

# Maine Townsgman

The Magazine  
of the Maine Municipal Association

FEBRUARY 2015

## Libraries as 'Vibrant Community Centers'

Retired state librarian  
promotes economic  
development potential

### ALSO IN THIS ISSUE

Dealing with vacant foreclosures

Composting gains momentum

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



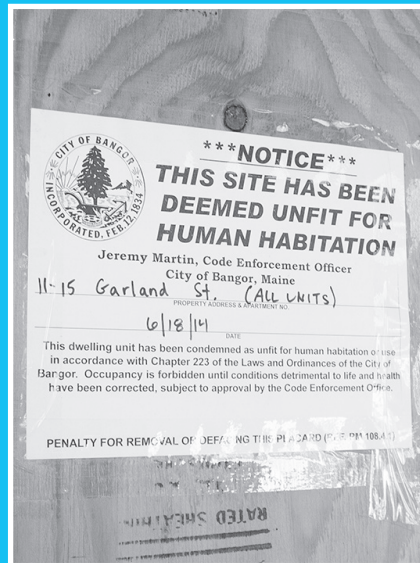
# Maine Townsman

February 2015 | Volume 77 | Issue 2

The Magazine of the Maine Municipal Association

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### All Those 'Zombies'



*The cities of Bangor and Biddeford are making aggressive moves to deal with foreclosed properties that are abandoned by their owners.*

*Municipal revenue sharing was not created to 'aid' municipalities. The 1972 law expressly recognized that Maine municipalities do a lot of work for the state.* [Page 5](#)

*From her bird's eye view, retired State Librarian Linda Lord witnessed an impressive transition, as community libraries went from quiet zones to hubs for technology and job searching.* [Page 19](#)

**Cover photo:** Recently retired State Librarian Linda Lord is pictured inside the Belfast Free library. MMA Website & Social Media Editor Ben Thomas took the photo.

## Solid Waste & the Legislature

*Municipal leaders know that dealing with solid waste, and the high cost associated with it, is a big challenge. This year, the Legislature will get involved.* [Page 15](#)

## Immigrant Investment

*The federal government created a program that encourages recent immigrants to invest and start businesses in economically challenged cities and towns.* [Page 23](#)

## Immigration Approach

*New Hampshire faced an influx of immigrants larger than Maine's, and before Maine did. A program called 'Welcoming America' is being tried in four N.H. communities.* [Page 25](#)

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# A MESSAGE FROM MMA

BY CHRISTOPHER LOCKWOOD / EXECUTIVE DIRECTOR

## Executive Committee meets with Legislative Council

It's a "must read." That's what the Maine Municipal Association is hearing from a number of local officials who received MMA's recently released report entitled: State-Municipal Partnership Programs: Past, Present and Future.

Prepared by MMA's State & Federal Relations staff, the report chronicles 20-plus programs in which municipal governments provide services or perform functions on behalf of state government.

The issuance of the report in January of this year is particularly timely as the newly convened 127<sup>th</sup> Legislature stands on the precipice of potentially altering forever a municipal-state relationship that dates to the founding of the State of Maine. In recent years, we've seen the glue of this relationship – the longstanding Municipal Revenue Sharing Program, and the statutory funding that should be associated with it – consistently weakened in order to balance state spending.

MMA distributed the Partnership report to every legislator and to over 3,000 municipal officials across the state. We also sent copies of the report to public libraries and posted the report on our website: [www.memun.org](http://www.memun.org).

We urge local officials to read the report, to ask your local legislators to review it and then talk with you regarding the importance and value of a strong state-municipal partnership. As a beginning step in this process, the MMA Executive Committee met on Jan. 29 with the Legislative Council, a group made up of legislative leaders from the Senate and the House. Here's a brief recap of the meeting:

MMA President Michelle Beal thanked the Legislative Council for agreeing to meet with the MMA Executive Committee. She noted that MMA's 70-member Legislative Policy Committee (LPC) had initially been interested in conducting a state-municipal summit, involving municipal officials from around the state with members of the Legislature to discuss the broad array of issues affecting state and municipal governments. When plans for a "summit" did not materialize, the MMA Executive Committee welcomed the invitation to meet with members of the Legislative Council as a first step in forging an on-going dialogue.

MMA Vice President Steve Bunker referenced the State-Municipal Partnership Programs document, which had been sent to members of Council (and to all legislators) in mid-January. He noted the many functional areas in which municipal governments historically and currently provide services on behalf of, and often as mandated, by the state.



As noted in the report, the revenue sharing program has been instrumental since 1972 in cementing the state-municipal partnership.

Mr. Bunker indicated that while MMA has a number of concerns, we view the Governor's tax reform proposals as an opportunity to address longstanding structural issues. MMA wants to be a constructive participant in these discussions to ensure the voice and views of municipal governments are taken into consideration.

MMA Past President Nick Mavodones pointed out that MMA's Legislative Policy Committee, composed of two municipal officials from each the 35 state senate districts, is responsible for shaping MMA's positions

on legislation. Of revenue sharing, Mr. Mavodones said municipal governments provide many of the services and economic development initiatives which support Maine's economy and generate the sales and income tax revenues collected by the state.

Senate President Michael Thibodeau thanked the Executive Committee for its interest in forging a constructive dialogue. He noted that most legislators have a fond regard for their communities and want to hear from municipal officials in their districts.

During the ensuing discussion, legislative leaders raised questions and requested information on regionalization, the potential impact of the proposal for a partial property tax assessment on certain large, non public tax exempt institutions and organizations, and difficulties in finding volunteer first responders (particularly in rural areas).

In terms of communicating with legislators, Speaker Mark Eves commended the monthly meeting organized by municipalities in York County as a potential model. He said the meeting is attended by legislators from both parties and is a useful way to keep in touch with municipal officials.

Other members of the Council discussed similar arrangements and strongly encouraged municipal officials to keep in touch on a regular basis with their local legislators. Rep. Sara Gideon suggested targeting legislators who have served as local elected officials as another strategy.

At the conclusion of the meeting, it was agreed that MMA will provide follow-up information on each of the above-referenced topics and the Legislative Council indicated a willingness to meet again this session with the MMA Executive Committee. We encourage local officials to have similar discussions with your senators and representatives. ■

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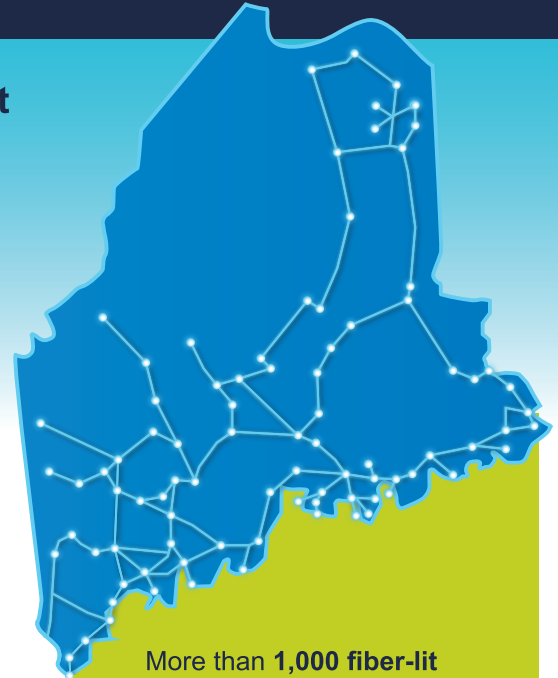
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# 'Zombie foreclosures' still problem for larger municipalities

*Bangor and Biddeford are among the cities to take action, including enacting ordinances and closely tracking the properties. The nation's economic uptick has not reduced the issue.*

By Janine Pineo

**W**hat is a municipality to do if a property owner abandons property when a bank initiates foreclosure?

The root of the question lies in the 2008 subprime mortgage crisis that fueled a nationwide financial freefall that left behind carnage in the banking industry and among mortgage lenders. It led to foreclosures on a massive scale, which in turn saw owners walking away before the banks completed the process, leaving the properties in limbo.

In Maine, at the end of 2014's third quarter, 28 percent of the foreclosures were identified as "zombie foreclosures," a phrase coined to describe a property that is in the foreclosure process but never been foreclosed, and the homeowner has left the building vacant. The figure nationally was 18 percent, a continuing legacy of the 2008 housing crisis, according to RealtyTrac, an online site that tracks foreclosures.

Maine, it often is said, lags behind the rest of the country when it comes to the economy. "When the economy takes off, we're slower to see it take off," said Jeremy Martin, director of Bangor's Code Enforcement Division.

The reverse is true, too, when the economy tanks.

Two Maine cities, Bangor and Biddeford, have seen more of these foreclosures in the past few years than they did early on.

"I've been tracking these since 2008," said Gayle Doyon, Biddeford's tax collector. According to her records, Biddeford hit a high in 2012 and 2013, with 59 and 60, respectively. As of mid-December 2014, Biddeford had seen 25 foreclosures for the year.

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*Janine Pineo is a freelance writer from Hudson and regular Maine Townsman contributor, [jepineo@gmail.com](mailto:jepineo@gmail.com).*



**Jeremy Martin, director of Bangor's Code Enforcement Division, has been aggressive in making foreclosed properties as safe as possible. (Photo by Ben Thomas)**

Bangor's Martin said the wave of foreclosures hasn't stopped.

"We're constantly dealing with abandoned, vacant buildings," he said. "It's become such an issue over the last couple of years we adopted an abandoned-vacant property ordinance."

## Milwaukee model

Martin said he was unable to find an ordinance in the state that would serve the purpose. "Milwaukee has a pretty good one," he said. "I don't like to re-create the wheel."

The Bangor ordinance, which was adopted in October 2013, is paired with the International Property Management Code, a document to establish minimum maintenance standards and something that both Bangor and Biddeford already had on the books.

The purpose of Bangor's vacant buildings ordinance sums up the issues at hand: "Vacant or abandoned properties, particularly residential properties,

create and pose significant and costly problems for the City. These properties often become a drain on the City budget and detract from the quality of life of the neighborhood and the City as a whole. Vacant buildings are an impediment to neighborhood redevelopment and rehabilitation, decrease property values, and prevent neighborhood stabilization. These structures are unsightly, often structurally unsound or otherwise dangerous, attract criminal activity, and otherwise create a threat to public health, safety, and welfare of neighboring properties and the general public."

It furthermore states: "A significant obstacle in providing effective and prompt enforcement of the current City Codes, as they relate to vacant buildings, is the inability to contact the owners of abandoned properties. These buildings are often also the subject of foreclosure actions by lien holders, which take considerable time

# City of Bangor's Property Maintenance Code

## Article II: Vacant Buildings

[Adopted 10-28-2013 by Ord. No. 13-344]

### § 223-5 Purpose.

#### A.

Vacant or abandoned properties, particularly residential properties, create and pose significant and costly problems for the City. These properties often become a drain on the City budget and detract from the quality of life of the neighborhood and the City as a whole. Vacant buildings are an impediment to neighborhood redevelopment and rehabilitation, decrease property values, and prevent neighborhood stabilization. These structures are unsightly, often structurally unsound or otherwise dangerous, attract criminal activity, and otherwise create a threat to public health, safety, and welfare of neighboring properties and the general public.

#### B.

A significant obstacle in providing effective and prompt enforcement of the current City Codes, as they relate to vacant buildings, is the inability to contact the owners of abandoned properties. These buildings are often also the subject of foreclosure actions by lien holders, which take considerable time to resolve.

#### C.

Certain categories of vacant properties, such as homes of "snowbirds" or members of the armed forces on active duty deployment, are less likely to cause problems and accompanying City costs.

#### D.

The purpose of this article is to provide a just, equitable and practicable method for identifying, managing and responding to the numerous issues associated with vacant buildings. This article is intended to prevent or mitigate dangers to health, safety and welfare, promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite housing repairs, and provide for prompt contact with owners or managers by Police, Fire, and Code Enforcement when issues or emergencies develop.

### § 223-6 Definitions.

#### A.

If a term is not defined in this article or the Land Use Ordinance,<sup>[1]</sup> it shall have its customary dictionary meaning.

[1]:

Editor's Note: See Ch. 165, Land Development.

#### B.

For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have following meanings:

#### OWNER

Any person, agent, firm, corporation or other legal entity having a legal or equitable interest in a vacant building, including but not limited to a mortgagee in possession, the beneficiary of a trust, or the holder of a life estate.

#### PROPERTY MANAGER

A Maine-based entity, corporation, or individual or the designee of the owner that is responsible for maintaining, securing, and inspecting vacant buildings.

#### VACANT BUILDING

Any building or other structure that is unoccupied by a person or occupied by unauthorized persons for 60 days, excepting permitted garages or accessory buildings.

### § 223-7 Applicability.

#### A.

This article applies to all vacant buildings located within the URD-1, URD-2, M&SD, NSD, DDD, LDR, HDR, and RR&A Zoning Districts in the City of Bangor.

#### B.

Notwithstanding Subsection A, §§ 223-8 through 223-10 of this article do not apply to primary residences of members of the armed forces on active duty, vacation or resort facilities, or residences of persons on extended vacations or alternative living arrangements with the intention to return to the property and live (e.g., "snowbirds"). Owners of vacant buildings qualifying under one of these exemptions are required to have the property maintained by a property manager and to provide the City with a valid emergency contact number for the owner or the property manager.

### § 223-8 Registration required.

#### A.

The owner of a vacant building must obtain a vacant building registration permit for the period during which it is vacant.

#### B.

When a building or structure becomes vacant, the owner of the building must apply for and obtain a vacant building registration permit and pay the fee within 60 days of the building becoming vacant.

#### C.

Standard vacant building registration permit.

#### (1)

The Code Enforcement Division shall issue a standard vacant building registration permit upon being satisfied that the building has been inspected and is in compliance with the vacant building maintenance standards set forth in this article, and is adequately protected from intrusion by trespassers and from deterioration by the weather.

#### (2)

A standard vacant building registration permit is valid for six months from the date of approval.

#### D.

Interim vacant building inspection permit.

#### (1)

If a vacant building is inspected and determined not to meet one or more of the maintenance standards listed in § 223-11, the Code Enforcement Division shall issue an order for any work needed to:

#### (a)

Adequately protect the building from intrusion by trespassers and from deterioration by weather by bringing it into compliance with the vacant building maintenance standards set forth in this article; and

#### (b)

Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.

#### (2)

When issuing orders under Subsection D(1), the Code Enforcement Division shall specify the time for completion of the work. The order will act as an interim vacant building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than 90 days.

#### (3)



# City of Bangor's Property Maintenance Code (cont'd)

All work done pursuant to this article must be done in compliance with the applicable building, fire prevention, life safety, and zoning codes.

E.

After the vacant building registration permit is issued, a placard provided by the Code Enforcement Division shall be posted on the property by the owner or its agent or property manager. This placard shall be posted on the front door and shall include, but not be limited to, the name, address and phone number of the owner or its agent, and the twenty-four-hour-a-day contact information of the property management company.

F.

Upon the expiration of a vacant building registration permit, if the building or structure is still vacant, the owner must arrange for an inspection of the building and premises with the appropriate Code Enforcement, Police and Fire Officials, and renew the permit within 10 days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this article and any previous permits unless expressly exempted therefrom.

## **§ 223-9 Permit application.**

A.

Application by the owner of a vacant building or structure for a vacant building registration permit must be made on a form provided by the Code Enforcement Division. Applicants must disclose all measures to be taken to ensure that the building will be kept weathertight and secure from trespassers, safe for entry of police officers and firefighters in times of exigent circumstances or emergency, and together with its premises be free from nuisance and in good order in conformance with vacant building maintenance standards, and other codes adopted by the City of Bangor.

B.

The application shall include a "statement of intent." The statement of intent shall include information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection, and a plan and timeline for the lawful occupancy, rehabilitation, or removal or demolition of the structure.

C.

The application shall include a list of persons authorized to be present in the building, along with a statement that any persons not listed shall be considered trespassers. The owner shall update the authorized person list as needed.

D.

Contact information. The application shall include the following:

(1)

The name, street address, telephone number, and e-mail address of a designated individual designated by the owner or owners of the vacant building as their authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Code regarding the vacant building.

(2)

The name of at least one property manager responsible for management and maintenance of the property, along with their twenty-four-hour-a-day contact information.

(3)

The name of any bank/lender/lien holder with an interest in the property and its contact information, including the mailing address of the bank/lender/lien holder.

(4)

If any contact information required under this subsection changes or becomes out-of-date, the owner must notify the Code Enforcement Department in writing

within 30 days of such change.

E.

A fee of \$250 or the cost of all materials, staff time, and other expenses of the City related to administering and enforcing this article, whichever is greater, shall be charged for a vacant building registration permit or interim permit. This fee shall also be charged upon the renewal of such permits. The fee must be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee. If an owner has secured all the duly required permits to demolish the building or structure, no fee is required if the building or structure is in fact demolished within 90 days of becoming vacant; should this ninety-day period expire, the fee becomes due immediately.

## **§ 223-10 Inspection.**

A.

Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by staff of the Code Enforcement Division. The purpose of such inspections is to determine and ensure compliance with vacant building maintenance standards. The Code Enforcement Division may bring on the inspection such other government officials as it deems prudent to ensure compliance with standards and the safety of the building and the Code Enforcement Division, including but not limited to Police and Fire Officials.

B.

If Code Officials have reason to believe that an emergency or imminent danger exists tending to create an immediate danger to the health, welfare, or safety of the general public, Code, Police and Fire Officials have the authority to enter and inspect the vacant building and premises upon which it stands without notification or warrant being required.

## **§ 223-11 Maintenance standards.**

An owner of a vacant building must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

A.

Building openings. Doors, windows, areaways and other openings must be weathertight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid transparent materials which are weather protected and tightly fitted and secured to the opening.

B.

Roofs. The roof and flashings shall be sound and tight, admit no moisture and have no defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.

C.

Drainage. The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

D.

Building structure and sanitation. The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage, including but not limited to any combustible waste and refuse. The building shall be sanitary. The building shall not pose a threat to the public health and safety.

E.

Structural members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

## City of Bangor's Property Maintenance Code (cont'd)

F. Foundation walls. The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and animal proof and ratproof.

G. Exterior walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

H. Decorative features. The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

I. Overhanging extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

J. Chimneys and towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood

surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

K. Walkways. Walkways shall be safe for pedestrian travel.

L. Accessory and appurtenant structures. Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.

M. Premises. The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.

N. The owner of a vacant building or structure must comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and must apply for any building, fire prevention, and zoning permits necessary to perform work required by this article.

### **§ 223-12 Violations and penalties.**

Any person who is found to be in violation of any provision or requirement of this article shall be subject to a civil penalty as set forth in 30-A M.R.S.A. § 4452. Each violation of a separate provision or requirement, and each day of violation, shall constitute a separate offense.

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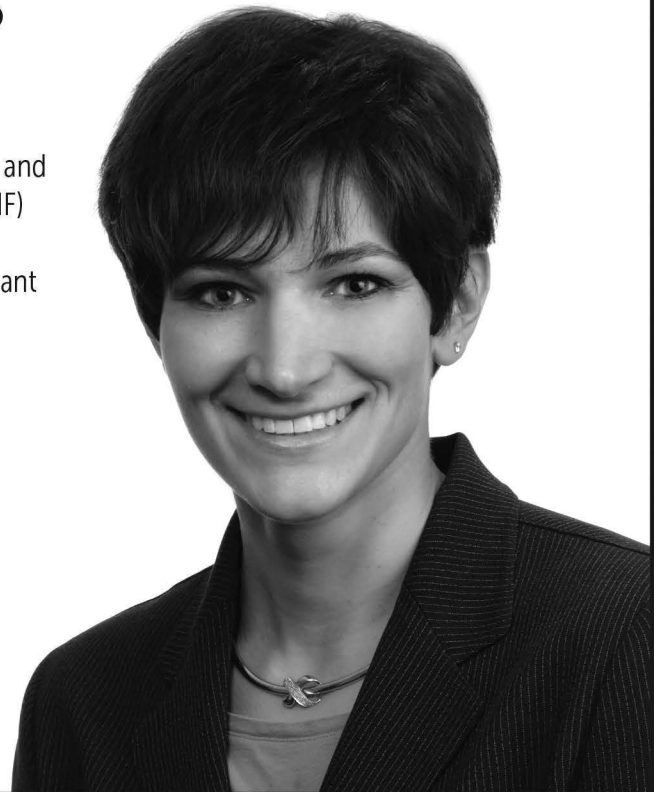
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to resolve.”

“It’s been pretty effective,” Martin said. “We think it’s working.”

The ordinance requires not only a vacant building registration permit, but that the building and any other structures on the property are brought up to code. Who is responsible?

“All of them are responsible,” Martin said – the bank, owner and anyone else listed on the deed.

Bangor also took action on another aspect complicating foreclosures: out-of-state banks and property managers. “We require them to have a Maine-based property manager,” Martin said. All this accountability is adding up to fewer complaints, he said.

### Biddeford tracking system

Doyon, who set up a spreadsheet for herself and code enforcement, said that she has tracked 288 foreclosures in Biddeford since 2008. Of that number, she said, 15 were dismissed, 16 were sold and seven were deeded back to the mortgage company. The rest of the foreclosures remain open, from six months to several years, because the banks “can drag their feet for whatever reason.”

Making sense of the morass after the 2008 subprime mortgage crisis was a time-consuming task when a property had code violations. Banks were not required to tell the municipality the status of the foreclosure, Doyon said, and trying to find the bank responsible was difficult as mortgages were passed between financial institutions and as banks failed.

“You try and find the trail of who took which bank over,” she said, citing as an example one bank that was divided up among three other banks. “It just snowballed.”

Doyon said that Maine’s Legislature took a step early on by changing state foreclosure laws in 2009 to require mortgage holders to notify municipalities that foreclosure proceedings have been initiated.

“That was a tough one to get through because the banks didn’t want it to go through,” Doyon said.

The more immediate issue for mu-



**Gayle Doyon**

nicipalities lies in code violations. George Monteith, a Biddeford police officer assigned to the Code Enforcement Office, said: “Both parties aren’t really taking responsibility for the property.”

For the homeowner, the mistaken belief is that the bank is now responsible for the property. Monteith said one of his questions as he investigates is who paid the

taxes on it. If the bank pays the taxes, then the bank is responsible for any violations, he said.

One of Biddeford’s biggest hurdles is dealing with out-of-state banks and preservation companies. Monteith said that recently one property had a porch in need of repairs. He emailed the out-of-state preservation company which contacted the client and then the repair was put out to bid. This process can take a couple of weeks, and he sometimes has to put in a couple of hours a day for a couple of weeks on a complaint.

“That’s a lot of time,” he said. “This is costly to the town.”

Monteith, who said “99 percent of what I deal with is multi-unit” proper-

ties, has been keeping an eye on several properties that continue to stand vacant after four or five years.

“Biddeford is really pro-active in trying to keep these buildings clean,” Monteith said.

### Fire, other hazards

He said Biddeford has seen everything from copper piping stolen to windows broken and doors pried open. Fire is one of the big threats from squatters, as the homeless look for shelter.

“It’s a can of worms,” Monteith said. “Foreclosed buildings are not an easy thing to deal with.”

Neighbors of foreclosed properties that have code violations have a hard time understanding the process, Monteith said. “People think they can call me up and get things fixed,” he said. “I can’t pull a rabbit out of the hat.”

Bangor faced similar issues as more buildings were abandoned or left vacant. “We were finding squatters,” Martin said. Code enforcement went with police into six homes in 2014, he said.

Martin said the city chased squatters from vacant house to vacant house for a couple of months.

Drugs are an issue, with heroin and bath salts involved. And the problem of squatters tends to be greater during the winter.

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These factors are affecting the livability of neighborhoods across the city, Martin said. "Neighborhoods are kind of falling apart."

In addition to the ordinance, Bangor also could enforce any tax lien on an abandoned property, according to David Little, Bangor's tax collector and deputy treasurer.

"Bangor does secure vacant property when an owner or responsible party cannot be located," Little said, "and, when appropriate, we place a lien against the property for the cost."

The Legislature made a change to the law on liens in 2014. Little said it favors municipalities that move forward with possession. For liens filed after Oct. 13, 2014, the window for challenging the taking of property for unpaid taxes was reduced from 15 years to five (Title 36 Section 946-B).

When asked about the state of real estate in Biddeford, Doyon said, "It's been moving. It was the tenement buildings that got hit."

Coastal properties are selling well. "It's not local," she said of the buyers. "It's out of state or out of country."

Martin said he is not seeing all of

Bangor's abandoned or vacant properties on the market. It raises the question, he said, of how banks approach selling these properties. If everything is put on the market, will it adversely affect real estate prices overall?

Martin sees a couple of things in the near future for Bangor. First, he expects foreclosures to start to affect commercial properties. "My gut says that's going to happen in the next year or two."

Meanwhile, he is working on chang-

ing the city's non-conformity standards in grandfathered zones, which currently give the bank 12 months to conform to newer zoning ordinances. He wants to give people a reason to keep those buildings as they are, instead of having a property that cannot be converted easily or even sold.

Sometime in the next few months, Martin plans to start "talking about preserving neighborhoods" by presenting his thoughts on non-conformity standards to the Bangor City Council. ■

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# Can composting help solve state's pressing solid waste challenge?

*Some leaders say removing food from the waste stream would go a long way toward easing pressure on landfills and incinerators. But then there's the 'yuck factor.'*

By Lee Burnett

Composting food scraps maybe emerging as the next big step in municipal trash policy.

Spurred by the rapid growth of niche markets for food scrap recycling, recycling proponents in the Maine Legislature hope to develop consensus on a larger municipal role in so-called organics recycling.

"It's a big step," said Rep. Joan Welsh, D-Rockport, sponsor of one of two food-waste composting bills. "We want to make sure we think things through before we make an absolute law."

The many facets of trash policy are shaping up to be major topics of discussion in this year's session of the Maine Legislature. In addition to food waste composting, the legislature is set to consider:

- A "net electrical billing" proposal to avert tipping fee hikes at the Penobscot Energy Recovery Company.

- A proposal to fund municipal composting and single-sort trash programs by modifying Maine's bottle bill.

- A proposal to give more municipalities access to low-cost landfilling at the state-owned Juniper Ridge in Alton.

Renewed interest in food waste composting appears driven by the expansion of private recycling businesses in the greater Portland area. We Compost It already recycles food waste from 100 businesses – including 30 schools – and has announced a major expansion. And Garbage to Garden collects household food scraps (for a subscription) in five greater Portland communities and is seeking to expand into 14 other communities.

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Lee Burnett is a freelance writer from Sanford and regular contributor to the *Maine Townsman*, [leeburnett\\_maine@hotmail.com](mailto:leeburnett_maine@hotmail.com).

## SOLID WASTE BILLS IN THE MAINE LEGISLATURE

- Resolve, To Increase Recycling in Maine through Increased Composting and Energy Recovery from Organic Wastes, Rep. Joan Welsh, D-Rockport.
- An Act To Protect the Environment and Assist Municipalities with the Recycling, Reuse and Processing of Solid Waste, Sen. Kim Rosen, R-Bucksport.
- An Act To Allow Municipalities To Contract with and Dispose of Waste in State-owned Solid Waste Disposal Facilities, Sen. Andre Cushing, R-Hampden.
- An Act To Fund State Efforts To Reduce Solid Waste, Rep. Denise Harlow, D-Portland.
- An Act To Enhance the Competitiveness of Maine's Biomass Facilities by Exempting from Waste Handling Fees Certain Construction and Demolition Debris, Rep. Nathan Libby, D-Lewiston.
- An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State, Richard H. Campbell, R-Orington.
- An Act To Improve Solid Waste Disposal, Rep. Denise Harlow, D-Portland.
- An Act To Increase the Beneficial Reuse of Waste Materials, Sen. Thomas Saviello, R-Wilton.
- An Act To Allow Large Beverage Containers To Be Recycled through Municipal Solid Waste Systems, Sen. Andre Cushing, R-Hampden.

## Food waste

At first glance, municipal food composting programs seem like a no brainer. All those banana peels, coffee grounds and other food wastes – being wet and heavy – don't burn very well.

Keeping them out of incinerators is a good idea for many reasons. It makes incinerators more efficient. It reduces trash volume, hence the disposal cost to communities. And if the organic waste is diverted to a composting facility it can become an income-earning commercial product.

A 2011 study by the University of Maine found that grass clippings and food waste account for 40 percent of the waste generated by municipalities. That represents thousands of tons of compostable material and tens of thousands of dollars. But it's just potential.

A few towns accept food waste at transfer stations. Yarmouth has increased from three to 12 the yards of food waste composted annually, according to Erik Street, Yarmouth's public works director. (That's just a fraction of the town's 3,000 yards of yard and leaf waste, he said.) Farmington composted 15 yards of food waste annually until the Sandy River Recycling Facility closed.

Municipal food waste composting has been talked about for years. In 2013, ecomaine produced a 293-page report outlining food waste composting options on behalf of its 53 member communities. But the ecomaine board "put organics on hold," said Kevin Roche, executive director of ecomaine. "The primary reason the investment it would take to really launch this forward... Organics will be in our future at some point."

Likewise, those pushing for a state policy on food waste composting are taking a cautious approach. The repeal of pay-as-you-throw trash collection programs through citizen petitions in some towns is one reason that Welsh, the Rockport legislator, is gun shy about a mandate.

“The last thing we need is to come up with a state mandate that everyone hates and that won’t work,” she said. Her bill would direct the Maine Department of Environmental Protection to develop a plan. “We’re open to something that works if the impetus is there. The more we can get municipalities involved, the better it is. It’s the municipalities that make it all happen.”

There are two impediments to municipal food waste composting. Somebody has to collect it. Collection trucks can be modified and the timing of routes changed to create incentives. But there is also the “yuck factor.”



**Rep. Joan Welsh**

Overcoming people’s reluctance to separate out food scraps will take a major educational effort, which costs money.

The Natural Resources Council of Maine is intrigued with the idea of “waste standardization,” whereby communities would be required to hit increasingly strict waste targets. “I like that idea of letting municipalities manage their own waste.

You do it without a mandate. Leave it up to municipalities how to do it.”

Rep. Robert Duchesne, D-Hudson, said he doubts any kind of mandate will pass, even one requiring recycling for food waste from large producers like grocery stores, restaurants and big box stores, which he calls the “low-hanging fruit.”

“A mandate won’t speed things up if we don’t have the infrastructure in place,” Duchesne said.

**PERC bailout**

There’s a new plan to lessen the

pending doubling of tipping fee hikes expected when Penobscot Energy Recovery Company incinerator in Orrington loses its favorable electric

deal in 2018. Last session, PERC proposed spreading the pain around by charging a \$14 surcharge on trash sent to landfills and using that money to subsidize incinerators in Maine. That was defeated. This session, PERC is proposing a “net electrical billing” to municipalities.

The language of the bill had not been finalized at the time of this writing this article, but the concept is to give the 180-plus communities that depend on PERC a credit on their electric bill equal to the money they spend in tipping fees to PERC, said



**Rep. Robert Duchesne**

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Craig Nelson, a lobbyist who has been involved in drafting the legislation on behalf of PERC. Nelson touted the simplicity of the solution.

"It's very easy to administer... do it through a computer. The concept is pretty straightforward," said Nelson.

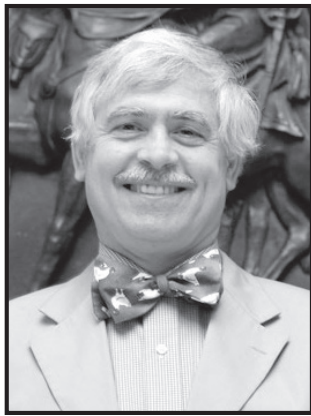
Municipalities would "win" proportionate to their trash costs and electrical usage, but there would still be losers – those entities that absorb the cost of the credits, which would appear to be Central Maine Power Co. and Emera Maine. Still, from a municipal perspective "the idea has merit," said Duchesne. "As to whether it makes communities whole, I don't know if it gets all the way (there)."

Communities that would stand to benefit from the plan are withholding comment until the bill is written, said Greg Lounder, executive director of the Municipal Review Committee. "We're always open to a policy conversation to secure stable, affordable disposal rates," Lounder said.

He wonders if such a deal will be sufficient to shore up PERC finances. He notes that PERC currently earns \$25 million a year on 160,000 megawatt hours of power sold on the wholesale market, a sum that would be reduced by \$10 million to \$12 million when favorable electric contract expires. He doubts that all the electricity bought at retail rates for all the municipal streetlights and municipal treatment plants would make up the difference. "It doesn't pass the quick check test," he said.

### Bottle bill

The Maine Beverage Association is backing a bill to exempt large containers from Maine's bottle bill, reputed to be the nation's best at keeping litter off roadsides. The argument is that 32-ounce bottles are costly for redemption centers to collect because they are bulky and light and the large containers would still be collected without a deposit by municipal recycling programs because the high heat value of plastic is valuable to trash incinerators. However, a similar proposal was defeated in 2011 and there



Sen. Thomas Saviello

is resistance to making changes to Maine's bottle-deposit law.

"I don't think we should touch the bottle bill at all," said NRCM's Lakeman. "I really can't imagine what would be worth the tradeoff. There are many alternatives we could pursue that have nothing to do with the bottle bill." State Sen. Thomas Saviello, R-Wilton, co-chair of Energy and Environ-

ment Committee, even calls the bill "DOA" – dead on arrival.

But there is a tradeoff that Saviello thinks is worth considering. He proposes to replace the five-cent deposit on large containers with a smaller "disposal tax" of, say, three cents. The difference is in the use of the fee. Instead of the five cents going to fund an inefficient collection system, it would go to a state-administered fund that could be granted to municipalities for various initiatives, such as pouring a concrete pad to start a food waste composting program or to start a single-sort collection system. He said the idea came to him after learning about a food waste composting bill and the exemption bill at almost the same time.

"I don't believe in coincidences," Saviello said. "Maybe we need to connect the two."

Sen. Andre Cushing, R-Hampden, proposes to allow municipalities to negotiate directly with the operator to send their trash to the state-owned Juniper Ridge Landfill. This would give municipalities a low-cost option.

But doing that may undermine the hierarchy of waste options that reserves landfilling as the last resort, to be used only when trash cannot be disposed of through reducing, reusing, recycling or incineration, said Duchesne, the legislator from Hudson.

The state should preserve its "limited and precious" landfill space because siting new landfills is very expensive and environmentally threatening, he said. "We don't want landfills all over the landscape," Duchesne said. ■




Sen. Andre Cushing


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# Libraries: What to expect and why they should be supported

*From internet-based research to online training to job searches, today's public libraries should be – and many are – about far more than books.*

By Linda Lord

**W**hat is a public library? Regardless of the governance structure, funding source, charter, or financial resources, any library that allows the public to enter, use and check out its resources for free is a public Library.

As a lifelong user of libraries and after a 15 year career with the Maine State Library (five years as State Librarian, now retired) I have had a fascinating view of how Maine public libraries are evolving to meet the current needs of their communities. They have become vibrant community centers with programming and resources to meet the interests and needs of users.

Before I go into detail, please look at the chart on P. 20 for some important facts about the 266 Maine public libraries.

Maine public libraries receive no direct financial aid from the state. However, they do receive significant benefits from the state through the Maine State Library (MSL). Legislative support for MSL is critical to this support.

The following is what you can expect from any public library in Maine regardless of its size or hours of service.

**Interlibrary loan (ILL):** If your local library does not have an item you want, it can be acquired from another library in Maine or even from outside the state if necessary via interlibrary loan. Nearly 1.5 million items are exchanged through a state and locally supported van delivery system from Freedom Xpress in Brewer. Library patrons may borrow fiction, non-fiction, CDs, DVD – all kinds of library materi-



*The beautiful façade of the Belfast Free Library. (Photo by Ben Thomas)*

## ASPIRATION GOALS

The Maine Library Commission has established aspiration goals for public libraries in Maine and these may be found at [http://www.maine.gov/msl/libs/standards/standards09\\_16\\_2013.pdf](http://www.maine.gov/msl/libs/standards/standards09_16_2013.pdf).

als. Many users borrow fiction through ILL. Many patrons tell MSL staff that this is one of the best benefits they receive from their local library.

**Broadband internet connectivity:** Every public library in Maine that wishes to participate in the Maine School and Library Network (MSLN) may receive free internet connectivity, thanks to the federal E-rate program and the Maine Telecommunications Access Fund (MTEAF, commonly known as the state E-rate program). The federal E-rate program was included in the Telecommunications Act of 1996, thanks in huge part to the efforts of retired U.S. Sen. Olympia

Snowe, of Maine.

It provides for telecommunications and internet connectivity support for schools and libraries, with the amount of support to be based on urban/rural and poverty data. Why is this important? Libraries can get the needed bandwidth to serve their communities. Currently the minimum connection is 10 mbps with larger libraries at more than 100 mbps. The new MSLN RFP for July 2015 requested pricing for a minimum of 100 mbps.

With any luck, many of our libraries will increase their bandwidth to that level with larger libraries going well over that speed. The value and savings to each community is between \$6,000 and \$16,820 per year. The state E-rate fund pays for about 30 percent with the federal support at about 70 percent. State E-rate is paid by a charge on in-state phone bills. My phone bill charge is 48 cents each month. I live in an RSU with seven schools. The charge on my property tax to support connectivity at all these schools would be much higher than

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*Linda Lord is the recently retired Maine State Librarian. She lives in Cutler [lh@fairpoint.net](mailto:lh@fairpoint.net).*

\$5.77 each year.

What does this connectivity enable libraries to provide? The economic and educational benefits are huge.

**Online resources:** Under the heading MARVEL! each public library in Maine has free access to tens of thousands of online magazine articles, newspapers, and reference materials. These are free because of support from the State of Maine (MSL), the University of Maine and Colby, Bates and Bowdoin colleges. Libraries should have a MARVEL link on their home pages. If you have trouble using MARVEL resources or accessing it from home, your local librarian should be able to help you.

The combined total of these resources is over \$1 million. MARVEL resources are organized under major topics. Valueline and the Wall Street Journal are just two of the resources under "business." Business owners have told us that MARVEL has saved them the expense of purchasing information they need.

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## 2015 CONVENTION PRESENTATION

Linda Lord and her successor, Maine State Librarian James Ritter, are scheduled to make a presentation about the public libraries at Maine Municipal Association's Annual Convention, which will be held Oct. 7-8 at the Augusta Civic Center.

**Online classes:** It is widely recognized that today's employees must be life-long learners. Upgrading skills is critical to most jobs. That is where Learning Express comes in. This online resource has complete information and resources for people who want to improve their job skills or prepare to apply for a job. Basic and advanced classes in math and English are available. Needs classes in Excel? There are three progressive courses on how to use this database, and they are all free. Need to practice for the GED or ASVAB? There are practice tests for these and more.

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resume, how to do a cover letter, how to prepare for and make the best impression during an interview? Learning Express has classes on each of these. Why should Mainers pay money to take courses like these when excellent courses are free from any internet connected computer in the state through Learning Express? Please help spread the word about this terrific resource that the Maine State Library funds.

**Job hunting support:** Many employees require online job applications and respond about interviews to applicants' email addresses. What if a job seeker does not have a home

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2,500-4,999	63	1,112,110	267,468	170,440	1,314,123
5,000-9,999	56	1,682,648	325,332	347,543	2,664,140
10,000-24,999	22	997,651	148,238	321,811	2,516,810
25,000 and Over	6	1,257,212	38,310	309,544	2,293,622
<b>TOTALS</b>	<b>266</b>	<b>6,342,505</b>	<b>1,127,476</b>	<b>1,294,615</b>	<b>9,540,829</b>

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computer? A young man from Houlton was astonished to learn that McDonald's required him to fill out an online application. He did not have a computer but knew just what to do. He went to the Cary Library in Houlton, where he was shown how to find and fill out the application. He was further stymied when he had to provide an email address. Again, the library showed him how to establish an email address that he could check from the library.

Maine libraries are full of lifelong learning. One Maine woman earned her Master's degree in Business Administration primarily through connectivity at her local library. She now runs a financial services business in her town and presented a program at her library during Money Smart Week. A library patron who works in the medical field has come to her library to get help in accessing online training modules and exams that are required to keep her job. She is not comfortable with computers and needs a lot of hands-on assistance, but each year with support and help, she passes her exams and keeps her job.

**Many government services are only available online:** Rural Mainers are especially dependent on libraries to file taxes, sign up for health care insurance and access other online state and federal forms, applications and content.

**Tourism impact:** Tourists report that they can stay in Maine longer because of the available library con-

nectivity that enables them to stay in touch with their businesses and family back home. Every library that is part of the statewide Maine School and Library Network has wireless available.

What about the role libraries play in the cultural lives of their communities?

That role is as strong as ever and growing. Libraries present programs and workshops on an incredible variety of topics, and 99 percent of these are free. Libraries still have print books. However, electronic books and audio books are now available and are beloved by many especially travelers and folks who need to enlarge print size. These are free from participating libraries where you can also learn how to download an e-book. Some libraries are also loaning e-readers for those patrons who want to try out the technology.

Libraries are the only public spaces for early childhood literacy programs before the age of four. MSL has an early literacy consultant who is

training librarians, child care workers and others on age appropriate literacy activities. Other MSL consultants are experts in fund raising, technology training, readers' advisory, working with trustees, and almost any library-related topic you can name.

What if your town does not have a library?

Any resident of the State of Maine may get a library card at the Maine State Library or at Bangor Public Library. Residents of Cumberland, York and part of Oxford County may get a Portland Public Library card. Any resident of Maine may get a State Library card by email, which allows home access to MARVEL resources and downloadable e-books and audio books. Mainers may call the Maine State Library, Bangor Public Library and/or Portland Public libraries with any library-related question. For those rural towns without a library, or for those who are homebound, the MSL has a Books by Mail program.

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**See the transition**

If you have not been in a public library in recent years, you have missed the transition from a hushed repository for books to a community hub where all are welcomed from birth to AARP and beyond. Name one other public space that can make this claim and is a vibrant community center with meetings spaces, programs, classes, and non-print as well as print materials.

Some public libraries loan items such as telescopes, fishing poles and tools. Libraries are developing “maker spaces” that allow patrons to scan materials, transfer materials from one format to another and digitize items of importance to local or family history and share it with the world online. Many maintain that the library of the future will be about knowledge creation and sharing – the place that glues the community together.

Public libraries have two huge problems, however. The first is being seen as essential when budget cuts are made. I hope the examples of library services in this article will help some-

what to alleviate the impression that libraries are not critical to Maine’s economy, businesses and job seekers.

The second problem is that the majority of Mainers, including policy makers and funders, are not aware

of the services and resources freely available at Maine’s public libraries, as well as the technology changes that have occurred over the last 5-10 years. Please help spread the word and support your local library. ■



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For more information visit the MMA website: [www.memun.org](http://www.memun.org)

# Visa program for immigrants: Green card for local investment

*A U.S. visa program can benefit lower-income communities by providing a green card for foreign investment in development that otherwise might not be funded.*

**By Audrey Singer, The Brookings Institution**

**T**he EB-5 visa program was designed to provide green cards to foreign nationals who invest in economic development in the United States, especially in lower-income areas. Understanding of the program is still evolving, with more communities trying to tap what they see as a potential source of inexpensive, patient capital.

Interest in the federal EB-5 immigrant investor visa program surged as the Great Recession of 2008 made traditional bank financing more difficult to access. Although the program was created as part of the 1990 Immigration Act, it has come into focus more recently as developers have begun exploring EB-5 funding for new projects. Foreign nationals must invest \$1 million in a U.S. business (or \$500,000 in low-income, distressed areas) and create or preserve at least 10 jobs. In exchange, the immigrant investor receives a green card or permanent residency.

The majority of EB-5 investments are administered through regional centers, which pool investments and are authorized by U.S. Citizenship and Immigration Services (USCIS) to develop projects. Regional centers are usually private entities, but some are run by states or municipalities, and others are public-private partnerships, often involving regional economic development organizations. The program prioritizes investments in areas of high unemployment by reducing the threshold from \$1 million to \$500,000 if the investment is located in a “targeted employment area” (TEA). TEAs are geographic areas that are either rural or experiencing an unem-

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## ABOUT THIS ARTICLE

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employment rate of at least 150 percent of the national average.

The scale of the program is small relative to the entire permanent-resident admissions policy. Less than 1 percent of all green cards go to EB-5 investors annually. Up to 10,000 visas are available each year to investors and immediate family members, but as recently as 2007 only 800 visas were used. By 2013, the total was moving toward 7,000. Some high-profile fraud cases among regional centers marred the program’s reputation and highlighted vulnerabilities both for immigrant investors and for overall success. Despite the scale of the program and the harmful cases, projects that make use of EB-5 funding do have the potential to benefit communities by providing local job opportunities, both short- and long-term. So far, EB-5 financing has been used for projects that include large commercial-property developments, assisted-living facilities, and manufacturing plants.

### Reaching for goals

A central purpose of the program is to aid regional economic development, especially in distressed areas. The majority of investments currently are in TEAs. But how well does the

program achieve its goal of benefiting such areas? There are questions around job creation that are worth exploring. Do communities benefit from EB-5 in the form of more jobs or better jobs? Are they long-term jobs? Do workers in targeted communities benefit, or do others from outside the community get the jobs?

Without much reliable data to assess program performance, it is not clear that it is meeting its goals. There are several possible reasons. First, although the EB-5 goals parallel those of regional and local economic development organizations, most such entities do not use EB-5. Furthermore, there are no incentives in the program to encourage partnerships or coordination. Nevertheless, some of the biggest successes include partnerships between regional centers and economic development organizations or municipalities, such as the Philadelphia Industrial Development Corporation, the City of Dallas Regional Center and CMB Regional Export in San Bernardino, Calif. Partnering with economic development agencies that have stakes in their communities makes sense.

Second, although the TEA provision is set up to help communities that need economic stimulation, there is no guarantee that they get it. At the very least, the EB-5 program requirements ensure that at least 10 jobs are created or preserved for every investment of \$500,000 for at least two years. For a \$250 million project with 20 percent EB-5 financing, for example, \$50 million would be required to demonstrate that 1,000 new jobs were generated or preserved. Many new projects, particularly real estate (and most projects are real estate), should easily meet the job-creation requirements.

However, over time, the number of direct and indirect jobs generated by an EB-5 project will likely change. Many initial jobs will be related to the construction of the project itself. Depending on the nature of the enterprise (for example, mixed-use commercial, independent-care facility, and manufacturing), the number of jobs may shrink (construction) or grow (expanded services or retail).

Third, there is nothing in the program that stipulates that the jobs go to residents of the TEAs. Is it likely that most of the new or preserved jobs go to residents? That would require a good match between jobs created and residents' skills. Nothing prevents the hiring of non-TEA residents for the jobs; indeed it is likely that most of the workers are from outside the TEA. Economic development agencies might want to consider stipulating that a certain percentage of jobs go to TEA residents where feasible. Thus, although economic benefits may accrue to the community in the medium or long term, there may not be an immediate boost.

Since the EB-5 program is intended to promote jobs and economic growth, especially in TEAs, it is fair to ask why more collaboration between regional economic development agencies and regional centers doesn't occur. Each partner stands to benefit from the other's expertise. Experienced regional centers have the knowledge of the complex visa program and how to get investments through the process. Economic development organizations know the local development context, have access to multiple funding streams and tax credits, and are well positioned to identify which projects are best for their communities.

### Toward community impact

Unless regional centers or economic development entities attempt to measure the short- and long-term impacts and direct and indirect effects of EB-5 financing, it will continue to be difficult to assess the effects on communities that are supposed to benefit. However, there are a few ways that local leadership can proactively move investments in the right direction for a region.

First, it will take the participation of key municipal actors to use EB-5 financing for projects that offer good

economic growth opportunities in low-income communities. Recently, a new regional center to be operated by the State of Michigan was set up – the second state-operated center, after Vermont's. Designation of the center marks an intentional strategy to improve economic development conditions in the distressed City of Detroit and beyond. As the new regional center proceeds, it should be evaluated thoroughly to improve understanding of the economic impact at the appropriate level of geography. In other words, the impact of any single EB-5-financed project should be first measured as it affects the immediate community.

Second, coordination between economic development organizations and regional centers would encourage development projects that are both strategic and regionally appropriate. It is more likely that new EB-5 development projects will sync better with economic targets if they involve local

economic development organizations bringing homegrown goals to the table. Furthermore, economic development agencies might want to consider stipulating that a certain percentage of jobs go to local TEA residents, where feasible.

Third, tracking the economic impact of individual projects on local communities is valuable. Not only will regions develop a sense of the kind of impact that is possible through these kinds of partnerships, the projects can serve as models for other regions.

Finally, regional development professionals just getting into the EB-5 realm should educate themselves on how the program works in practice, the potential pitfalls, and the risks for both their projects and the immigrants they sponsor. Several existing models for creating effective partnerships can help development professionals understand the actors, agencies and hazards of using EB-5 funds for regional economic development. ■

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# Faced with influx, four N.H. communities try new approach

*New Hampshire author maintains that creating a welcoming environment for immigrants can smooth integration with the wider community and ultimately improve health outcomes.*

By Kelly Laflamme, Endowment for Health

As communities across the United States begin to see the benefits of fostering a welcoming culture for immigrants, support is coming from a growing number of municipal governments, individuals and nonprofits. In New Hampshire, for example, the Endowment for Health – acting on its belief in the importance of social inclusion for good health – has been laying the groundwork for municipalities in the state that want to establish integration initiatives.

America is diversifying like never before. And as it does, a growing number of cities and towns are recognizing the economic and social benefits of fostering a welcoming culture for new and diverse populations. A grassroots-driven movement called Welcoming America has already been tested in 60 immigrant gateway communities, among them: Nashville, Tenn.; Dayton, Ohio; Boise, Idaho; and, Greensboro, N.C. Community by community, participants are working to create an inclusive culture and smooth the process of weaving immigrants into the social fabric of their new hometowns.

New Hampshire is a state that has seen its foreign-born population increase by 30 percent over the past decade. At 7 percent of New Hampshire's workforce, immigrants are contributing significantly to the state's economic and cultural vitality. Even so, there are concerns about data showing that serious health disparities disproportionately affect immigrants and refugees as well as other people of color.

It is critical to ensure that, as the

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## ABOUT THIS ARTICLE

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state's diversity increases, health disparities do not also increase. That is why, in 2013, the Endowment for Health launched an Immigrant Integration Initiative in New Hampshire. The effort emphasizes mutual respect and incorporation of differences, with the goal of increasing immigrant engagement in all aspects of community life. The Endowment believes that, in the words of the World Health Organization, "societies that enable all citizens to play a full and useful role in the social, economic, and cultural life of their society will be healthier than those where people face insecurity, exclusion, and deprivation."

Endowment for Health President Steve Rowe has a long-term take on the issue. "When we look through our windshield," he said, "we see a different New Hampshire than we see in our rear view mirror. We must prepare for future ahead of us. Our changing demographics will determine our future workforce, and a prosperous economic future depends on successful integration today."

## Towns take up the challenge

The Endowment for Health has modeled its approach on efforts under way in Colorado, Ohio, Illinois

and Idaho. Recognizing that the first step in integration is to arrive at a plan that both newcomers and long-standing community residents can embrace, the foundation released a Request for Planning Proposals in December 2013. It subsequently awarded an \$11,000 planning grant to each of four communities in the state: Concord, Laconia, Manchester and Greater Nashua. Promising structures already in place contributed to the award decisions.

In Concord, New Hampshire's capital, Second Start has been a hub for newcomers for many years, providing English classes and other adult education programs. It was a natural choice to be the lead organization for that city's planning process. The 2010 U.S. Census indicates that 5.5 percent of Concord is foreign born. The city is home to a variety of immigrants, including refugees from Iraq, African nations and Bhutan. The city's immigrant-integration planning process is building on the strength of Second Start, with strong community leadership from New American Africans, the Bhutanese Community of New Hampshire, the city government and the local Chamber of Commerce.

Laconia's experience with newcomers has been largely through participation in refugee resettlement. Although the immigrant population in Laconia is small compared with towns to the south, efforts to welcome newcomers have been intentional and have involved key city leaders, including the chief of police and the mayor. Leading the planning effort in Laconia is the Lakes Region Partnership for Public Health, which has prior experience offering both cultural-competency training for health-care

providers and health education and outreach to Bhutanese refugees. The planning team also includes the local family-resource center, faith institutions, law enforcement, the school district, institutions of higher learning and the United Way.

Manchester, New Hampshire's largest city was built by waves of immigrants: French Canadians, Irish and Greek, to name a few. Today's immigrants come from Africa, Asia, the Middle East, Eastern Europe and the Americas. Latinos make up the largest group. There also are many refugees who have been resettled in Manchester. In 2009, the city government and community leaders came together to create the Manchester Task Force to address concerns over the resettlement. The city's immigration-integration planning effort features a partnership between that task force and the community-based Organization for Immigrant and Refugee Success.

The newcomer population in Nashua is composed largely of Latinos, Portuguese-speaking Brazilians and Asians. The new immigration-integration planning effort builds upon the Gate City Health and Wellness Immigrant Integration Initiative, which has been effective in raising issues of integration with city entities such as the school district and the police department. Led by the United Way of Greater Nashua, the new planning process also incorporates the efforts of New Hampshire's Welcoming America affiliate.

### Collaborative change

The planning work funded by the Endowment for Health grants are likely to benefit from the fact that the chosen communities are already in collaboration mode. As Eva Castillo, of the New Hampshire Alliance for Immigrants and Refugees, said: "The process of integration does not happen in a vacuum. It takes the whole community to embrace and allow the process to happen."

The Endowment for Health values that collaborative spirit in addition to each grantee's unique approach. At the same time, it requires teams to incorporate in their efforts specific elements gleaned from what has worked in immigrant-integration planning efforts around the country:

- An experienced, neutral facilitator

must shepherd the process.

- Local government must be committed and at the table.
- Teams must commit to participating in a "Community of Practice" convened by the Endowment for Health.
- Towns must seek additional funders for the implementation phase.
- And, teams must demonstrate a commitment to the two-way process of immigrant integration by balancing the views of both newly arrived and longstanding community members.

All teams will address concerns such as increasing economic opportunities for immigrant workers and cultivating stronger relationships between immigrants and other community members. The ultimate measuring stick of the four-year initiative will be whether or not immigrants report increased social inclusion and integration.

Partnerships are integral to the process, and the Endowment for Health is working to enrich them. That is part of the organization's field-

building approach to its mission – a field being a community of organizations and individuals working toward a common goal and using a set of common approaches. A partnership with the Massachusetts Immigrant and Refugee Advocacy Coalition has led to the creation of a peer-learning community called the Immigrant Integration Community of Practice, which creates space for representatives of the four New Hampshire communities to share strategies and lessons, engage in problem solving and offer mutual support.

Amy Marchildon, director of Services for New Americans for Lutheran Social Services, is one participant. "A community of practice is incredibly important and valuable for New Hampshire because communities are at different stages with experience and exposure to immigrant integration," she said. "We're all learning from the expertise of one another, and we're able to share this information with our local communities." ■



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# 2015 MMA & Affiliate Training Calendar

## KEY TO WORKSHOP SPONSORS

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

## FEBRUARY

2/23	MTCCA Town Meeting & Elections—Title 30A	Bangor—Spectacular Event Center	MTCCA
2/24	Verbal Judo	Augusta—Maine Municipal Association	MMA/Affiliates
2/25	Elected Officials Workshop	Augusta—Maine Municipal Association	MMA
2/25	Elected Officials Workshop— <b>Video Conference</b>	Caribou—Northern Maine Development Commission	MMA
2/26	MeWEA Legislative Breakfast	Augusta—Senator Inn	MeWEA

## MARCH

3/3	MMTCTA Tax Lien Procedures	Orono—Black Bear Inn	MMTCTA
3/9	MTCCA Town Meeting & Elections—Title 30A	Augusta—MMA	MTCCA
3/9	MTCCA Town Meeting & Elections—Title 30A— <b>Video Conference</b>	Machias—Sunrise County Economic Council	MTCCA
3/12	MMTCTA Tax Lien Procedures	Portland—Keeley's Banquet Center	MMTCTA
3/13	MWDA Basic GA	Houlton—Town Office	MWDA
3/19	MBOIA Membership Meeting/Training	Portland—Fireside Inn	MBOIA
3/24	Managing Freedom of Access Requests	Augusta—Maine Municipal Association	MMA
3/26-3/27	MFCA Annual Conference	Newry—Sunday River, Grand Summit Hotel	MFCA
3/27	MeWEA Ski Day	Newry—Sunday River	MeWEA
3/27	MTCMA 36th Annual Statewide Manager Interchange	Bangor—Hilton Garden Inn	MTCMA
3/30	Local Planning Boards/Boards of Appeal	Ellsworth—General Moore Community Center	MMA

## APRIL

4/2	MCAPWA Spring Training	Waterville—T&B's Celebration Center	MCAPWA
4/3-4/4	MACA Annual Meeting/Training	Bangor—Hollywood Slots	MACA
4/7	MLGHRA Managing the Difficult Employee/ Effective Discipline	Augusta—Maine Municipal Association	MLGHRA
4/8	Elected Officials Workshop	Saco—Ramada Inn	MMA
4/9	Grant Writing & Funding	Augusta—Maine Municipal Association	MMA
4/14-4/16	MCAPWA Supervisory Leadership for Public Works I	Gorham—Municipal Offices	MCAPWA
4/17	MeWEA Spring Conference	Auburn—Hilton Garden Inn	MeWEA
4/21	Local Planning Boards/Boards of Appeal	Waldoboro—Soule-Shuman Memorial Post #4525 VFW	MMA
4/22	MMTCTA Basic Excise Tax	Houlton—Town Office	MMTCTA

Online Registration is easy: <http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

# 2015 MMA & Affiliate Training Calendar

4/23	MTCCA Vital Records	Augusta—Maine Municipal Association	MTCCA
4/23	MTCCA Vital Records- <b>Video Conference</b>	Machias—Sunrise County Economic Council	MTCCA
4/24	MAAO Northern Maine Spring Training	Caribou—Northern Maine Development Commission	MAAO
4/27-4/28	MWDA Spring Training Seminar	Bangor—Hollywood Slots	MWDA
4/28	MTCCA New Clerks	Waterville—Waterville Elks & Banquet Center	MTCCA
4/29	Labor & Employment Law	Augusta—Maine Municipal Association	MMA
4/30	Elected Officials Workshop	Lewiston—Ramada Inn	MMA

## MAY

5/5	Local Planning Boards/Boards of Appeal	Bridgton—Town Office	MMA
5/7	<b>Municipal Technology Conference</b>	<b>Bangor—Cross Insurance Center</b>	<b>MMA</b>
5/12	MAAO Boards of Assessment Review	Augusta—Maine Municipal Association	MAAO/MMA/MTCMA
5/12	MAAO Boards of Assessment Review- <b>Video Conference</b>	Caribou—Northern Maine Development Commission	MAAO/MMA/MTCMA
5/14	Elected Officials Workshop	Machias—University of Maine	MMA
5/14-5/15	MMTCTA Annual Conference	Orono—Black Bear Inn	MMTCTA
5/18-5/19	MBOIA Code Conference	Sebasco Estates—Sebasco Harbor Resort	MBOIA
5/19-5/21	MCAPWA Supervisory Leadership for Public Works II	Gorham—Municipal Offices	MCAPWA
5/29	MTCCA Licensing	Augusta—Maine Municipal Association	MTCCA
5/29	MTCCA Licensing- <b>Video Conference</b>	Caribou—Northern Maine Development Commission	MTCCA

## JUNE

6/2	Personnel Practices	Augusta—Maine Municipal Association	MMA
6/4	MCAPWA Highway Congress	Skowhegan—Fairgrounds	MCAPWA
6/16	<b>1st Annual Municipal HR Conference</b>	<b>Waterville—Thomas College</b>	<b>MMA</b>
6/18	Local Planning Boards/Boards of Appeal	Bangor—Spectacular Event Center	MMA
6/18	MWDA Advanced GA	Augusta—Maine Municipal Association	MWDA
6/23	New Managers Workshop	Augusta—Maine Municipal Association	MMA/MTCMA
6/23	MMTCTA Cash Management	Orono—Black Bear Inn	MMTCTA
6/25	Notary Public Workshop for Municipal Clerks	Augusta—Maine Municipal Association	MMA
6/30	Elected Officials Workshop	Bethel—Bethel Inn	MMA

## JULY

7/7	Verbal Judo	Augusta—Maine Municipal Association	MMA/Affiliates
7/21	MTCCA Municipal Law for Clerks	Augusta—Maine Municipal Association	MTCCA
7/21	MTCCA Municipal Law for Clerks- <b>Video Conference</b>	Caribou—Northern Maine Development Commission	MTCCA
7/23	MBOIA Membership Meeting/Training	Augusta—Maine Municipal Association	MBOIA
7/24	MFCA Membership Meeting/Training	Hope—Hope Fire Station	MFCA
7/24	Customer Service Excellence for Public Employees	Augusta—Maine Municipal Association	MMA
7/28	MMTCTA Payroll & 1099 Procedures	Augusta—Maine Municipal Association	MMTCTA
7/29	Elected Officials Workshop	Waldoboro—Soule-Shuman Memorial Post #4525 VFW	MMA
7/30	MTCCA Vital Records	Caribou—Caribou Inn & Convention Center	MTCCA

Online Registration is easy: <http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

# 2015 MMA & Affiliate Training Calendar

## AUGUST

8/12-8/14	MTCMA 70th New England Management Institute	Newry–Sunday River, Jordan Hotel	MTCMA
8/19	MMTCTA I've Got the Job, What Now?	Houlton–Town Office	MMTCTA
8/20	MTCCA New Clerks	Portland–Fireside Inn	MTCCA

## SEPTEMBER

9/2-9/4	MAAO Fall Conference	Sebasco Estates–Sebasco Harbor Resort	MAAO
9/10	MTCCA 20th Networking Day & Annual Meeting	Waterville–Waterville Elks & Banquet Center	MTCCA
9/11-9/13	MSFFF Annual Convention	Belfast Area–Point Lookout	MSFFF
9/16-9/18	MeWEA Fall Convention	Newry–Sunday River, Grand Summit Hotel	MeWEA
9/18	MWDA GA Basics	Augusta–Maine Municipal Association	MWDA
9/24	MBOIA Annual Membership Meeting & Training	Gray–Spring Meadows	MBOIA

## OCTOBER

<b>10/7-10/8</b>	<b>79th MMA Convention</b>	<b>Augusta–Augusta Civic Center</b>	<b>MMA</b>
10/20	Managing Freedom of Access Requests	Saco–City Hall	MMA
10/22	Grant Writing & Funding	Bangor–Spectacular Event Center	MMA
10/29	Local Planning Boards/Boards of Appeal	South Portland–Best Western Merry Manor	MMA

## NOVEMBER

11/5	MMTCTA Municipal Law for Tax Collectors & Treasurers	Orono–Black Bear Inn	MMTCTA
11/9	Fair Labor Standards Act	Augusta–Maine Municipal Association	MMA
11/12	MMTCTA Municipal Law for Tax Collectors & Treasurers	Augusta–Maine Municipal Association	MMTCTA
11/17	Social Media Dos & Don'ts	Augusta–Maine Municipal Association	MMA
11/17	Social Media Dos & Don'ts- <b>Video Conference</b>	Caribou–Northern Maine Development Commission	MMA

## DECEMBER

12/8	Roles of Elected Officials & Municipal Managers	Gray- Spring Meadows	MMA
12/10	MBOIA Membership Meeting & Training	Lewiston- Green Ladle	MBOIA
12/11	MWDA Winter Issues	Augusta–Maine Municipal Association	MWDA

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# PEOPLE

**Steve Burns** was named permanent York town manager in January, after replacing Rob Yandow for six months as interim manager. He was awarded a three-year contract, to be reviewed annually.

**James Chaousis II** was hired as Rockland city manager, effective March 2. Chaousis, 37, will leave another ocean community, Boothbay, after managing there since 2010. Chaousis also managed his hometown of Livermore Falls. Chaousis replaces **James Smith**, who resigned in December 2013 to return to Brewer. Councilors thanked Finance Director **Tom Luttrell** for serving as interim manager since Smith's departure. Boothbay Code Enforcement Officer **Daniel Bryer** will serve as interim manager.

Veteran Maine manager **Eugene Conlogue** was set to begin his new duties in mid-February as the first manager of Hancock County. Conlogue managed 18 months in Houlton and 13 years in Millicocket prior to that.

**Carol Eyerman** resigned as Harpswell planning director to take the assistant town planner's job in Topsham. Eyerman worked for Harpswell for seven years. She will begin her new duties in March.

Assistant director of the Farmington Parks & Recreation Department, **Matthew Foster**, will take over for Director **Steve Shible**, who will retire in May after 35 years. The appointment was made by selectmen in January to ensure a smooth transition.



**Chief Tom Higgins**

**Tom Higgins** was named Bangor fire chief in late January by a unanimous confirmation vote of the city council. As the new chief, Higgins, a former deputy chief, will also serve as emergency management director.

Higgins, who has served with the Bangor department for 24 years, said that with his promotion, he realizes a lifelong career dream. Although councilors were happy to promote from within the existing ranks, they noted that Higgins was the best per-

son for the job, regardless.

**Jessica Maloy** has been hired as the new Freeport finance director after serving her hometown of Lisbon since 2010. She will replace Abbe Yacoben, who took a finance director's job in Avondale, Ariz. Among her experience, Maloy has worked as an auditor for Banknorth Group and an analyst for Energy East Management Corp. Maloy graduated from New England College in 2000 and interned for two years for L.L. Bean.

Old Town Police Chief **Donald O'Halloran** will retire in March after 46 years in law enforcement. O'Halloran joined the Bangor force in 1969 and, 20 years later, as a lieutenant, he was hired as chief for the neighboring town. The city is looking for someone like O'Halloran, who was credited with being approachable, easy-going and professional.

Newcastle First Assistant Fire Chief **Michael "Newman" Santos** died Jan. 16 at the age of 67. He served the department since 2004 and was known for his dedication, thoughtfulness and patience with new recruits. Santos was the president of the Lincoln County Fire Academy at the time of his death.

Lebanon Rescue Chief **Jenny Sheriff** resigned from her post in mid-January, citing personal reasons and time conflicts. Meanwhile, **Daniel Meehan**, 52, was sworn in as the town's new fire chief. Selectmen hope to merge the two positions through attrition. Meehan, with 34 years of firefighting experience, has agreed to oversee both departments, while maintaining separate budgets for the current fiscal year. Meehan works for the Rochester, N.H., fire department, where he has served for 20 years and won Firefighter of the Year honors twice.

Wiscasset patrolman **Donald "Donnie" Smith** died Jan. 6 at the age of 48. Smith joined the department in 2007 and worked a total of 30 years for the town, including firefighting in the 1990s. He also worked for a decade as assistant director of the Wiscasset Ambulance Service.

Sangerville selectmen in mid-January hired **Kenneth Woodbury** as their



**Kenneth Woodbury**

new town manager. Woodbury served as community development director for Piscataquis County Economic Development Council since 2007. Woodbury, 73, takes on his first municipal position, but he also has worked for a board of directors and was a college president in Pennsylvania. ■

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## STATEWIDE

More Mainers died again in 2014 than were born, but in-migration boosted the state's population by 1,387, according to U.S. Census numbers. Although a tiny tick in the state's population, more people moved into Maine than out in 2014 for the first time since 2011. Maine's population was estimated at 1.33 million last year.

## BELFAST

The city council will apply for a \$1.1 million grant to help lure Massachusetts-based OnProcess Technology and 50 jobs to the community. The firm, which employs 1,000 people worldwide, would match a Community Development Block Grant to expand to Maine. The company helps businesses manage and maintain their supply chains and would offer a starting wage of \$11 an hour for most of the 50 jobs, and higher pay for management and other positions, company officials said.

## BROWNVILLE

A Vermont developer was sentenced to 28 months in federal prison in January for taking a \$300,000 Community Development Block Grant from the town but failing to construct a manufacturing plant and creating the promised 10 jobs. The 65-year-old man already is serving a 10- to 20-year sentence in New Hampshire in connection with an explosion in 2010 that killed two men. The federal sentence will be served after the state sentence. He was ordered to pay full restitution.

## DAMARISCOTTA

After officials from five Greater Damariscotta conservation groups began meeting in 2013 to help each other resolve problems, they concluded they should merge to eliminate duplication and better serve the coastal area from Southport to Montville. The idea is still being refined and is expected to go before the boards and members of all five groups as early as summer.

## FORT KENT

J.D. Irving unveiled its concept plan for 51,000 acres of forest land around the Fish River chain of lakes in Aroostook County. Irving owns 1.3 million acres of Maine land, and its plan looks 80 years into the future. According to published reports, the plan includes selling lots to

## NEW ON THE WEB | [www.memun.org](http://www.memun.org)

Highlights of what's been added at [www.memun.org](http://www.memun.org) since the last edition of the *Maine Townsman*.

**Partnership Publication.** Maine Municipal Association has published, for members and for legislators, a report that details 20 programs that towns and cities operate on behalf of state government. They range from animal control to local General Assistance to conducting elections and enforcing state zoning and planning laws. The upshot: This is why the Municipal Revenue Sharing Act was passed in 1972, and why it should be funded.

**State Mandates.** State Senate President Michael Thibodeau is aware there are many unfunded state mandates placed on municipalities – and he wants to know more about them. MMA encourages members to contact Sen. Thibodeau's office with a list of mandates facing your town or city, and the effects of those mandates.

**Revenue Sharing: By the Numbers.** MMA's State & Federal Relations staff created several sets of numbers showing how the state Legislature and past two Administrations are using funds dedicated by law to the Municipal Revenue Sharing Program to pay for other state spending priorities.

lease holders over the next 25 years, since the Canadian company no longer wants to own the land. The plan also preserves existing camps and year-round homes on Long, Square, Mud and Cross lakes in the Fort Kent-St. Agatha region.

## FREEPORT

The federal government agreed to reclassify numerous towns around the city of Portland as "rural" to allow millions of investment dollars to begin pouring into the area under USDA Rural Development Business Loan and Grant programs. Previous to the change announced in January, towns that were too close to Portland to qualify as rural were determined to have such varied economies that their location could be reclassified. In addition to businesses in Freeport, where the effort to make the change started, Yarmouth, Cumberland, Falmouth, Scarborough and Cape Elizabeth businesses, among others, will be able to seek low-interest loans and grants.

## LEBANON

Voters in late January easily passed an article to keep the town's second ambulance. The vote reverses a ballot result in November, when residents decided to have the ambulance voluntarily repossessed in order to avoid a final \$40,000 leasing payment. But residents since November said the question was confusing and called for a special town meeting

vote. Residents also voted to pay off the vehicle in one payment rather than two.

## PORTLAND

Portland officials are considering creating an office that would oversee housing inspections and build a complaint database that might warn of impending fire and other disasters. The city created a task force after six people perished in an accidental Halloween day fire. According to a 2013-commissioned report, the Portland Fire Department would require 10 more full-time inspectors to carry out regular fire code inspections across the state's largest city. The report concluded that 4,900 businesses and housing buildings should be inspected annually. Fire investigators said the fatal fire was preventable; exits were blocked and fire alarms were disabled.

## RAYMOND

The planning board in mid-January tabled action on the Town of Frye Island's proposed park-and-ride facility out of concerns the lot would violate shoreland zoning rules. The planning board has rejected two previous proposals by islanders since March 2014, hoping to reduce the size, light and other impacts in order to get town approval. Raymond planners are expected to take up the issue again this month, following a 3-3 split vote in January. ■

# MUNICIPAL BULLETIN BOARD

**FEB. 24**

## **Verbal Judo! Augusta**

One of MMA's newest and most requested sessions – Verbal Judo: Tactical Communications for the Contact Professional – will be offered on Feb 24 at the MMA Conference Center in Augusta. If you work with the public and you ever find yourself in conflict situations, this workshop is for you.

The featured speaker is Janine M. Paul, National Trainer for the Verbal Judo Institute, teaching the gentle art of persuasion. Ms. Paul brings her extensive and enthusiastic adult training experience.

The workshop, which includes five distinct “modules” addressing conflict resolution, begins with registration at 8 a.m. and concludes at 4:30 p.m. A reserved seat, workshop materials and light lunch will be provided.

**MARCH 3**

## **Tax Lien Procedures: Orono**

The Maine Municipal Tax Collectors' and Treasurers' Association will sponsor a workshop on Tax Lien Procedures March 3 at the Black Bear Inn in Orono. The program focuses on proper processes in the tax lien process and an emphasis on the “how to” of the procedures, rather than legalities.

Stu Marckoon, Treasurer for the Town of Lamoine, is the presenter. The workshop starts with registration at 8:30 a.m. and concludes at 3 p.m. Cost is \$50 for MMTCTA members and \$60 for non-members. The target audience includes municipal officials with direct roles in the tax lien process.

**MARCH 9**

## **Town Meeting & Elections: Augusta, Machias**

The Maine Town & City Clerks' Association will hold training on March 9 at the MMA Conference Center in Augusta on town meetings and elections. The workshop, which will be shown via video-conference at Sunrise County Economic Council in Machias, is designed for municipal clerks (including deputies and assistants), but select board members and town meeting moderators may find it useful as well.

The workshop will cover many aspects of the town meeting and election procedure including: fundamentals of warrants; secret ballot elections; role of

the moderator; open town meeting; and, voters' petitions. Presenting will be: April Dufoe, Town Clerk in Kennebunkport; and, Sue Pilgrim, attorney with MMA's Legal Services Department. Cost is \$55 for MTCCA members and \$75 for non-members. Registration begins at 8:30 a.m. and the workshop is scheduled to end at 4 p.m.

**MARCH 12**

## **Tax Lien Procedures: Portland**

The Maine Municipal Tax Collectors' and Treasurers' Association will sponsor a workshop on Tax Lien Procedures March 12 at Keeley's Banquet Center in Portland. The program focuses on proper processes in the tax lien process and an emphasis on the “how to” of the procedures, rather than legalities.

Gilberte Mayo, Town Manager in Reed Plantation, is the presenter. The workshop starts with registration at 8:30 a.m. and concludes at 3 p.m. Cost is \$50 for MMTCTA members and \$60 for non-members. The target audience includes municipal officials with direct roles in the tax lien process.

**MARCH 13**

## **GA Basics: Houlton**

Dave MacLean of the Maine Department of Health & Human Services will present a day-long workshop on General Assistance Basics at the Houlton Town Office on March 13. The event is sponsored by the Maine Welfare Directors' Association. Elected officials, town managers and others responsible for administering basic general assistance are encouraged to attend.

The workshop starts with registration at 8:15 a.m. and is scheduled to conclude at 3 p.m. It will provide a basic, and possibly intermediate, overview of the fundamentals of the GA process, including administration and compliance. Cost

is \$35 for MWDA members and \$50 for non-members.

**MARCH 24**

## **Managing Freedom of Access Requests: Augusta**

This timely workshop is aimed at helping municipal staffs, designated “Public Access Officers,” and elected and appointed officials understand Maine's FOA law, why requests are filed and how to deal with them appropriately. The afternoon workshop will be held on March 24 at the MMA Conference Center in Augusta. Registration begins at 1:30 p.m. and the workshop will conclude at 4:30 p.m.

Presenters include: Amanda Meader, attorney with MMA's Legal Services Department; Jay Feyler, Manager in the Town of Union; and, Eric Conrad, MMA's Director of Communication & Educational Services. Cost for the workshop is \$35 to MMA members.

**MARCH 25-27**

## **2015 Joint Fire Conference: Newry**

The Maine Fire Chiefs' Association & Maine Fire Protection Services Commission will hold their 2015 Joint Conference at the Sunday River Grand Summit Resort & Conference Center in Newry on March 25-27.

The kickoff and featured speaker will be Dr. David Griffin, captain and training officer with the City of Charleston, S.C. Fire Department. He will speak on: “In Honor of the Charleston 9: A Study of Change Following Tragedy.” Also featured will be David S. Becker, chair of the EMS Section of the IAFC and lead consultant for Smallwood & Associates.

Cost for the conference varies depending on how many days attendees are going and types of accommodations requested. ■

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# LEGAL NOTES

## Appeal Period Begins on Date of Vote, Not Written Decision

In a sharply divided (4-3) decision, the Maine Supreme Court has reaffirmed that the 45-day appeal period for appeals from a board of appeals to superior court begins on the date of the board's vote, not on the date of its written decision.

In *Beckford v. Town of Clifton*, 2014 ME 156, the appeals board voted to deny an appeal on Jan. 25. Then, on Jan. 30, the board reconvened to approve its written decision. The appellants filed an appeal with superior court on March 15, precisely 45 days later (it was a leap year).

The Court's majority found the applicable statute, 30-A M.R.S.A. § 2691(3) (G), clear and unambiguous: "Any party may take an appeal within 45 days of the date of the vote on the original decision." Citing several earlier cases, the majority wrote, "We have consistently held that the appeal period runs from the date of the vote, regardless of whether or when a written decision is issued." Thus, for the majority the appeal in this case simply came too late – case dismissed.

But the dissenting justices agreed with the appellants that the first vote was preliminary, not final, and that until a written decision is issued, the vote is neither complete nor appealable. The majority countered that the original vote was an unmistakable denial and that since the statute requires a written decision within seven days thereafter, 45 days from the original vote provides sufficient time for an informed decision on whether to appeal.

As an aside, the Chief Justice, while concurring with the majority, noted that different statutes impose different rules on when appeal periods begin and that this can be confusing and "a trap for the unwary." She called on the Legislature to review these variations and establish a "single, consistent and understandable" trigger and time frame for judicial appeals. We'll see.

Meanwhile, one has to wonder why these appellants, who represented themselves, waited until the last possible day even under their own (mis)reading of the law to file their appeal. (By R.P.F.)

## Early Tax Payments

*Question:* Are there any incentives we can offer to encourage the payment of

## MUNICIPAL CALENDAR

**ON OR BEFORE FEBRUARY 15** — Written statements, as prescribed by State Tax Assessor, of wages withheld in the previous calendar year is to be furnished each employee (36 MRSA § 5251).

■ 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 04333-0011 [22 MRSA §4311].

**FEBRUARY 16** — Presidents' Day, the third Monday in February, is a legal holiday (4 MRSA § 1051); and shall be observed as a school holiday in the absence of any vote of the superintending school committee designating how the day shall be observed (20-A MRSA § 4802).

**BEFORE TOWN MEETING** — Selectmen must have a warrant posted at least 7 days before town meeting and have a constable or named resident make return (30-A MRSA §2523). If adoption of an ordinance is proposed, make sure of compliance with 30-A MRSA §3002. Send copy of town report to the following: MAINE MUNICIPAL ASSOCIATION, State Tax Assessor, State Auditor and State Librarian.

■ Town Meeting voter registration and voting list requirements. The registrar shall accept the registration and enrollment of voters prior to the municipal election according to the time schedule prescribed by 21-A MRSA § 122 unless changed by municipal officers.

■ Copies of annual report are to be deposited in the municipal office or a convenient place of business for distribution to voters at least 3 days prior to the annual meeting (30-A MRSA § 2801)

■ Check 30-A MRSA § 5823 for audits, and § 2801 for town reports.

**BY MARCH 1** — Solid Waste Municipal Reporting forms are due back to the State Planning Office, 38 State House Station, Augusta Me 04333 [38 MRSA §2125(1)].

property taxes before they are legally due?

*Answer:* Yes, there are two. And if either or both are offered (they are both optional), they must be voted annually by the municipal legislative body (town meeting or town or city council).

The more popular one is an "abatement" (discount) for taxes paid prior to a specific date (see 36 M.R.S.A. § 505(5)). This applies to taxes after they have been assessed and committed but before they are due and payable. The discount cannot exceed 10%. Notice of the discount must be posted by the treasurer in one or more public places within seven days after taxes have been committed. An appropriate warrant article would be:

To see if the town will vote that all taxpayers who pay all taxes due and payable for the current year prior to \_\_, 20\_\_ shall be entitled to a discount of \_\_% thereon.

The other incentive allows for prepayment of taxes not yet due or assessed, with interest (if any) to be paid by the municipality at a rate not to exceed 8%

per annum (see 36 M.R.S.A. § 506). Any excess paid over the amount of taxes finally assessed must be repaid, with interest (if any), as of the date taxes are due and payable. A suitable warrant article would be:

To see if the town will vote to authorize the tax collector to accept prepayment of taxes for the current year that are not yet due or assessed, and to pay interest thereon at a rate of \_\_%.

Before approving either of these incentives, a municipality should carefully consider the administrative and budgetary implications. The discount or interest to be offered should also be compared with the prevailing interest rate on tax anticipation notes. It would make little sense to incentivize early tax payments if the cost of doing so exceeds the cost of short-term borrowing. (By R.P.F.)

## Maximum Interest Rate for 2015 Delinquent Taxes: 7%

The State Treasurer has established 7% as the maximum interest rate that municipalities may set for delinquent property

# LEGAL NOTES

taxes committed during calendar year 2015.

However, as anyone familiar with delinquent taxes knows, interest does not accrue on unpaid taxes unless a municipality, by vote of its legislative body, establishes the rate of interest and the date or dates after which interest will accrue. This must be done at the meeting at which the body votes to raise a tax or at any subsequent meeting prior to commitment of the tax (see 36 M.R.S.A. § 505(4)). This rate then applies to all delinquent taxes committed that year until they are paid in full.

For details on how to calculate interest on delinquent taxes, see MMA's *Municipal Liens Manual*, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Got a New Municipal Clerk, Tax Collector or Treasurer?

There are certain imperatives – things that must be done – whenever a municipal office changes hands. This is especially true for clerks, tax collectors and treasurers, who play key roles in the administration of local government. Here's a checklist for transitioning to a new clerk, tax collector or treasurer:

**Oath of office.** Before assuming the duties of office, an official must be sworn (see 30-A M.R.S.A. § 2526(9)). Before that, they must be properly elected or appointed, as the case may be. There must be a record of both the election or appointment and the oath. If they have been elected or appointed to more than one office, they should be separately sworn to each. A new oath is also required for each new term of office.

**Bonding.** A clerk may be bonded (see 30-A M.R.S.A. § 2651), but a tax collector and a treasurer must be (see 36 M.R.S.A. § 755 and 30-A M.R.S.A. § 5601, respectively). In any case, the bond issuer ("surety") should be notified promptly so the new officeholder can be properly covered.

**Deputies.** If a new clerk, tax collector or treasurer wants a deputy, they must appoint them in writing and have them sworn before they act as a deputy (see 30-A M.R.S.A. § 2603). The term of a deputy is concurrent with that of the principal who appointed them, so a deputy appointed by a former clerk, tax collector or treasurer is no longer in office or able to act unless reappointed and re-sworn. The surety should also be notified whenever

deputies are appointed.

**Notice to State agencies.** If a new clerk is to be the new registrar of voters as well, they must be appointed and sworn as registrar, and the Secretary of State must be notified within 10 days (see 21-A M.R.S.A. § 101). Since clerks issue dog licenses (see 7 M.R.S.A. § 3942), the Department of Agriculture, Conservation and Forestry's Animal Welfare Program should also be notified. And if a new clerk is to be a State agent for hunting and fishing licenses, they must contact the Department of Inland Fisheries and Wildlife for an appointment and training (see 12 M.R.S.A. § 10801).

A new tax collector is automatically the new excise tax collector unless the municipality designates someone else (see 36 M.R.S.A. § 1487). If a new tax collector is to be a State agent for motor vehicle registrations, they must contact the Secretary of State for an appointment and training (see 29-A M.R.S.A. § 201).

Whenever a new treasurer is chosen and sworn, the clerk must notify the State Treasurer (see 30-A M.R.S.A. § 5602). (The State Treasurer is prohibited from sending any money to the municipality until receiving this information.) A new treasurer should also promptly take steps to become an authorized signatory on all municipal bank accounts.

**Records.** A local official must deliver their records to their successors upon expiration of their term (see 5 M.R.S.A. § 95-B(4)). (In most cases, "constructive" delivery – turning over the office keys, safe combinations, passwords and so forth – will suffice.) If an official refuses to do so, the State Archivist may demand delivery and enforce that demand by legal action (see 5 M.R.S.A. § 95-A).

**Recommitment of taxes.** Before a tax collector can be relieved of their duties, and before uncollected taxes can be recommitted to a new collector, there must be a settlement with the municipal officers (selectmen or councilors). This means a full accounting by the collector for all taxes committed to them. Upon satisfactory settlement, the municipal officers may discharge the collector from any further legal obligation. Any remaining uncollected taxes may then be recommitted by the assessors to the new collector. The process for settlement, discharge and recommitment is described in detail in

MMA's *Tax Collectors & Treasurers Manual*.

**Register with MMA.** Although not a legal requirement, new officials should also register with MMA's member database and get a password to the members-only section of our website ([www.memun.org](http://www.memun.org)). This will provide free access to all of our manuals, information packets and other resources. MMA also sponsors numerous training programs for new officials and supports various affiliate groups, including the Maine Town & City Clerks' Association (MTCCA) and the Maine Municipal Tax Collectors' & Treasurers' Association (MMTCTA). More information about MMA training programs and affiliate groups is available on our website. (By R.P.F.) ■

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