■

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