

June 2013

maine townsman

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The Magazine of the Maine Municipal Association

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Some experts predict the demise of magazines, newspapers and other print products. At Maine Municipal Association, at least for now, our members tell us otherwise.

Same Highway Plan; Different Reactions 7

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COVER PHOTO: This photo shows Laurie McBurnie of Nobleboro caring for one of the many cemeteries in her hometown. The photo was taken by freelance photographer Jeff Pouland.



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A Message From MMA



by Eric Conrad, Editor

Print Publications Are (Not) Dead

Print is dead. Unless, it actually isn't. At Maine Municipal Association, member surveys consistently have shown this: Members want our most-read publications – including the Maine Townsman, Municipal Directory and Legislative Bulletin – in print and in their hands.

Over the years, we have seen a migration toward online readership as well. Each year, some folks tell our State & Federal Relations staff that they like the option of getting the Bulletin two ways: as a print product, received through the mail, *and* through our website (www.memun.org) or via email.

In 2012, the Communication & Educational Services Department conducted a survey about the Maine Municipal Directory, our comprehensive, 290-page listing of elected and appointed officials throughout the state. We were not considering an end to the print edition – which is well-supported by advertisers – but we did ask about print readership. The answer: Eighty-eight percent of the respondents said keep it in print.

This brings us to the Maine Townsman, the 11-times-a-year magazine that you are reading right now.

Each edition is mailed to 4,400 municipal officials. It is difficult to put a precise number on this but we know anecdotally that many copies of the Townsman are read by more than one person. In fact, in municipal public areas and break rooms, some copies are read by five or 10 people, and possibly more. As with the Legislative Bulletin, the Townsman also can be read online and printed from the MMA website.

I have been involved in print and electronic communication for more than 30 years. Without a doubt, the Maine Townsman is the most intensely read publication that I've ever edited. Many members tell us they "read every word" of each edition. The regular People page – with updates about officials who change jobs, retire and achieve other career milestones – is often cited.

We get feedback about our geographic representation and the topics that we write

about, considerations that we take seriously. Each year, we look at the topics covered, photos selected and what issues we need to explore to keep members well-informed.

In the past 11 issues:

Cover photos were from: Calais, Augusta, Norway, Saco, Jay, Lewiston, Bristol and Scarborough. If you're thinking, "That's only eight," nice going. Two of the recent covers featured artwork associated with legislative themes and trends. One cover promoted our Annual Convention.

Inside those editions, we explored issues spanning from a major storm in Brownville to Caribou's municipal hospital to parking-ticket policies in Brewer and South Portland.

Part of the Townsman's mission is covering all facets of municipal government and, as you know, there are many. We published 53 topical articles in calendar year 2012, not counting our previews and wrap-ups of the legislative sessions.

While that list (53) is too long to provide here, we reviewed it for "completeness." One subject that we were thin on last year was tax assessing; you'll find an article on that in this very issue.

Finally, you may have noted some changes. We use more photographs from around the state. We promote our two biggest annual events – the MMA Convention and Municipal Technology Conference – before they are held and after they wrap up. In 2011, MMA launched a Seventh-Grade Essay Contest as part of our Citizen Education program. We publish the winning entries each May.

Can we do better? We probably can, and we invite you to tell us how. You can reach me by telephone at: 207-623-8428; via email at: econrad@memun.org. Jaime Clark, the Graphic Designer who puts each edition together, is available at the same number or at jclark@memun.org.

Online news and information is increasingly important. But, print will remain for the foreseeable future, it's relevant and we know that it's closely followed. mml



Welcome to the Maine Resource Recovery Association



MARRA was formed with the intent to foster professional solid waste management practices in the recycling and solid waste arena.

MARRA is committed to the development of environmentally sound solid waste practices and other forms of resource recovery that will benefit Maine communities.

Some of the goals of the organization are as follows:

- Facilitate communication between Association members, recycling markets, equipment suppliers, State and Federal government, and national associations, as well as information exchange among members.
- Assist with the marketing of recyclable and reusable materials.
- Compiling information relevant to the education and technical needs of Maine recycling programs.
- Promoting market development and providing cooperative marketing opportunities.

The March 2013 issue of The Scrap Paper, MARRA's newsletter, is now available for download:

<http://www.mrra.net/wp-content/uploads/MARRA-Newsletter-March-2013-Scrap-Paper.pdf>

Our Mission

The Purpose of Maine Resource Recovery Association is:

- To foster professional solid waste management practices;
- To further the development of recycling and other forms of resource recovery as cost-effective components of environmentally sound solid waste management in Maine communities; and
- To assist with the marketing of recyclable and reusable materials.

The Goals of the Association

- Promoting communication and information exchange between Association members and markets, equipment suppliers, State and Federal Government, and other State and national associations, as well as information exchange among members.
- Compiling and development of other information relevant to the education and technical assistance of Maine solid waste management and recovery programs.
- Promoting market development and providing cooperative marketing opportunities.

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East-West Highway Plan Draws Differing Reviews

By Douglas Rooks

Serious discussion of an east-west highway in Maine has been going on since at least 1937, when the first state study of the idea was done. The most recent public study was completed in 1999, and it led to the prevailing notion that a new road would never generate enough traffic to attract the federal and state money needed to finance public construction, particularly since federal transportation funding has declined dramatically over the past two decades.

But Peter Vigue, chairman of Cianbro, the state's largest construction company, revived the east-west proposal, and has appeared around the state in numerous forums touting the idea. Vigue says it would cost \$2 billion to build a 220-mile four-lane toll highway from Calais to Coburn Gore, that private funding is available and that, as a private project, eminent domain would not be used to acquire land or rights of way.

But the lack of a designated route, concerns about whether the project would include utility pipelines and telecommunications lines and the impact on existing businesses and the environment have stirred broad opposition.

In 2011, the Legislature approved a \$300,000 state-funded study of the project, and the Maine Department of Transportation sought proposals. By 2012, though, the bill's chief sponsor, Sen. Doug Thomas (R-Somerset County) asked for the study to be suspended, and it has since been canceled; Vigue said the highway can proceed without it. Half a dozen bills to restrict or cancel the highway were

still pending at the Legislature in early June.

CALAIS, BAILEYVILLE SUPPORT

Municipal responses, like those in the business and non-profit communities, have been mixed. Calais has joined with Baileyville and its cross-border neighbor in New Brunswick, St. Stephen, to publicly support the highway.

In a Jan. 10 letter to Darryl Brown, project manager for Cianbro, the three communities wrote: "It is with great enthusiasm that our local border communities join together to announce our shared support for the four-lane toll highway from the international border crossing at St. Stephen/Calais to Coburn Gore, Maine and on to Sherbrooke, Quebec."

Calais Mayor Marianne Moore, who signed the letter along with Tim Call, Baileyville council chairman, and John Quartermain, St. Stephen mayor, said the project makes sense from a regional, cross-border perspective.

"New Brunswick has built a four-lane highway right up to the new border crossing (north of downtown Calais), but from there traffic goes right onto Route 1, a rough two-lane road," she said.

Moore said the highway will bring jobs to Maine from the support services needed along the road and it will greatly increase traffic across the state.

"It's a win-win situation," she said. No taxpayer support will be required and the environmental risks are manageable. "A lot of it will be built along existing rights of way. It's piggybacking on what's already there."

In fact, Moore said, "One reason that it's taking so long to plan is

everything they're doing to protect wildlife."

But even in Calais, opinion is divided. Diane Barnes, the city manager, said she didn't know of any businesses that have taken a public stand for or against the highway. Jon McLaughlin, executive director of the Southern Aroostook Development Corp., said, "It's probably split 50-50" in his region.

Gene Conlogue, the long-time town manager in Millinocket who now holds the same title in Houlton, said local discussion of the east-west highway is frequent, even though neither Houlton nor Millinocket will likely be on the final route.

"My impression is that it will run well to the south of Millinocket. There wouldn't be much local impact," he said.

In Houlton, the existing border crossing where Interstate 95 ends and two-lane Canadian Route 95 takes over, could be affected, Conlogue said.

"How much traffic would it take away?" he asked. "We just don't know. We haven't seen any numbers" such as what a new study would generate.

'LEANING IN FAVOR'

Still, Conlogue said, "On balance, I'm leaning in favor of the project," while saying he wasn't speaking for the town council. "It would get a lot of big trucks off our secondary roads, which are taking a pounding. It would increase access for the manufacturers in our area."

Conlogue isn't impressed by the arguments from environmental groups about the road. "These are the same people who are opposed to just about anything that would bring economic

Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the Townsman, drooks@tds.net

development to Maine,” he said.

Generally speaking, the further west one travels along the proposed route – which will likely run north of Bangor and Old Town and south of Dover-Foxcroft – the less support there appears to be for the highway. In Dover-Foxcroft, a contentious public meeting in May 2012 included repeated demands to know where the road would go, a point Peter Vigue resisted.

“We’re very hesitant of saying where it’s specifically going to go,” he told the *Bangor Daily News* at the time. “Outside groups have moved into this state to intimidate landowners and... I’m not about to put that information in front of the world to clearly define where it’s going to go.”

But the lack of a route is causing uncertainty and even fear in the area, said Jack Clukey, Dover-Foxcroft town manager. There were 850 people at the meeting, which was called after a crowd couldn’t be accommodated for a meeting of the Piscataquis County commissioners – one of the largest public gatherings in county history.

UNPRECEDENTED TURNOUT

“I’ve never seen that kind of turn-

out for any meeting,” Clukey said. “There’s still lots we don’t know at this point. The selectmen have some concerns, but we still have a lot more questions than answers.”

The presence, or lack of, oil and natural gas pipelines, is often discussed, he said. Vigue has said that nothing other than the highway is currently being planned, but he hasn’t ruled out other future uses of the corridor. He did commit to revealing the highway route by the end of this year.

Many of those attending the big public meeting last May were from adjacent towns. Those from Dexter and Garland were concerned that

the highway might run through their towns.

A year later, organizers are arriving in Maine’s rural areas. The Community Environmental Legal Defense Fund, based in New Hampshire, held a “democracy school” in April in Guilford, which may be on the route. One of the attendees was Town Manager Dave Pearson of Sangerville, where voters had just enacted a six-month moratorium on a potential highway corridor. He was impressed, saying, “People are actually talking to each other and debating. It’s a wonderful thing.”

Jack Clukey said that, in addition

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to the exact route, the project's financing could be a concern. "The viability of the project, whether it can generate enough revenue to pay for itself," is in question. Whether the road is taxable will also be of intense interest to towns, Clukey said.

As a private entity, the presumption is that it would be taxed, but there is always the possibility that exemptions could be provided by the state, as it has for other real estate, such as business equipment, he said.

STRONG OPPOSITION

Full-throated opposition to the highway comes from Pat McGowan, a two-time Democratic nominee for Congress who ran for governor in 2010. He served as Conservation Commissioner under Gov. John Baldacci, but his principal objection to the road stems from his business background.

His family owned motels in Pittsfield and Canaan, along Route 2, and he says the traffic losses from a new east-route would be devastating.

"Route 2 is our east-west highway," he said. "What people don't realize is how much every business in rural Maine lives on the margin." The

1999 state study said there could be as much as a 50 percent drop in traffic on Route 2. "Say it's 30 percent," McGowan said. "That would still wipe us out."

When he was actively managing the motels, 30 percent of customers were Canadians, and that business would decline. "The summer bump was what put me and my sisters through college," he said. "That would be gone."

He also hasn't seen anything to

indicate that building the highway will spur economic development beyond roadside services. "What can we expect," he asked, "that there'll be a factory at every exit?"

McGowan has cooperated with the Sierra Club and other groups to organize business opposition to the highway. "We signed up 150 businesses so far, and we're just getting started," he said.

McGowan's criticisms extend be-

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yond the impact on businesses. He see the project as anachronistic – a plan for another time. “There’s a reason why this has been studied since 1937 and always rejected. Nowhere in the world are roads like this being built today.”

In Europe and Asia, and even in North America, “What’s being built is rail,” McGowan said. In an era of soaring energy prices and the looming threat of global warming, “Rail can move both people and freight for 30 cents on the dollar,” compared with cars and trucks, he said.

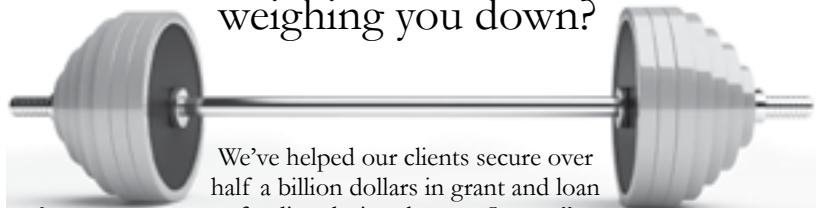
At Southern Aroostook Development, Jon McLaughlin says he doesn’t foresee the kind of environmental damage opponents of the highway depict. “They’re going to be installing tunnels beneath the road so moose and deer can cross,” he said. “There will be lots of fencing in sensitive areas to protect wildlife.”

He does, however, agree that business owners have legitimate worries about being bypassed – something he said happened two generations ago when I-95 was built through Houlton. “I can see their concerns,” he said.

ABOUT CIANBRO CORP.

Based in Pittsfield, Maine, Cianbro has many corporate offices and facilities throughout the United States. It is best known for its self-performing capabilities and innovative, hands-on construction techniques. It employs more than 4,000 “team members” and has won many engineering and other awards over the years. It is led by Peter G. Vigue, Chief Executive Officer and Chairman. Vigue was first named Cianbro CEO in 1991.

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“They have a very legitimate argument.”

McLaughlin also has heard concerns that the highway would benefit Canadians more than Maine, that the route – which would offer a shortcut from existing traffic that runs around the state to the north – doesn’t really have much benefit for Maine communities.

“I see it as benefiting everyone,” he said. “It’s a quicker and better way to get out to the Midwest, and that’s something we’ve never really had before.”

The letter from Calais, Baileyville and St. Stephen presents the project in a regional economic development context that, Marianne Moore said, is really the future lifeblood of the Downeast region.

The letter points to the new Northern Border Region Commission, which now has a budget and an executive director, as well as upgrades of the Southern New Brunswick Railway, as projects that “spell social and economic activity.” And the east-west highway fits right into the picture, the letter concludes. [me](#)

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

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

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Cemeteries Require Care, People, Money

By Janine Pineo

Time is not kind to cemeteries.

Coupled with the inexorable march of Maine's four seasons, the ravages of time often are visible in some of the thousands of burial grounds across the state, which was first colonized in the early 1600s.

The coast and other land accessible by water bore the mark of early settlers who cleared forests into fields and farmland centuries ago, often situating a family cemetery plot somewhere on the property. As settlements, towns and cities were established over the decades, larger cemeteries were set up by municipalities and associations.

From an individual buried in a single plot to acres of land marked with thousands of gravesites, the care of those cemeteries today often falls into the hands of the municipality where it is located, creating a challenge to find a balance between the needs of the living and the responsibility to respect those who are buried within the town's borders.

Maintaining a cemetery is part of the cost, but reclaiming grounds that have fallen under the advance of time and nature can create a tax burden, as many municipalities have learned when they take over a cemetery.

The owner of Thomas A. Stevens Cemetery Memorials and Thomas A. Stevens Cemetery Restorations in Newcastle has seen the dilemma dozens of municipalities face when a cemetery needs to be restored. As co-chair of the Newcastle Cemetery Committee, Thomas A. Stevens also has firsthand experience from the

municipality's side.

After several decades in the restoration business, Stevens sees one common thread when evaluating cemeteries: "Usually, it's the towns that don't have a cemetery committee that get into the worst shape."

The president of the Maine Cemetery Association agrees. "Unless the municipality has a department in charge of cemeteries," Barbara E. Skelton said, "there is no one advocating for the care of the graves."

Stevens said a committee also takes away the burden from the selectmen on the daily operations while working with the board to map out care.

NOBLEBORO'S PLAN

Laurie McBurnie has worked on the Nobleboro Cemetery Committee for six years and is now the chair. The selectmen, she said, are waiting for the committee to formulate a five-year plan for the care and restoration of cemeteries, none of which are municipally owned but all of which the town oversees.

That sounds simple until you take into account one stark reality: Nobleboro has 85 cemeteries.

"When we all got involved," McBurnie said, "there weren't records. We spent the first couple of years just visiting and locating."

McBurnie found all of them, once discovering a site only after tripping over a headstone that was barely two inches higher than the surrounding soil. A number of the cemeteries in this Lincoln County town, which was settled in 1640, have disappeared into the woods and require a hike to access. She and a friend have completed the mapping of GPS coordinates for all 85, laying the foundation for the

next step.

At the end of May, the committee planned to meet to begin a new phase on the road to the five-year plan. "We are going to start going through them and see what needs to be done," McBurnie said. "We do have some money, but we really haven't used much of it yet."

Stevens said municipalities generally take a couple of approaches when it comes to restoring their cemeteries. "Lots of towns will do \$20,000 to \$60,000 in a single year," he said.

Some towns spread the work over many years, he continued. "It may take a little while to do it," Stevens said, "but those stones have been in that condition for years, so another two or three (years) won't hurt."

ANNUAL APPROPRIATION

Leeds, for example, has budgeted \$5,000 annually for the past 12 years for work on the town's cemeteries, which number more than a dozen, according to Selectman Errol "Abe" Additon.

"We've made the rounds and redone all the cemeteries that the town owns," Additon said.

Most of the Leeds cemeteries have trust funds associated with them, he said, meaning the principal in the cemetery's account must be maintained according to law, but interest can be used for care.

In the unfortunate reality of today's economy, however, it is not enough. "Funds for perpetual care do not get the interest or growth needed to keep up with the maintenance costs," said MCA President Skelton.

Leeds owns all but one cemetery, Additon said, but that will change in the next year when the one main-

Janine Pineo is a freelance writer from Hudson and a new contributor to the Maine Townsman, jepineo@gmail.com.

tained by a cemetery association will no longer have funds to care for the burial grounds.

“What’s happening with these associations is that they have perpetual care,” Additon said, “but the investments are at zero return.”

The same thing happened in Newcastle. The Lincoln County town has more than 20 cemeteries under its care now, Stevens said.

“Most were associations,” Stevens said, “but the town took them over. The committee wants to bring them (the cemeteries) back as much as they can.”

More than just the mowing of grass needs to be done, he said, citing the need to maintain borders from the slow creep of trees and undergrowth.

Restoration, however, sparks an interesting phenomenon.

In the early stages, Additon said, almost yearly, one or two people would comment about spending more money on the dead than the living.

“It became much easier after two or three years of doing it (restoration),” he said. The residents could see the difference and were “more

appreciative.”

That, in turn, leads to a bigger payoff. Stevens and Additon agree that once a cemetery has been restored, it aids in gaining involvement from various groups.

“It fuels community pride,” Ste-

vens said. “People take better care and it helps as far as lot sales go.”

“We’ve had some awful good comments from people,” Additon said. “We’ve got more people going to cemeteries than we ever had for genealogy. It’s a pride thing.”



A scenic backdrop for this cemetery in Nobleboro. (Photo by Jeff Pouland)

Proactive Review Preventive strategy

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SEEKING HELP

Many municipalities seek assistance from local groups, including the American Legion, the Grange, Lions Club, the Boy and Girl Scouts, historical societies and school classes. Depending on a town or city's needs, work can run the gamut from writing down details about gravesites to spring cleanup.

One of the responsibilities placed by the state on municipalities in 2000 was the legal requirement to "keep in good condition and repair, all graves, headstones, monuments or markers designating the burial place of said Revolutionary soldiers or sailors or soldiers or sailors who served in the United States Army, Navy or Marine Corps in any war and shall keep the grass suitably cut and trimmed on those graves from May 1st to September 30th of each year."

This particular requirement included what is described as "ancient burying ground," defined as privately held cemeteries established before 1880.

The challenge there, Stevens said,



Laurie McBurnie landscapes an area near two headstones. (Photo by Jeff Pouland)

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is identifying those sites. "You don't really know they're there until someone brings it to your attention," he said.

The City of Brewer, with three cemeteries, has less of a problem in identifying a veteran's final resting place and more of an issue in finding assistance to place about 800 flags in time for Memorial Day.

John Mackie, the parks and cemeteries supervisor for Brewer, said the city's perennial partner in the placing of flags, the local American Legion post, closed. "Active members are older and can't get out," he said.

"Lots of cemeteries are taken care of by an aging contingent without a new generation following in their footsteps," said MCA President Skelton.

So it is up to municipalities to look elsewhere for help.

For Leeds, 2013 is the second year for a volunteer group to help tend veterans' graves. "A committee of veterans has voted to take over the flag situation," Additon said.

During the week prior to Memorial Day, Mackie said, more than two dozen "kids" and about a dozen adults placed flags on veterans' graves in Brewer.


The city's perspective on cemeteries is different than smaller towns "because we are a city department," said Mackie. With a department and city resources behind it, money may still be an issue but there is a bigger budget and hiring seasonal help is the norm.

"Our biggest challenge right now is springtime activity," he said. To get the work done, the city hires college- and high school-age people to spruce up the grounds in time for the holiday and then maintain them through

the summer.

The city also puts in a request with the county to have inmates from the Penobscot County Jail help out, usually in spring and again for leaf cleanup in autumn. "They do an outstanding job for us," Mackie said.

In the end, the goal is a simple one that is echoed by the other town officials who recognize that people often make a single trip annually to visit gravesites.

"We try to make it the best possible experience we can," Mackie said. 



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The Town of Nobleboro has more than 80 cemeteries.. (Photo by Jeff Pouland)

Property Tax Assessing a Never Ending Process

By Douglas Rooks

In recent years, Maine homeowners have noticed a strange phenomenon – their houses are often assessed at more than fair market value. Particularly for those who’ve recently had an appraisal done, the gap between the assessment and the likely sale price can be striking.

For decades, municipalities experienced the opposite problem – assessed values lagged behind sales price, often substantially, as a real estate boom was in progress. There were spikes in the 1970s, particularly for second home prices, and again in the 1990s, with the dot.com boom, and finally in the 2000s, when the subprime binge produced record housing prices that crashed, and have yet to recover.

Where town officials once felt pressure to reassess, or at least update values to keep up with the market, they’re now getting questions about why assessed values are high.

“To a large degree, it’s a question of perception,” said John O’Donnell, whose New Gloucester firm does assessing work for 40 Maine municipalities, mostly in Oxford, Androscoggin and Cumberland counties. “There’s no reason valuations can’t be accurate just because they’re over 100 percent.

Liz Sawyer, assessor for South Portland and Westbrook, agrees: “The important thing is the quality ratio – the relation between assessments and sales, and how tight it is.”

But she too acknowledges that homeowners get uncomfortable with higher assessments. South Portland, which did a comprehensive reassessment in 2006, just before the crash,

has since done two updates to moderate the changes.

To a large extent, it’s a simple equation – the higher the assessed values in a community, the lower the tax rate. So officials who might be tempted just to lower assessments should keep that in mind. Taxpayers may not like high assessments, but they like higher tax rates even less.

After the first wave of escalating real estate prices, the Legislature put in statute a requirement that towns and cities make their assessments at least 70 percent of “just value,” language that in practice means market price. Most municipalities meet the guideline, but not all do. In practice, assessment-to-value ratios are local decisions. The Maine Revenue Services’ Property Tax Division doesn’t override municipal decisions often, though, in theory, it can order adjustments.

What’s not as well known is that there’s also a guideline – not a statutory requirement – that assessments be no more than 110 percent. And, for the first time, a lot of towns are bumping up against that threshold.

KENNEBEC EXAMPLES

Kennebec County can serve as an example. Its 2011 state valuations – the most recent available – show that none of the county’s 29 municipalities is below 75 percent, and most are at or near 100 percent. Overall, the county’s valuation is 103 percent of market value. Vassalboro is at 106 percent, Monmouth at 105 percent, China at 104 percent, Windsor at 103 percent and Augusta at 100 percent.

Waterville had the lowest ratio, at 75 percent, while Belgrade is at 81 percent and Farmingdale at 87 per-

cent. Most municipalities, 18 in all, are in the 90-100 percent range.

But a 100 percent ratio doesn’t necessarily mean that a municipality’s assessments are accurate, the assessors say. For that, one needs to consider quality standards.

As John O’Donnell explains it, “quality” is the relation between the assessed values and sales made in the area. A “tight” or good quality ratio is anything below 8 percent, high to low. A variance of 10-15 percent is considered acceptable, but if there’s more than a 20 percent difference between assessments and sales in a given category, residential, commercial or industrial, it’s time for a reassessment.

“This isn’t something the average taxpayer has heard of much if at all, but it’s really the standard assessors should be using to gauge fairness and accuracy,” O’Donnell said.

O’Donnell knows that taxpayers don’t like high assessments. “Anything above 110 percent, even with a good quality ratio, you’re going to need to do something,” he said.

Some of the towns O’Donnell Associates work for show startling patterns.

Poland, in Androscoggin County, had an assessment ratio of 96 percent in 1998. It gradually drifted down to 56 percent by 2008, and the following year a reassessment restored the ratio to 97 percent. But within two years Poland was “overassessed” at 103 percent, as prices continued to drop. In most Maine towns, they have yet to start going back up.

Wales had an assessment ratio of just 48 percent in 2007, when O’Donnell Associates did a reassessment bringing values to 97 percent a year later. Three years after that, in

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2011, values rose to 110 percent as sales prices declined.

SWINGING RATIOS

Sometimes wide swings take place even without an overall reassessment. The rural Cumberland County Town of Baldwin's assessment ratio was 80 percent, it dropped to 63 percent in 2006, the height of the subprime bubble, and zoomed back to 106 percent in 2011, amid plunging prices.

The Town of Bridgton illustrates O'Donnell's point about quality ratios. Just considering assessment ratios over the period from 1999 to 2011, they never went below 63 percent or higher than 102 percent. But it was a different story with quality. The variance between assessment and sales was just 8.4 percent after a 2000 reassessment, but had risen to an alarming 53.2 percent by 2004, when the town ordered another reassessment that got quality back to 3 percent.

O'Donnell said the steep variances in rural towns almost always have to do with shorefront and stream-front property, which during boom times are magnets for out-of-state buyers willing to pay a premium.

Bill Healy is the assessor for Cumberland and Yarmouth, and for those two Cumberland County towns, the assessment waves have not been a big deal. Cumberland reassessed in 2008, deliberately at less than 100 percent, and since then the assessment ratio has risen from 95 percent to 106 percent.

In Yarmouth, Healy advised holding off on a planned reassessment "because values were swinging all over the place." Over the past five years, the ratio has since risen from 73 percent to 86 percent. Individual assessments are "pretty much in line with the overall loss in value," he said.

Healy has received relatively few complaints about assessments, though he does meet with a number of taxpayers. "It's a concern when they come in, but when we explain what's happened with valuations, they usually understand by the time they leave," he said.

There are challenges for assessors. Soon after the 2007 subprime crisis, and particularly the financial crash of September 2008, there were few sales of any kind of property. When sales

resumed, Liz Sawyer said, "There was a real question about distress sales, and whether these prices really represented the market."

Though sales have returned to a more normal pattern, and more people are in the market, there are still pockets of uncertainty.

"We've had very few sales of commercial properties," Sawyer said. "You can't manufacture sales." To get more accurate values, "We take a look at the commercial lease rates, which produce a lot more numbers."

Healy says that holds true in Cumberland, which has almost no commercial property, and in Yarmouth, which has a downtown but is still predominately residential. "We might not have more than two or three commercial sales in five years," he said. "That's not much data to establish a trend."

The two assessment updates South Portland has done, Sawyer said, have both involved commercial property, not residential. And there's a reason

for that.

"If a commercial property is assessed above 100 percent, they're likely to come in requesting an abatement, as is their right," she said. "Businesses tend to be pretty sophisticated about their costs." And if enough firms get abatements, "It forces your hand about doing an update."

Indeed, the Maine Mall has twice filed suit about the city's assessments of mall stores, but both times South Portland's figures have been upheld.

OTHER OPTIONS

If values are getting uncomfortably high, John O'Donnell said, there may be good options besides ordering a full reassessment, which in a median-sized Maine town can cost up to \$200,000.

"Look at the state of your assessing cards and your taxpayer lists," he said. "If they're in good shape, you may be able to do an update that costs half that amount or less." It's when ownership information is missing, or




A scenic, waterfront home in Vassalboro. (Photo by Jeff Pouland)

out of date, that towns really need to reassess, with property inspections and appointments to tour the inside of buildings, he said.

For Liz Sawyer, the rise and fall of assessment ratios may trouble the public, but it isn't the job that assessors find the most difficult. For her, it's the many property tax relief and exemption programs that make it harder to compare assessments, both within communities and between them.

"It used to be that setting the property tax commitment was just about adding up the assessment numbers and making the proper calculation," she said. "Now, with TIF districts, and BETR and now BETE (the current and proposed state business equipment tax reimbursement and exemption program), it's so complicated that it's hard to figure out. People make mistakes and it comes back to cost the town."

Still, homeowners are usually voters, the assessors say. They care about their assessments, and those of their neighbors. 



Stream front properties, like lakefront, can see rising property values. (Photo by Jeff Pouland)

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Maine Municipal Association

Some Seek to Remove Municipal Officials

By Liz Chapman Mockler

“I made a mistake, but don’t butcher me for it.” So said Byron Selectman Anne Simmons-Edmunds in reaction to her recent ordeal over a petition and vote to recall her two months into a three-year term.

Simmons-Edmunds survived the May 8 recall election by a single vote. Regardless of the tally, she was relieved and grateful to keep her seat.

“It was a humiliating experience to go through,” she said. “The townspeople backed me and that was wonderful, but now I am second-guessing myself... and wondering if I am doing the right thing whenever I conduct municipal business.”

In what may be a trend in Maine, voters in numerous municipalities have either considered recall ordinances or held recall elections. Byron is just one of the latest, along with the towns of Peru, Pittston and Old Orchard Beach.

“In general, the idea of transparency in government has raised expectations of the role of our elected officials. Local government in Maine has always been transparent in terms of the town meeting,” said Carolyn Ball, associate professor at the Muskie School for Public Service.

“Now the public expects more openness with increasing use of the internet to publish information such as annual reports and minutes of meetings and TV to broadcast board meetings.”

In all recent recall efforts, save for Byron, a group of residents collected signatures to recall selectmen or councilors after they fired a municipal employee or declined to renew

contracts.

“At the town level, openness includes openness of management decisions, an area once considered private between the elected officials and the town manager,” Ball said. “The public is not only concerned about how much it costs to run the town, but how decisions are made about how to run the town.”

TAKING NAMES

Since 2010, at least a dozen towns have held recall elections, either under local ordinances or charter provisions. During the same period, at least 14 communities have considered passing recall ordinances, with mixed results.

In Byron, Simmons-Edmunds had proposed requiring that all homeowners in town own a gun and ammunition. The idea was placed on the annual town meeting warrant in March and defeated.

The vote followed the Sandy Hook Elementary School massacre in Connecticut in December, but before the Boston Marathon bombings in April. Simmons-Edmunds said she thought the idea was sound and would help the town of 130 defend itself should it ever be necessary.

While some voters objected to a mandatory firearm requirement, others were concerned the town was meddling with the U.S. Constitution’s Second Amendment without cause.

A group of residents petitioned for a recall, saying the town had been ridiculed because of the proposal, among other related reasons.

Simmons-Edmunds said she was trying to strengthen residents’ gun rights but people misunderstood her intent. She said her mistake was not

drafting an ordinance that could have addressed residents’ concerns, rather than just placing the question on the warrant.

“I also underestimated the power of the media” to move the story virtually around the world with a click or two on a laptop, she said.

“I never, ever meant to embarrass the town,” she said. “I love my town. I have so much Byron dirt under my fingernails I’ll never get it all out.”

Simmons-Edmunds, 47, moved to Byron as a baby, having been born in Germany, and raised her family there. She was first elected in October 2008 to finish the term of her father, Bruce Simmons. She was elected to her first full three-year term during the March municipal election.

She has no intention of resigning her position, but does feel anxious after the recall that she might make a mistake in the future and be subjected to another recall – which would also affect her family and friends, as did the first recall effort.

RIGHT AND WRONG

Ted Sparrow, a Pittston selectman who was recalled in May, said the voters have every right to remove elected officials. He didn’t like it, and won’t run again for public office, but he respects “the will of the people.”

Sparrow, who would have finished his ninth year as selectman next March, said selectmen did the right thing in firing a town employee despite the brouhaha it created in the town of 2,700.

“I figured we were going to get it,” Sparrow said, “even though I didn’t think we did anything wrong.”

Petitions were verified to recall the three selectmen who voted to fire the

Liz Mockler is a freelance writer from Augusta and a regular contributor to the Maine Townsman, lizmockler@hotmail.com



Carolyn Ball, Ph.D. (Submitted photo)

staffer. One selectman who was targeted for recall failed to win re-election, while the second resigned before the recall vote.

Sparrow said he was happy to have received 90 votes, although his detractors far outnumbered supporters.

“Citizens are recalling elected officials when they fire town officials because citizens are not seeing a problem with (the) employee,” said Ball, of the Muskie School. “They are not seeing that the town manager is not doing his or her job or the public works director is not getting the roads repaired or the harbor master is not keeping public marinas in shape.

“Townspople who have contact with, say, the harbor master or the town manager, grow to like them and trust them,” Ball said. “They may see their elected officials less often and not build the same trust.”

Ball said New England has the highest proportion of city and town managers in the nation, and a growing number of them have employment contracts that residents don’t like elected officials to fiddle with unless there is an obvious and serious problem.

“So the ‘dissatisfaction recall’ doesn’t mean that there are more problems, per se, in Maine, but is simply related to the fact that we use this form of government management,” Ball said.

DEBATE IN PERU

In Peru, a debate broke out after

selectmen directed one of their peers to decide whether to remain on the board or keep her job as secretary to the board, according to ousted Selectman Edward Ferland, who was serving his first three-year term at the time of his recall in March.

“It’s been a real mess,” said Ferland, who will seek election again in June. “We are a divided town.”

Ferland said if Kathy Hussey, who had held the dual roles, had resigned either position, residents would have avoided angst and about \$6,600 in legal fees the town paid on Hussey’s behalf.

Hussey, Ferland and two other Peru selectmen were recalled. Selectman Laurieann Milligan kept her seat.

“It was family member against family member; neighbor against neighbor,” said Ferland, who is running as a self-described “most conservative” of the June candidates.

Ferland wanted Hussey to choose between her two municipal jobs since voters last November approved an ordinance banning a person from

serving in two municipal jobs at the same time.

“You can’t be your own boss,” Ferland said. “The recall election should never have happened.”

However, because the new ordinance did not say otherwise, Hussey was considered by many to be grandfathered in both jobs until the next regular election.

Peru voters last November also approved electing the selectmen’s secretary, rather than being appointed by the board. (Hussey told the Townsman that she will not seek election to anything in June, but declined further comment.)

A number of elected officials have beaten back recall efforts.

In 2010, Buckfield residents were asked twice to recall a selectman and refused both times. In 2011, Freedom residents refused to recall two selectmen and Lisbon voters, on two occasions, voted not to recall the same selectman. In January of this year, Limestone voters declined to recall three of the five selectmen. [ml](#)

RECALL EFFORTS IN MAINE

Following is a list of municipalities where voters have considered passing local ordinances that allow the recall of elected officials. State law already permits voters to recall officials, and in numerous communities voters have used state law to initiate recall elections in recent years.

Berwick (2011)	Yes
Bowdoinham (2011)	No
Dresden (2010)	Yes
Durham (2011)	Yes
Limestone (2010)	Yes
Monmouth (2011)	Yes
New Vineyard (2013)	No
Paris (2010)	No
Peru (2011)	Yes
Phillips (2011)	Yes
Scarborough (2010)	Yes
Trenton (2011)	No
Windham (2010)	No

Jamaican Scam Draws York County Action

By William L. King, Jr., Chief Deputy
York County Sheriff's Office

The York County Sheriff's Office (YCSO) provides policing services to 14 towns with a population of more than 48,000, which more than doubles with summer visitors.

With limited staffing, deputies are selective when initiating investigations. However, the sheriff was moved when a local mayor told him about a woman who lost her life savings to Jamaican lottery scammers. The mayor explained that the woman's family had contacted other law enforcement authorities and nobody offered assistance: The last hope for this family rested with the county sheriff.

Little did York County Sheriff Maurice Ouellette know that this impromptu visit would set in motion international travel by YCSO staff, ultimately influence a foreign country to enact legislation and initiate Congressional hearings on the topic.

INITIAL CALL

The elderly victim was contacted by telephone and the caller convinced her that she had won a \$2.5 million dollar lottery and a brand new BMW. Before collecting her prize, she needed to pay processing fees, taxes, insurance costs, etc. The scammers advised her not to tell her family members so she could "surprise" them with her newfound fortune. In less than six months, this trusting woman paid approximately \$100,000.

When the sheriff's office got involved, she still clung to the hope that she would collect her prize. The scammers, we later learned, used sophisticated tactics to establish rapport, overcome objections and establish trust.

Chief Deputy King can be contacted at: 1-207-459-2205 or at WLKing@CO.YORK.ME.US

With the advent of Google Earth, the scammers also could describe her surroundings with uncanny accuracy.

She consented to having her calls recorded, which provided invaluable insight into the manipulation and pressure tactics scammers use on victims. We were able to reconstruct her victimization and positively identify numerous suspects in several different states as well as in Jamaica.

We knew about the JOLT Task Force (Jamaican Organized Links to Telemarketing) created by the U.S. Immigration and Customs Enforcement in 2009 "to combat Jamaican-based telemarketing fraud operations that prey on U.S. citizens and others." Initially, we received conflicting information from federal authorities about the task force – one FBI agent reported that the task force had been disbanded. We also learned that the U.S. Department of Justice Office of Consumer Protection was interested in these cases so we packed up our investigative findings and shipped the file to North Carolina.

We soon determined that the North Carolina task force was inundated with victims and reports of scamming. Also, we found that Jamaican authorities were oftentimes uncooperative and many Jamaican companies would not honor a U.S. subpoena. Even more troubling was that extradition typically took 5 to 10 years to complete. With most victims in their 70s and 80s, the legal proceedings would likely outlast the victims.

The sheriff's office continued to receive complaints from elderly and vulnerable victims. To ascertain the extent of the problem, we partnered with FairPoint Communications, a local telephone provider. FairPoint

worked internally to identify characteristics of a scam victim and to refer possible victims to their security department. In a seven-month time frame, we identified almost 200 victims of telemarketing fraud in Maine, New Hampshire and Vermont.

Clearly, the sheriff's office was not equipped or authorized to handle a scam of this magnitude. Consequently, we strategically decided to focus our efforts to thwarting the victimization before it occurs. The sheriff's office and FairPoint initiated a public awareness campaign to warn unsuspecting seniors.

EARLY EFFORTS

When approached, FairPoint's Maine President Mike Reed immediately grasped the urgency of this problem and worked with a public relations firm to produce a public awareness video that was posted on YouTube.

In March 2012, FairPoint launched the "Beware: Scams from Area Code 876" campaign and created a website, www.bewareof876.com for tips on preventing phone scams. FairPoint produced "takeaway" literature and organized news conferences in Maine, New Hampshire and Vermont to spread word of the scams. The results were overwhelming. The website garnered hits from all over the world and FairPoint, as well as the York County Sheriff's Office, became the "go to" people for scamming concerns.

Not all initial contact was positive. Jamaican Government authorities initially questioned why we had "targeted" Jamaica; others accused us of profiling.

Undeterred, we received inquiries from across the country, and within

a few months, sheriff's deputies had spoken to victims from at least 20 states – all related that they contacted their local law enforcement without success. The website also received attention from the Jamaican business community because Jamaica's reputation was suffering.

The Jamaican National Building Society (JNBS) organized a conference to discuss the lottery scamming problem and to urge Jamaican law enforcement officials to step up their efforts to address the issue. JNBS also invited FairPoint's Vermont President, Mike Smith, and me to be guest speakers at the conference, to give the United States' business and law enforcement perspectives.

In Jamaica, we met with the U.S. Ambassador to Jamaica, Pamela Bridgewater, and two JOLT officials.

They assured us that Jamaican authorities were ambitiously working toward a solution and were committed to stopping the scamming.

During the conference, Jamaican law enforcement authorities explained their challenges with a gang-infested country. Nevertheless, they identified a strategic, three pronged approach to address the problem:

1. Enhanced legislation
2. Enforcement operations
3. Education

We also learned that 30,000 calls leave Jamaica every day to the U.S. and terminate in New England, the bulk of the calls destined for Maine, New Hampshire and Vermont. Additionally, according to the Jamaica Money Remitters Association, approximately 300,000 wire money transfers occur annually in Jamaica.

After the Jamaican conference, Mike Smith and I were invited to a hastily planned JOLT conference that was held in Miami during mid-December. The conference provided an opportunity for agents to discuss investigative efforts and to collaborate with business stakeholders about the Jamaican efforts to dismantle the scamming operation.

IN WASHINGTON, D.C.

In January 2013, FairPoint Communications arranged visits with Congressional delegations from Maine, New Hampshire and Vermont to tell them about the Jamaican scam and how it was affecting their constituents. Our research identified these New England states as having a high senior population. Additionally, the 2010 Census affirmed that Maine's population remains the oldest in the United States. This information resonated with U.S. Sen. Susan Collins from Maine. As the ranking member of the Special Committee on the Aging, Sen. Collins committed that she would not let this issue fade away. And she stayed true to her word.

With her urging, Aging Committee Chairman Sen. William Nelson from Florida authorized a special hearing on the topic. Sens. Nelson and Collins invited federal law enforcement authorities with jurisdiction to investigate the matters, a Western Union Official, two family members of victims and me.

The two victims gave compelling stories regarding the devastation that scamming had on their families. The senators were moved by the emotional toll.

My testimony expressed concern that there is no single federal agency that has taken ownership of this policing problem, which leaves local and state authorities unsure where to report these international crimes.

It is true that the JOLT task force is the sole weapon against this scourge. However, most JOLT agents are only assigned to Jamaica for a few weeks, which makes it difficult to build trust and a collaborative working relationship with our Jamaican counterparts.

The federal authorities testified that they have a good handle on the problem and assured the senators that all was under control, in spite of the estimated nationwide losses that ex-



Chief Deputy William L. King Jr., of the York County Sheriff's Office, with U.S. Sen. Susan Collins. (Submitted photo)

ceed \$300 million.

The congressional hearings drew media coverage: CBS News' Jeff Glor, Dan Rather's producers and ABC News visited the York County Sheriff's Office to get the inside scoop. We even provided the news crews an opportunity to interview a willing victim. One enterprising producer obtained the telephone number of the scammer and contacted him when she traveled to Jamaica as part of the story. Posing as a young woman looking to "party," the scammer went to her hotel, only to be met by a television news crew.

FOLLOW THROUGH

About two weeks after the Senate Special Committee's hearing, the Jamaican Parliament passed new laws criminalizing such scams with penalties of up to 25 years in prison. The widespread media attention in the U.S., which is Jamaica's largest trade partner, clearly made an impact. Jamaica's leading newspaper – The Gleaner – published a story saying: "Jamaica's image will take a beating across the globe this week as the deadly lottery scam goes before the United States Senate."

Even with this attention, the FairPoint website still receives steady hits and the sheriff's office continues to field calls from victims and their families from across the country looking for help.

Our discussions with our federal counterparts have yielded little change about their law enforcement efforts. The federal agencies I've spoken with want to concentrate on high-dollar violators. The retiree who lost \$100 K to the scammers is not a big enough priority. They want 100 victims who have lost that amount to a single scammer. This provides little solace to a victim who is financially devastated and we believe it is futile to "collect" victims in the hopes of a future federal prosecution.

Recently, Jamaican authorities reportedly agreed to extradite to the U.S. individuals involved in the lottery scam. Jamaican officials made the assurances to U.S. Ambassador to Jamaica Pamela Bridgewater.

It has yet to be seen how Jamaica's interest in stomping out lottery scammers will dampen the scamming in our country. I've spoken with seniors who've been contacted by Jamaican scammers still trying to elicit processing fees.

I understand that efforts take time, especially when tackling a problem of this magnitude, and we remain hopeful that the Jamaican government will follow through on its promise. In the meantime, FairPoint Communications continues to maintain its website and refer those wanting to talk to a law enforcement official to the York County Sheriff's Office. [\[m\]](#)

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Jim Bennett

Presque Isle City Manager **Jim Bennett** will be installed as president-elect of the International City/County Management Association during the ICMA conference in Boston in September. Before taking the Presque Isle job in

March 2010, Bennett managed the cities of Lewiston and Westbrook and the towns of Sabattus, Old Orchard Beach, New Gloucester and Dixfield. A lifelong Maine citizen, Bennett holds a Master's degree in Business Administration from the University of Southern Maine. He will assume the ICMA presidency in January 2014.



Ted Barker

The town of Leeds dedicated its 2013 annual report to **Alphonso "Ted" Barker**, who has retired after serving for 33 years as selectman, beginning in 1980. Barker followed his grandfather's and father's

leads, both of whom also served as Leeds' selectmen. The town report dedication noted that Barker is known for his honesty and integrity and that he is "a quiet man (who) makes a big impact."

Former Portland Police Chief **James Craig** has been hired as police chief for the City of Detroit, Mich. For Craig, it was a homecoming, since he began his police career in Detroit 36 years ago. Most recently, Craig worked as police chief for the City of Cincinnati.

Somerset County commissioners named **Dawn DiBlasi** of Fairfield as their new county administrator. DiBlasi is a former Waterville attorney and state advocate for injured workers. She was scheduled to begin her new job on June 10.

Newcastle selectmen hired Town Clerk **Lynn Maloney** as interim town administrator. A town resident, Malo-

ney has served as clerk for 21 years. Her duties also include registrar of voters, tax collector and deputy treasurer.

Karen Martin, interim director of the quasi-municipal Scarborough Economic Development Corp., was named permanent director in mid-May, beating out more than 40 other candidates for the job. Martin is only the third director in the organization's nearly 30-year history. A California native, Martin moved to Maine 25 years ago to work for the Greater Portland Council of Governments. She replaces Harvey Rosenfeld, who recruited her two years ago as his executive assistant.

Melissa Quintela has been named acting Lincoln town treasurer following the retirement in May of **Gilberte Mayo**, who served the town for 27 years.

Few people do anything well for 50 years, but **Douglas Oliver** pulled it off: He was honored by the Town of Farmington in May for 50 years of service as a volunteer firefighter. His dedication was on full display on May 4 when, halfway to his own birthday party in Skowhegan, he turned around and headed back to town to help search for a missing child. Oliver, 72, was presented with a clock engraved with the date he joined Farmington Fire and Rescue: May 7, 1963. Oliver's father and uncle also served the rescue squad.

Oxford Selectman **Dennis Sanborn** died May 6 at the age of 75. On the day he died, he was working with Town Manager Michael Chammings to install ball field lights. "Even on his last day, he was very active in pushing forward town projects," Chammings said, according to the Lewiston Sun Journal. Sanborn served on many municipal boards and committees. He was serving his 10th year as selectman when he died.

Calais City Librarian **Marilyn Sotirelis** will retire at month's end after serving 34 years in the position. Her retirement plans include volunteering at the city's elementary school library – and reading. "I felt more joy on that day I was hired (as city librarian) than nearly any other in my life," Sotirelis told the Bangor Daily News. "I have treasured this work."

Shelby Wright resigned as a Hampden Town Councilor in early May after moving to Newburgh. Wright was first elected in June 2011 to fill an unexpired term; she was elected to a three-year term last November. [ML](#)

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

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Augusta: The city has won a \$500,000 Community Development Block Grant to help fund a housing program for veterans and redevelop the former Cony High School, also known as the Flatiron building. Bread of Life Ministries will receive \$200,000 in grant funding to help veterans buy their own homes in a new housing subdivision. The remaining \$300,000 will help Housing Initiatives of New England transform the old high school, an iconic building in the state capital, to elderly housing units.

Bingham: The Boston-based First Wind, already operating five wind farms in Maine, has applied to erect the largest wind farm in New England with 62 turbines that could fuel 75,000 homes. The project, if approved, would cost an estimated \$400 million. Unlike other wind farms in Maine, the newest proposal would not involve turbines set along high ridges, but rather on hills with large plateaus. Under the plan, the company would need 350 full-time workers to build the project, which would feature the firm's tallest turbines at 90 meters.

Brunswick: A New York-based technology firm received full support from the town Planning Board in late May to build a 7,400-square-foot "anaerobic digester" at Brunswick Landing, former home of the Brunswick Naval Air Station. The owner of Village Green Ventures will move his company to the Landing. The waste-to-energy facility will use organic waste, including food waste, biosolids and restaurant grease, and convert it to methane gas by using micro-organisms. The facility is expected to be ready for use by the end of this year.

Cushing: The town's Board of Assessors last month approved a 37 percent drop in property value for 37 waterfront homeowners, who had sought a 55 percent decrease. The abatements will cost the town coffers \$80,000 in tax revenue for fiscal year 2011. A Knox County Superior Court lawsuit is pending regarding the same landowners' request for a 20 percent valuation decrease for 2010.

Ellsworth: The City Council agreed to create a nonprofit corporation to focus exclusively on economic development in the city known as the gateway to some of Maine's most popular tourism destinations in Hancock and Washington counties. The new firm will be called the Ellsworth Business Development Corp. Under the bylaws approved by councilors, the entity would represent the city in trying to attract new business, offer incentives and have the authority to protect sensitive individual business information. Although the development company would be private, city officials will still review and approve final proposals. The makeup of the company's board of directors has not been determined, but could include councilors or planning board members.

Lewiston: The U.S. Small Business Administration established a week-long "disaster loan outreach center" in early June to take applications from property owners and businesses for low-interest rebuilding loans following three devastating fires in the city in late April and early May that displaced 200 residents. Interest rates will range from 1.9 percent to 4 percent. The program, helped along by Gov. Paul LePage's request for federal disaster relief, will offer loans of up to \$200,000 to replace real estate demol-

ished after the fires. Homeowners and renters were able to apply for up to \$40,000 to replace or repair personal property.

Livermore: The town's proposed budget for the new fiscal year includes a plan to eliminate all but 12 of the community's 54 streetlights. Voters were set to make the ultimate decision during the June 12 town meeting. A committee identified which lights to shut down, a move that would save the town of 2,300 an estimated \$5,000 in the first year.

Topsham: Despite its rare design and historic past, the state plans to demolish the Black Bridge that links Topsham and Brunswick unless the two midcoast municipalities pay \$1 million to repair or replace it. The one-of-a-kind Maine bridge, which spans the Androscoggin River, was built in 1909 or 1910, officials said. State transportation experts give bridges a lifespan of about 80 to 85 years. The Black Bridge was closed in 2011 after a collision damaged the rail and led to a full inspection of the 318-foot structure, after which the state concluded it is too eroded and rusted to allow safe passage for vehicles. The state will not spend any money to rebuild or repair the bridge, according to officials. [MMA](#)

NEW ON THE WEB

Highlights of what's been added at www.memun.org since the last edition of the *Maine Townsman*.

- **West Nile Virus.** The Maine Center for Disease Control and Prevention has released a 32-page report on West Nile Virus that is relevant for many people in municipal positions, including those who work in Public Works and Parks & Recreation departments.
- **Executive Committee Member.** Linda Cohen, a council member for the City of South Portland, has been named to the Executive Committee of the Maine Municipal Association. Cohen, who has served on her city's council since December 2012, joined MMA's 12-member Executive Committee in May.
- **Technology Conference.** Many presentations from the April 30 Municipal Technology Conference are now available to be read and viewed.



Municipal Bulletin Board

BASIC MUNICIPAL BUDGETING: AUGUSTA

James Bennett, City Manager in Presque Isle, and John Eldridge, Finance Director in Brunswick, will co-present a workshop on municipal budgeting on June 20 at the MMA Conference Center in Augusta. The program begins with registration at 8:30 a.m. and concludes at 3:30 p.m.

The course, sponsored by MMA, is designed for municipal officials with primary responsibility for budget preparation and management. The cost is \$65 for MMA members and \$130 for non-members. The workshop counts toward Maine Town, City & County Management Association certification.

NEW MANAGERS

A workshop for new municipal managers will be held on June 25 at the Maine Municipal Association Conference Center in Augusta. The workshop will feature numerous speakers from MMA staff and from the Maine Town, City and County Management Association, including MMA Executive Director Christopher Lockwood and MTCMA President Michelle Beal, City Manager in Ellsworth.

The workshop will provide information about the roles of municipal managers, the rights and protections offered to public employees in Maine, the International City/County Management Association Code of Ethics and the variety of services offered at MMA. Attendees also will benefit from discussions involving fellow managers. While aimed at new managers, veteran managers may benefit from hearing new information. Municipal administrative assistants are also encouraged to attend.

Managers "new" to Maine since May 2012 are invited on a complimentary basis. For other MMA member attendees the cost is \$35 and for non-members it is \$70. The event begins with registration at 8:30 a.m. Lunch is provided.

ELECTED OFFICIALS: MACHIAS

Attorneys and staff from MMA's Legal Services and Communication &

Educational Services departments will lead a workshop for Elected Officials on July 10 at the University of Maine at Machias. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

It is designed for newly elected officials but veteran councilors and select board members may benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; and, conflicts of interest, among others. Cost for the workshop is \$50 for MMA members and \$100 for non-members.

PAYROLL AND 1099 RULES

The Maine Municipal Tax Collectors' and Treasurers' Association will sponsor a workshop on Payroll and 1099 Rules on July 16 at the Maine Municipal Association Conference Center in Augusta. Robert C. Westhoven, the Internal Revenue Services' North East Area Manager for Federal, State & Local Governments, is the instructor.

The all-day workshop begins with registration at 8:30 a.m. and ends at 3:30 p.m. The discussion will focus on: the Public Employer Tax Guide; form 1099 information and reminders; and, answers to many other questions. Cost for the workshop is \$50 for MMTCTA members and \$60 for non-members.

CUSTOMER SERVICE EXCELLENCE: PRESQUE ISLE

The Northeastland Hotel in Presque Isle will be the site of an MMA-sponsored workshop on Excellent Customer Service on July 17, starting at 8:30 a.m. and ending at 4 p.m. Instructors will be Margaret Noel, Manager of Educational Services at MMA, and Abigail DiPasquale, Health Promotion Coordinator for the Maine Municipal Employees Health Trust.

The workshop will focus on: recognizing customers' needs; types of customer service and offering a personal approach; exploring the psychology of customer service; the art of language; and, many other topic areas. Cost is \$65 for MMA members and \$130 for non-members.

MFCA MEETING, LUNCHEON

The Maine Fire Chiefs' Association will hold a membership meeting and networking luncheon on July 18, beginning at 9 a.m., at the Hope Fire Station. The event includes a lobster bake or steak dinner.

Cost for registration is \$35 for members who pre-register or \$45 for those who register after July 2. Guests can attend as well. Please provide a billing address if it will be different from the municipal address.

MBOIA TRAINING AND MEETING

The Maine Building Officials and Inspectors Association invites you to join its upcoming Membership Training/Meeting on July 18, starting at 8 a.m., and being held at the MMA Conference Center in Augusta. Along with a Board of Directors' meeting, the training will explore: Understanding Land Surveying and Flood Zones; and a Business Meeting that is scheduled to begin at 1 p.m.

Cost for members: \$20 for members who pre-register; \$30 for members who register after July 8. Cost for non-members who pre-register is 30; cost is \$50 for non-members who register after July 8.

MUNICIPAL LAW FOR CLERKS

Kathy Montejo, City Clerk in Lewiston, and Michael Stultz, Staff Attorney with MMA's Legal Services Department, will lead a session on municipal law at Spectacular Event Center on Griffin Road in Bangor on July 23.

Sponsored by the Maine Town & City Clerks' Association, the workshop will strengthen clerks' knowledge of major legal subject areas such as: the basics of the clerk's position; records; ordinance authority; conflicts of interest; elections; basic vital records; and, issuance of licenses. The workshop will begin with registration at 8:30 a.m. and the cost is \$55 for MTCCA members and \$75 for non-members. Attendees should bring copies of MMA's Municipal Clerk's Manual. [\[m\]](#)



STAFF MEETINGS REVISITED

Last month we opined that town office staff meetings are not “public proceedings” under Maine’s Freedom of Access Act because they are not *board* meetings (see “Staff Meetings Not Public,” *Maine Townsman*, “Legal Notes,” May 2013). This seems clear enough. But a reader has asked whether our conclusion would be different if the staff met with the municipal officers (selectmen or councilors) as well. This of course would change everything.

A meeting of the municipal officers – with or without the office staff – is a meeting of a board or council and is therefore a public proceeding under Maine’s “Right to Know” law. This requires advance public notice (see 1 M.R.S.A. § 406), and the meeting must be open to public attendance and recording (see 1 M.R.S.A. §§ 403, 404).

And lest there be any misunderstanding, a board meeting with staff or employees is not automatically eligible for a confidential executive session. An executive session *is* permitted with an individual or group of employees if public discussion could damage their reputation or violate their privacy (see 1 M.R.S.A. § 405(6)(A)). But this finding must be made in each case; a discussion with staff does not necessarily or in every instance implicate reputation or privacy.

Moreover, under 1 M.R.S.A. § 405(6)(A) budgetary matters are expressly ineligible for an executive session (see “Executive Session for Budget Talks?,” *Maine Townsman*, “Legal Notes,” June 2011). So, for example, a board meeting with staff to discuss budget cuts that may require layoffs or limit compensation adjustments would not qualify for an executive session.

To recap, a staff meeting alone is not a public proceeding, but a staff meeting coupled with a meeting of a board is a public proceeding of that board; as such it is subject to the open meeting requirements of the Right to Know law, including the limits on executive sessions.

For more on Maine’s Right to Know law, see our “Information Packet” on the subject, available free to members at www.memun.org. (By R.P.F.)

WHO CAN SERVE ON A BUDGET COMMITTEE?

Question: Can a municipal officer (selectman or councilor) serve on a municipal budget committee? How about other local officials or employees?

Answer: Membership on municipal budget committees is not governed by State law. Whether a municipality has a budget committee, and if so, what its composition is and what its duties are depend entirely on the charter provision, ordinance or town meeting vote that created it. Unless the local enactment provides otherwise, neither municipal officers nor other local officials or employees are disqualified from serving on a budget committee. (The only legal qualifications for membership are the same as for most other municipal offices: U.S. citizen, Maine resident, and at least 18 years of age, see 30-A M.R.S.A. § 2526(3).)

It is sometimes argued that having a municipal officer or other local official or employee on a budget committee is a “conflict of interest” or an “incompatible office,” but no statute or legal theory supports this view. This is because budget committees in almost all instances are strictly advisory – they have no final decision-making authority. It is the municipal legislative body (the town meeting or town or city council) that actually adopts the budget.

Indeed, it may actually be advantageous for a budget committee to have

some members who are also municipal officers or other officials or employees because they may bring special knowledge and expertise to the table. In addition, having a municipal officer on the committee provides a liaison to the municipal officers, which could prove helpful as that board prepares the budget. Still, if this is deemed inappropriate, the charter provision, ordinance or town meeting vote creating the budget committee could designate a municipal officer to serve *ex officio* and without a vote.

Not only is membership not governed by State law, municipal budget committees are not even mentioned in the statutes except in one context. Title 30-A M.R.S.A. § 2528(5) states that if a budget committee has been established, its recommendation, along with that of the municipal officers, must appear on the warrant and the ballot for any secret ballot vote on an appropriation of money.

For more on budget committees, see our “Information Packet” on the subject, available free to members at www.memun.org. (By R.P.F.)

MOTOR VEHICLE INSURANCE RATES & PUBLIC EMPLOYEES

We weren’t even aware of it until recently, but there’s been a law on the books since 1989 that prevents insurers in Maine from increasing the premiums for personal motor vehicle insurance



JULY 4 — Independence Day — A legal holiday (4 MRSA §1051).

ON OR BEFORE JULY 15 — 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).

ON OR BEFORE JULY 31 — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit pay-

ment as prescribed by the State Tax Assessor (36 MRSA §5253).

BETWEEN MAY 1 AND OCTOBER 1 — Municipal officers may initiate process to close certain ways during winter months (23 MRSA §2953). For further information, see the MMA Municipal Roads Manual.

BY JULY 31 — Supply certification to the Maine Department of Transportation that Rural Road and Urban Compact Initiative Program funds will be used consistent with the requirements of the law (23 MRSA §1804).



Legal Notes

for certain public employees based on motor vehicle accidents while on the job.

Public works employees and law enforcement officers and emergency responders are protected under 24-A M.R.S.A. §§ 2174-A and 2174-B, respectively, against premium increases for personal motor vehicle insurance based on motor vehicle accidents while at work provided (1) the employee was operating the motor vehicle in the course and scope of employment, and (2) there was insurance coverage for the accident other than the employee's personal policy.

The law explicitly does not restrict premiums an insurer may charge a governmental entity for motor vehicle insurance.

If a public employee covered by this law is notified of an increase in their personal motor vehicle insurance premium based on a work-related accident, they should contact their agent and cite the statute. If that fails to correct the problem, they should file a complaint with the Maine Bureau of Insurance at <http://www.maine.gov/pfr/insurance/complaint.htm>. Insurers ordinarily comply promptly with an order from the Bureau because, in addition to substantial civil fines, an insurer's license to do business in Maine can be suspended or revoked. (By R.P.F.)

TAX-ACQUIRED PROPERTY: SALE BY PUBLIC AUCTION

Question: Can we sell tax-acquired property by public auction?

Answer: Yes, you can, unless your local ordinance or policy prohibits it or requires some other method such as sealed written bids instead. And although Maine law does not require the use of a licensed auctioneer in order to sell tax-acquired property by auction (see 32 M.R.S.A. § 286(6)), we recommend it because a licensed auctioneer is apt to be more knowledgeable about the process and better-known.

If you do engage a licensed auctioneer, Maine law requires a written contract between the auctioneer and the seller specifying, among other things, the auctioneer's commission, any other charges, including the buyer's pre-

mium, and whether the auction is with or without a "reserve" or minimum sale price (see 32 M.R.S.A. § 298). We suggest a reserve for tax-acquired property of at least the sum of all unpaid taxes, interest and costs as well as all other unpaid assessments against the property (see "Tax-Acquired Property: Setting a Minimum Price," *Maine Townsman*, "Legal Notes," February 2013).

To find a licensed Maine auctioneer in your area, go to <http://www.maine.gov/pfr/professionallicensing/professions/auctioneers/> and click on the "licensee search" feature.


Incidentally, selling tax-acquired property by public auction should not be confused with the obscure and seldom used "tax sale" process for enforcing collection of delinquent property taxes. This process, which is complicated and archaic, authorizes a tax collector to auction the property subject to the owner's right to redeem it within two years (see 36 M.R.S.A. §§ 1071-1084). As Maine's Supreme Court has made clear, the tax sale process is a completely separate method from the more familiar and almost universally used tax lien process of 36 M.R.S.A. §§ 942-943

(see "Tax Liens Not 'Tax Sales,'" *Maine Townsman*, "Legal Notes," November 2003). (By R.P.F.)

TREE HOUSES

Question: Are tree houses exempt from local land use regulation?

Answer: No, not unless the ordinance in question exempts them. We're a fan of fun and frivolity too, but most tree houses fit the common ordinance definition of "structure" – anything built for the support, shelter or enclosure of persons, animals, goods or property, together with anything constructed or erected with a fixed location on or in the ground. As such, tree houses are subject to the same permitting and other requirements (such as setbacks, etc.) as other, more conventional structures. There's nothing in State law or inherent about a tree house that exempts it from local land use ordinances.

For a similar discussion about those popular prefabricated fabric-on-frame shelters used for garages and storage, see "'Portable' Structures," *Maine Townsman*, "Legal Notes," February 2006. (By R.P.F.) 



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2013 FALL BOND ISSUE SCHEDULE

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

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

Thursday, August 1st

Application Deadline.

Wednesday, August 21st

Application approval (Board Meeting).

Thursday, September 5th

Preliminary opinions and loan agreements due from bond counsel of each borrower.

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

Friday, September 6th

Last date for signing school contracts and rates in place for water districts. PUC Approvals due.

Monday, September 30th & Tuesday, October 1st

Maine Municipal Bond Bank Pricing.

Wednesday, October 2nd

Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Wednesday, October 16th

Final documents due from bond counsel.

Wednesday, October 23rd

Pre-Closing.

Thursday, October 24th

Closing - Bond Proceeds Available (1:00 PM).

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

If you would like to participate in or have any questions regarding the 2013 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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an asphalt tarp cover since asphalt begins to harden in less than 3 hours and will go to waste.

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