

Maine Town & City

The magazine of the Maine Municipal Association

NOVEMBER 2018

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throughout Maine

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Movin' Out



About a dozen towns and cities have enacted plastic shopping bag bans in recent years. What was their experience, post-ban?

Teaming with MaineSpark: Executive Director Stephen Gove explains why the Maine Municipal Association joined the MaineSpark work force project. [Page 5](#)

Convention scenes: The 2018 MMA Convention saw strong attendance, both from members and exhibitors. Here's photographic proof. [Page 22](#)

ABOUT THE COVER: This November-feeling photo of Florida Lake trail in Freeport was taken by Rebecca Goldfine.

Golden Pathways

Trail networks that link neighborhoods and communities are sprouting up throughout the state. Feedback is typically positive. [Page 7](#)

Promoting Open Positions

It's well-known that filling municipal jobs can be challenging these days. Experts offer tips on how to advertise and add appeal. [Page 17](#)

Bet on the Vets

Recent military veterans make strong employment candidates for towns and cities, in part because of a public-service mindset. [Page 19](#)

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A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

MMA supports the MaineSpark workforce initiative

As we hope you know by now, the Maine Municipal Association launched its HoMEtown Careers initiative in January to market the good jobs and career opportunities in Maine's cities and towns. In fact, over two million impressions of our HoMEtown Careers videos and banner ads will have popped up on hundreds of websites from Amazon to Zillow, and mobile apps like the Weather Channel, when our current digital ad campaign ends in early December. These impressions are aimed at millennials and others who may be exploring new job opportunities. The message: Look at local government opportunities.

Knowing that a rising tide floats all boats, MMA also joined forces with other Maine private and public organizations to support a statewide workforce effort called MaineSpark. MaineSpark has identified that Maine needs 60 percent of its workforce to have a credential of value (college degree, trade certificate, etc.) in addition to their high school degrees in order to connect to a job in the economy. Today, Maine is at 43 percent. Our goal is to reach 60 percent by 2025.

Reaching the 60 percent goal requires aligning education and training, from birth to adulthood, to provide Mainers with the knowledge needed to fill good jobs. MaineSpark has identified policy priorities in four tracks to achieve its goal. Underlying these tracks are some essential tools and infrastructure priorities calling for improved statewide broadband quality and access and adopted unified definitions for degree and credential attainment and career readiness. The four MaineSpark tracks are Strong Foundations, Future Success, Adult Promise and New Opportunities.

Strong Foundations wants all Maine children to begin life with good educational opportunities, recognizing that early investments in programs like Head Start and reading and math proficiency ensure a lifetime of positive returns.

Future Success prepares Maine's youth for college, training and career options so they are ready for a range of opportunities that lead to successful adult lives. Policy priorities include alignment of learning standards to post-secondary requirements and support for public universities and community colleges to provide career pathways and internships.

Adult Promise focuses on adult learners (those returning to complete degrees or change careers), offering support and resources through increased grant funding, creating education financing strategies and scholarships.

New Opportunities supports Maine graduates to stay and build their careers in the state and professionals looking to begin a new chapter in Maine. Policy priorities include the expansion and simplification of student debt relief programs such as Opportunity Maine, helping immigrants and refugees efficiently transition to education and careers in Maine and supporting internships and apprenticeships that bring future professionals to our state.

MMA is pleased to work with MaineSpark's team of organizations and support the mission to shed light on the current employee/employer mismatch; to close the gap between worker skills and industry needs by connecting people with programs that provide training and education resources and services; to increase the overall educational attainment of Maine's people; and, to broaden the understanding that Maine is a state full of opportunities and a great place to live and work.

I encourage municipal officials to learn more about MaineSpark by checking out its website – mainespark.me. There you will see data illustrating Maine's challenges (and opportunities) and be given the chance to add your municipality's name to the growing list of supporters by adopting a resolution for the goal of increasing educational attainment in Maine. MMA is on board. ■



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Trail networks sprout up, generally seen as win-win

The granddaddy of them all may be Portland's Back Cove trail. It is highly visible next to Interstate 295 today, and widely accepted, but in the late 1800s it carried a political price.

By Glenn Adams

A little over a century ago, Portland's mayor, James Phinney Baxter, had an idea. Why not build a pathway around the city's Back Cove? It would be part of a series of trails linking Back Cove with parks encircling the city like "an emerald necklace."

The idea didn't catch on right away. In fact, his vision was viewed with suspicion by many voters, who saw it as something to benefit the city's elite class. After serving four, one-year terms, the trail idea factored into Baxter's defeat in 1897. He came back for two more terms in 1904-05, but was bounced out of office again.

But the vision of J.P. Baxter never faded completely. Ask any of the tens of thousands of runners, skaters, strollers and bicyclists who use the Portland trail daily. You see them yourself as you drive by one of Maine's best-known pathways, just to the west of Interstate 295. It closely follows Baxter Boulevard, named for the man who inspired it all.

Notably, J.P.'s son, Percival Proctor Baxter, who was Maine governor from 1921-25, used a portion of the family fortune to donate to the people of Maine a vast forest preserve in northern Maine that is now known as Baxter State Park. As for Percival's father, "he was a passionate advocate" for Portland's trails, said Ethan Hipple, deputy director of Portland's Parks, Recreation and Facilities Department. In the end, "he paid a price for it" politically, said Hipple.

Back Cove is but a small taste of the mix of trails and pathways in scores of towns and cities across Maine, which



Mountain Division Trail in Fryeburg. (Photo by Rebecca Goldfine)

are growing in popularity as fast as governments find the money to develop them. Some are less-improved, bare-earthed trails. Others are designed for multiple uses, have paved or crushed-stone bases and are designed to be Americans with Disabilities Act-accessible. They are known formally as pathways, said Patrick Adams, who was bicycle and pedestrian program manager for the state Department of Transportation from 2014 until recently.

Adams, who is now a regional transportation planner, said he sees a growing demand for federal grant money for pathways from citizens, advocates and municipalities, even though funding began to wither in 2012.

"We're just looking for more creative ways with the funding that's available," said Adams.

High demand in urban areas

He sees strong demand from mu-

nicipalities in more densely populated areas such as Cumberland and York counties, reflecting people's rising awareness of fitness and popularity of outdoor activities.

"When you get into more rural areas, they want the same facilities, but towns are financially strained and in many cases those towns have a greater need but less money to pay for it," said Adams.

Recreational trail construction generally receives 80 percent federal funding, and 20 percent other sources, including local tax revenue, TIFs or non-profit grants.

Maine's largest city has four trails, including Back Cove, which turned 100 last year and is the oldest, said Hipple. It connects to Eastern Promenade Trail. Hipple said they each get 350,000 individual uses per year. Also part of Portland's eight miles of off-road trails are the Fore River Parkway Trail and the Bayside Trail. They have

Glenn Adams is a freelance writer from Augusta and regulator contributor to Maine Town & City, adamsgjr1@gmail.com.

a connection of trails in neighboring South Portland and Falmouth.

“They’re incredibly popular with the public,” he said. “We do hear from people all the time about their support for the trails.” In addition to the walkers, bicyclists, strollers and joggers, “not a weekend goes by there’s no five-K race,” said Hipple, adding that there are also events for people with disabilities.

J.P. Baxter’s vision of walkways linking “an emerald necklace of parks” encircling the city is become more than a dream. Plans are in the works for a full loop around Portland’s peninsula. “For commuters it would be great but for tourists and recreational users it would also be great,” said Hipple. Now the connections in Portland are good and they’re about to get better.”

Kennebec rail trail

In the capital area, the Kennebec River Rail Trail has been extended by a quarter-mile from the trailhead people have been using under Augusta’s Memorial Bridge to its originally planned starting point farther north in the city’s Waterfront Park. The last leg of the \$4.5 million trail was delayed for 17 years because of the expense of extending it down an embankment and winding it around into the park.

But the money needed to bring the project to its completion was secured, with 80 percent coming from the federal government and the rest from the city. Lionel Cayer, city engineer and a founding member of the rail trail’s board of supervisors, told the Kennebec Journal the extension would cost about \$240,000.

Hugely popular with walkers, joggers, bicyclists and moms and dads with baby strollers, the railroad-track-side trail is also the scene of half-marathon and 5k races. Trail users get a long look at the historic Kennebec Arsenal on the east side of the river, and take in a backdrop of the state Capital dome to the west. The paved trail also ventures into antique-happy Hallowell’s downtown on its way to Farmingdale and Gardiner, where it winds up at the city’s waterfront park and docks.

Successful as it’s been, the Kennebec River Rail Trail is just one of dozens across the Maine.

One of Maine’s more knowledge-



Messalonskee Stream Trail in Oakland. The 2.5 mile trail was made possible by a collaboration of efforts by several groups. (Photo by Glenn Adams)

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Messalonskee Stream Trail in Oakland. (Photo by Glenn Adams)

able trail users is Rebecca Goldfine, who's an authority because she's hiked so many of them. The West Bath resident shares her tips on her Maine by Foot website (<https://mainebyfoot.com>).

"I look for trails in every town I go to because I seek out the serenity and beauty they offer me," said Goldfine, who has hiked 670 trails, and a few more than once. "For my well-being, I need to include regular visits to an area that feels set off and apart from the busy commercial and residential spaces we spend so much of our time in and which are filled with people, cars, pets, streets, shops, businesses, houses, etc."

Goldfine said that some towns, such as Falmouth, Cumberland, York and Kittery, have committed to protecting large, connected swaths of land and built interlocking networks of trails on them. "You can walk for hours in nature, despite being in a fairly populated part of the state," she said.

"These tracts of land are not just wonderful for walking, biking, or ski-

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ing – recreational uses – but they are, of course, critically important to the wildlife that is trying to survive next to us,” said Goldfine. “Additionally, in many cases, these lands are important for protecting our rivers, streams and coves, and keeping our drinking water clean and safe.”

Goldfine’s website lists scores of towns with trails, a map showing locations of trailheads to the many trails she’s walked, with links to the organizations responsible for those walkways and her own posts on them. The site even includes the avid hiker’s personal favorites, broken down into categories such as “wonderful walks (that don’t involve hiking up a mountain),” “some good little mountains,” “long-ish trails” and “wheelchair-friendly.”

Looking at the wide selection and variety of the many trails etched across the state, Goldfine said it’s hard to keep track of which are maintained by towns versus those kept up by land trusts or other conservation organizations.

Kiwanis help

Sanford recently expanded its 20-mile trail system with one-mile extension to the new Sanford High School/Sanford Regional Technical Center. In addition, the city is developing a 1.3-mile on-street bike route through the downtown that would provide a safe, scenic link to many neighborhoods and destinations. The local Kiwanis Club started developing Sanford’s trail network in 1989. It now includes bike paths, a multi-purpose rail trail and a dozen miles of footpaths.

A national group that promotes trail development, the Rails-to-Trails Conservancy lists trails that wind through 70 municipalities in Maine on its Trailand.com website.

As with many trails, there’s a taste of history along the 1.6-mile Auburn Riverwalk. In addition to Androscoggin River views, the paved and gravel trail gives users a look at the powerhouse that generated the power for the mills that were once the lifeblood of Auburn and its neighbor Lewiston. The trail also crosses a converted railroad trestle that dates back more, than a century and served the Twin Cities once-booming shoe and textile industries. Bangor has its half-mile Penobscot River Walkway.

These and dozens of others pro-



Kennebec River Rail Trail in Farmingdale. (Photo by Betty Adams)

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vide just a short stroll compared to the 87.9-mile Downeast Sunrise Trail, which straddles Hancock and Washington counties and is open to horseback riders, snowmobilers, ATVs and mountain bikers as well as other, more traditional users as it winds through woodlands, marshlands and coastal villages.

Another mega trail is the 62.3-mile Bangor and Aroostook Trail, whose crushed rock surface extends from Van Buren in the north, then splits in Stockholm to branches that go to Caribou and Mapleton. Also up north, the 28.2-mile Aroostook Valley Trail follows the Aroostook River for part of the way and goes through forests and past potato fields. Most of the trail is remote. It is part of the state's Interconnected Trail System, which brings together more than 1,000 miles of ATV and snowmobile trails around the state, says Traillink.com.

The idea of transforming abandoned railroad rights-of-way into recreational trails was born several decades ago.

"In 1965... rails to trails was still a highly localized movement. People said, 'We've got an abandoned rail-

road track, so let's use it.' Only gradually did there emerge a realization that America desperately needs a national trails system, and that unused rail corridors are the perfect backbone for that network," Peter Harnik, Rails-to-Trails Conservancy co-founder, says on the group's website.

Abandoned rail lines

By 1984, railroads were abandoning 4,000 to 8,000 miles of lines per year. It was also that year that a mobilized effort was launched in Washington, D.C., to preserve rail corridors for recreational trail use, says the conservation group, which opened shop two years later.

Today, the group counts 2,082 rail trails covering 23,429 miles nationally. In Maine, there are 32 rail trails stretching out over 399 miles. (For the sake of comparison, Massachusetts has 69 rail trails with a total of 346 miles.)

Not everybody's fully on board with the rail trail idea. A group called Stop the Rail Trails says it's OK with recreational trails alongside rail lines, so long as they don't hinder reintroduction of train use. But it's against the removal of railway infrastructure to make trails, saying many of those lines are still suitable for freight and passenger service.

MaineTrailFinder.com, a collaborative effort of several recreational



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groups, is another website that helps hikers find trails anywhere in the state. It has breakdowns from easy to strenuous and selections of several activities, such as hiking and cross-country skiing.

Among the Maine towns to get on the trail kick early was Old Town. H.E. Sargent (now Sargent Corporation) built a bike trail connecting Old Town with Orono back in 1977.

“The paved path continues to be used daily by many bikers along with walkers,” Sargent recalls on its Facebook page. “It is the perfect way to put in a few steps while making your way from Old Town to the University of Maine in Orono.”

The 80 land trusts in Maine are deeply involved in providing trail access. Maine land trusts provide access to more than 1,250 miles of hiking trails, 275 miles of mountain bike trails, 345 miles of ATV trails and more, according to Karen Young of the Kittery Land Trust.

“These gems boost tourism, the leading industry in Maine,” Young wrote in February to Seacoastonline.com.

For example, Kittery and York partnered with several land trusts, federal and state agencies in creating a network interconnecting 3.5 miles of trails over fields, forests, wetlands near Tatnic Brook and the Ogunquit River.

In addition to the hundreds of trails winding through in Maine is

the East Coast Greenway, which links Maine with other states as far south as Florida. The nonprofit East Coast Greenway Alliance works with federal, regional, state and local officials as well as volunteers to achieve a goal of completing a 3,000-mile off-road route through 15 states. Besides bicyclists, it can be used by hikers, cross-country skiers, inline skaters, runners, horseback riders and others utilizing

non-motorized modes of transportation.

Still an unfinished system, the Greenway includes some on-road sections in Maine and other states. The northern terminus in Calais, includes the 87-mile, unpaved Sunrise Trail and incorporates several existing city and town trails, such as the Kennebec River Rail Trail and Portland, Eastern Promenade/Back Cove Trail. ■



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Wanted no longer: Plastic bags, in more than a dozen towns

Maine communities that banned plastic bags report having no regrets. The head of an industry trade group said the bans are misguided in several ways.

By Susan Cover

More than a dozen cities and towns in Maine have taken aggressive steps to reduce or eliminate the use of plastic bags, passing bans or instituting fees to keep them out of oceans and lakes and away from wildlife.

Environmentalists say plastic bags are wasteful because most shoppers use them only once, they are so small it takes several bags to carry even a few items, and they pollute the environment because they don't break down.

"They are causing a lot of problems and they really aren't necessary at all," said Sarah Lakeman, Sustainable Maine Project Director for the Natural Resources Council of Maine.

That assertion was disputed by the head of an industry association, who said plastic shopping bags are recyclable and often get re-used to pick up pet waste, line small trash cans and for disposable diapers.

Matt Seaholm, executive director of the American Progressive Bag Alliance, said plastic bags represent less than 1 percent of waste by volume, so bans don't have a big impact on cleaning up the environment. Many grocery stores serve as collection points for used plastic bags if local transfer stations won't accept them, he said.

Seaholm said it's important to consider that if grocery stores stop serving as collection points for plastic bags, that means bread bags, ice bags and dry cleaner bags will have nowhere to go.

"Now those products will end up in the landfill," he said.

Last June, Manchester became the 15th city or town in Maine to either ban or place a fee on plastic bags. Manchester voters approved a ban on single-use

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

WHERE BAGS ARE BANNED

Fifteen Maine cities and towns have plastic bag bans or fees. Portland was the first to adopt an ordinance in April 2015 and Manchester became the latest last June.

Portland: 5 cent fee on paper and plastic bags at stores with greater than 2 percent food sales.

South Portland: 5 cent fee on paper and plastic bags at stores with greater than 2 percent food sales.

York: Ban on all plastic carryout bags.

Falmouth: 5 cent fee on paper and plastic bags at stores that are 10,000 square feet and larger.

Freeport: Ban on plastic bags and 5 cent fee on paper bags at stores with greater than 2 percent food sales. It does not affect retailers.

Kennebunk: Ban on all plastic carryout bags.

Topsham: 5-cent fee on paper and plastic bags at stores with greater than 2 percent of food sales.

Brunswick: Ban on single-use plastic bags.

Saco: Ban on single-use plastic bags.

Cape Elizabeth: 5 cent fee on single-use carryout bags at farm stands and stores where food generates at least 2 percent of overall sales.

Belfast: Ban on single-use plastic bags and polystyrene carryout containers.

Bath: Ban on single-use plastic bags, 5 cent fee on paper bags with escalating fee to 15 cents after third year.

Rockland: Ban on single-use plastic bags and foam containers.

Blue Hill: Ban on single-use plastic bags.

Manchester: Ban on single-use plastic bags.

Source: Natural Resources Council of Maine

plastic bags in retail stores 340-237, according to town officials.

In doing so, Manchester became the first community away from the coast to ban or charge a fee for plastic bags, Lakeman said.

Portland led the way in 2015 by instituting a five-cent fee on paper and plastic bags at stores with greater than two percent food sales. Since then, oth-

ers have followed suit with various types of ordinances, including: York, which banned all plastic carryout bags in 2016; Belfast, which banned single-use plastic bags and polystyrene carryout containers in January of this year; and Blue Hill, which instituted a ban on single-use plastic bags, a new requirement that took effect this summer, according to NRCM.

York Town Manager Stephen Burns said concerned residents brought the idea forward to the select board three years ago and after working with the local chamber, the board sent the item out to voters.

“Plastic pollution in the ocean seems to be in the front of people’s minds,” he said.

Advice for others

Now that it’s been in place for two years, Burns said he has two pieces of advice for other cities or towns considering bans or fees. First, the York ordinance specified that the ban applied to bags with a thickness of 3 mils (3/1,000 of an inch) or less, so some businesses have been able to avoid it by buying thicker bags. While those bags can sometimes be reused, Burns said it was an unintended consequence of the ordinance.

Second, because York has many seasonal businesses, the town had to delay enforcement by a year to give those businesses a chance to use up the plastic bags they had in stock. Voters approved the ballot question in November 2015 after summer shops had closed for the season and the ordi-

nance went into effect before the shops re-opened for the summer of 2016.

“For the merchants at the beach, we gave them a year,” he said. “We told them ‘don’t buy more, but use up what you’ve got.’”

When it comes to enforcement, the York ordinance states that the Code Enforcement Officer will investigate possible violations and issue a written warning for an initial violation. If the problem continues, the business can be fined \$50 for the first offense and \$100 for all subsequent offenses.

Burns said there have been few problems and that the citizens group, Bring Your Own Bag York provided shoppers with free bags to help shoppers make the switch.

More recently, a group of high school students asked the select board to consider banning polystyrene take-out food boxes. Burns said while there was not enough support to move forward with a town-wide ban, he pledged that the town would stop buying Styrofoam products and encouraged the students to work with the school district to do the same.

Belfast did ban the polystyrene take-out boxes and plastic bags starting

in January, said City Manager Joseph Slocum. Prior to that, a citizens group spent a year doing research and building public support for the idea. And while “there were some businesses that grumbled,” Slocum said the community seems to be adjusting to the change.

“People are walking around town with bags going into stores, which is great,” he said.

Slocum said he sometimes forgets to bring his own bags, and does not want to use paper bags, so he either runs home or carries his items by hand. He said the momentum created by the ban led to hundreds of volunteers participating in a citywide cleanup where a lot of plastic was removed from city streets.

His advice for other cities and towns considering bans is to give businesses enough lead time to use up their inventory and to “talk it up in your community.”

“The reality is you almost can’t drive down the road without seeing a plastic bag hanging in a tree or blowing across the street,” he said.

Eventually, he hopes enough cities and towns across the country and world institute bans, which would force

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Dan Pittman is a member of our municipal finance team. He has acted as bond counsel for towns, cities, counties, sanitary districts and other governmental entities to help them find creative and effective ways to build and maintain public infrastructure, including roads, schools, water and sewer systems, municipal buildings and capital equipment. He has also advised tax-exempt educational and charitable institutions about how to partner with their local communities to issue tax-exempt bonds. He also advises tax-exempt bond issuers regarding their ongoing compliance responsibilities, and helps them navigate the complex tax rules surrounding arbitrage and rebate.

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manufacturers to find other ways to cut down on plastic bags and plastic packaging.

Under consideration

While York and Belfast already have bans in place, Damariscotta and Waterville are considering whether to ask their voters in November to approve regulations on plastic bags. In Damariscotta, community conversations on the issue were set to begin in late June and Town Manager Matt Lutkus said he expected "a spirited discussion."

Since including the idea in a recent newsletter, Lutkus said he's gotten feedback from supporters and opponents of the proposed ban. Select Board Member Amy Leshure drafted a proposed ordinance that would ban plastic bags and polystyrene foam containers and after a written warning, allow Lutkus or his designee to levy up to a \$250 fine for a first violation.

One local business owner asked Lutkus to share information with the

select board from Novolex, a plastic bag maker that has launched a "bag the ban" effort. The company provides information to show that paper bags use more environmental resources to produce than plastic bags, that consumers can recycle plastic bags by putting them in bins at grocery stores, and that most consumers do use the bags more than once for waste disposal or packing material.

"Some businesses don't think it's a good idea," Lutkus said. "The underlying feeling is the convenience for customers."

Elsewhere in the state, citizen groups on Mount Desert Island and Kittery are working on bans or fees tailored to their regions of the state, Lakeman said.

Momentum is building in the four towns on Mount Desert Island, with a group called A Climate to Thrive leading the efforts, said Jill Higgins, coordinator for the group. The group, which aims to make the island energy independent by 2030, has a committee

working toward eliminating waste and at the same time, four middle school girls launched their own effort to get an ordinance passed in the town of Southwest Harbor, she said.

In addition, businesses in the town of Mount Desert are working together to try to ban plastic bags and straws, giving another boost to the effort.

"The businesses felt it would be helpful to get an ordinance passed," she said. "It makes it easier with customers."

With all the moving parts, Higgins is hopeful that all four towns on the island – Mount Desert, Southwest Harbor, Bar Harbor and Tremont – will all pass a version of an ordinance that not only bans plastic bags, but single use polystyrene and plastic straws as well.

"All this has been happening pretty fast," she said. "I'm pretty confident it's going to happen in all four towns."

Lakeman said 17 percent of the state's population now lives in a municipality with a plastic bag regulation. While that may point to questions

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about whether a statewide approach is needed, Lakeman said she wants to preserve home rule and is worried that what might pass at the state level would be less comprehensive than what cities and towns opt to do on their own.

“The devil is really in the details with these types of policies,” she said. “I worry that a statewide policy might be weaker than town by town.”

Statewide in California

In 2014, California became the first state to impose a statewide ban on plastic bags at large retail stores, according to the National Conference of State Legislatures. Lakeman said action in California came after many cities and towns enacted bans of their own.

As a state, Maine has twice addressed the issue – first with a 1991 law that requires retailers to provide a place for customers to drop off their plastic bags for recycling and again in 2010 when a working group of state agencies and retail associations laid out the framework for a public awareness initiative aimed at encouraging shoppers to bring their own bags.

In recent years, more and more municipal leaders and residents have come to see the problems with plastic bags, Lakeman said. They’ve been found inside animals who eat them, can be seen in trees and stuck in fences, and they gum up recycling equipment. Recently, ecomaine has redoubled efforts to make the public aware that plastic bags are not recyclable at their facility and that they should not be included with metals and plastics that are sent in for recycling.

“Plastic is great because it’s durable but it’s also a problem because it’s durable,” she said.

If it’s a choice between plastic or paper, Lakeman said paper uses up more natural resources when it’s produced, requiring more energy, water and greenhouse gases to make the bags. While they do break down, she said switching from plastic to paper is just trading one problem for another.

Slocum, the Belfast city manager, said getting the public to understand the need for a ban is important and that there’s a lot of information on the internet to help explain the issue for those who may be resistant to change.

“We weren’t the first, we won’t be the last, but we’re glad we did it,” he said. ■

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Here's how Maine towns and cities try to sell their job openings

The days of putting a 'help wanted' ad in the local newspaper and calling it good are long over. Municipal employment experts offer their assessments and advice.

By Steve Solloway

The City of Portland welcomed 12 recruits to its police department last August, and that number did grab attention in Maine's city and town offices. Filling openings in police departments in Maine in a very tight labor market has been a challenge, if not a struggle.

The 11 men and one woman comprised Portland's largest class of new patrol officers in three decades.

Another number was the source of more envy from those responsible for hiring new municipal employees in Maine. Portland received 500 applicants for the dozen open positions. An aggressive and creative approach worked. A signing bonus of \$10,000 was certainly an inducement to apply.

The problem of filling municipal jobs is compounded by rising salaries and hourly rates in the private sector during this time of low unemployment. Consider aging and dwindling populations in Maine communities, especially as younger generations leave their hometowns for what they perceive as better opportunities, possibly out of state.

The old hiring methods of advertising in local or regional newspapers with relatively brief descriptions of job qualifications and employee benefits no longer suffice. Municipalities need to sell themselves to potential employees in all job classifications. That's a reversal of fortunes that few saw coming.

South of Portland, the Town of Scarborough advertised openings for two mechanics recently. Only four people applied. Liam Gallagher, Human Resources Director for Scarbor-

Steve Solloway is a freelance writer from Hallowell and regular contributor to *Maine Town & City*, ssolloway@gmail.com.

ONLINE RESOURCES

Perhaps the best website for help with recruiting and other personnel-related questions is the one run by the Society for Human Resource Management (SHRM): www.shrm.org

That website offers resource materials on hundreds of topics, including "external recruitment" and "talent acquisition."

The **Maine Local Government Human Resources Association** is another resource. You can see who leads that group – and get contact information – through its website: www.mlghra.org

Maine Municipal Association runs a campaign called Hometown Careers, aimed at increasing awareness about municipal employment. Video and handout tools are available for members to use when talking to high school and college students, and other job candidates. (www.memun.org or www.mainehometowncareers.org)

ough, says he felt fortunate.

"We found two good people," said Gallagher. "We have escaped by the skin of our teeth (a potential staffing problem). But we are on that cusp. I look at our employees who are nearing retirement and wonder how we're going to fill those jobs. But you know how we get things done in Maine. We'll find a way to make it work."

Barbara Gabri, the City of Augusta's Human Resources director, arrived in the state capital nearly three years ago after more than 20 years in the private sector. Gabri quickly learned that the city frequently found its pool of candidates mostly from within, particularly as employees gained job experience and wanted to move up the career ladder.

Gabri's arrival coincided with that pool drying up. The city soon got involved in the first job fair and career day in its history. Gabri worked on building partnerships, turning to local corrections administrators to

provide people to mow the city's 17 cemeteries. She turned to Capitol Clubhouse in Augusta, a vocational rehabilitation program for adults with mental illness.

Another possible source is the University of Maine-Augusta, where students may find positions with the city-owned Augusta Civic Center. Facing a shortage of snow plow drivers, Lesley Jones, the public works director for Augusta, worked with Gabri to provide training for two employees to get their commercial driver's licenses. Gabri found funding through state grants that would pay for training for the two men and pay their salaries while they took a 30-hour classroom course and got behind the wheel of the larger trucks. She also found a driving school and an adult education program in Fairfield for the employees, who together had more than 16 years of working for the Augusta Public Works Department.

The Augusta example of paying

for further training or education for city employees is not uncommon, but it does require more effort.

Tangible challenges

"I really don't have the staff to be creative" said Kelli Chapman, Human Resources Director for the City of Presque Isle. "Our budget is so limited and we're mostly a senior community that's losing population. Finding applicants from finance director to police to heavy equipment operators is difficult.

"We advertise on a few (job) websites, but that becomes expensive."

Andrew Dorr, Town Manager of the island community of Vinalhaven faces challenges that are common to Maine's off-shore islands but not to mainland towns and cities. The expense of living on Vinalhaven deters potential applicants. An employee living on the mainland faces a one-way commute by ferry of about an hour and 20 minutes.

"Not many people want to add that much time to their work day," said Dorr, who looks at neighboring Islesboro and its 20-minute ferry crossing. "That can make all the difference (for a job applicant).

Over the years, Vinalhaven government has discussed housing allowances or subsidies for municipal employees or building new affordable housing. The town budget might be able to afford allowances for one or several of the 20 fulltime employees. If not more, where does the town draw the line?

Dorr, who is also the town's Human Resources director, could get creative in extolling the advantages of an island lifestyle. He could post job openings on numerous websites. Unless islanders are interested the applicant pool will be limited by the cost of living with great ocean views or the commute.

"To work here takes a true commitment," said Dorr. "If we could wave a magic wand..."

Erika Helgerson laughs lightly when she responds to the question of filling job openings for the City of Bath. "I try to be creative every day. I'm always looking for new ideas. Do you have any?"

Helgerson is Bath's Director of Human Resources and Executive As-

sistant to the City Manager. She is also vice president of Maine Local Government Human Resources Association and has an understanding of the breadth of the labor pool dilemma in Maine.

"It does depend on the municipality and the job itself," said Helgerson. "People don't have municipal jobs on their radar. We're going into schools and talking up these jobs, but getting those students into our pipeline is going to take time."

Touting Maine's beauty

In Kennebunk, Human Resources Director Jeri Sheldon paints a somewhat different picture, saying that while "the applicant pool may not be as robust as in past years, Kennebunk has continued to successfully recruit and hire qualified individuals. For mid-manager and manager level positions, I have noticed an up-tick of out-of-state managers applying. In some cases (they are) either moving to the state or wish to move to the state because they fell in love with Maine after vacationing in the area."

Sheldon will tout the charm of Kennebunk's downtown, its proximity to the ocean and the Maine Turnpike corridor. The town may use an outside consultant or recruiting firm to find candidates for the town manager or other high level manager positions. She begins her search for candidates with internal job posting, like most municipalities, then moving on to the Maine Municipal Association's Job Bank and town web site. She will use Facebook and other social media, depending on the job offered.

Sheldon pointed to Kennebunk's own employees as effective recruiters. She learned that a new hire made the decision to apply for the job opening after listening to a current employee talk about the workplace environment.

Gina Tapp, Director of Human Resources for the City of Portland uses all the recruiting tools at her disposal and then some. "For our top management positions, we try to put together a nice brochure that we can post as a link from our regular job posting sites. (The link) takes the applicant to a full description of the city.

"We have found that to compete with other employers at this level we

have to describe much more than just the job. What is it like to live in Portland, Maine? What is our community like?"

The five-page online brochure goes right to descriptions of Portland's art district, its historic buildings and of course its vibrant Old Port scene of restaurants and pubs. There's a brief description of Portland's city government, how Portland works and how it plays.

Portland has about 1,400 full-time employees. Some sectors, such as nursing positions at the Barron Center, the city's long-term care facility, have more frequent openings that must be filled. Tapp still uses print ads in newspapers but the focus is on several job posting sites, from the MMA job bank to the Maine Career Center site to Live and Work in Maine. Social media accounts are also used.

Portland is the state's largest city and it does have benefits that smaller Maine towns might find financially difficult to match. Portland has its own self-insured health insurance plan and attractive monetary incentives through its Wellness program.

Tapp also gives an example of another benefit of a high school student working part-time for the city and going on to attend the University of Southern Maine at 50 percent tuition while they earn a degree.

Despite the pro-active measures, Tapp "would grade us overall at a C-plus and improving, with the Police Department getting closest to an A with their outreach efforts." A major part of that outreach was led by Kate Phelan, an officer who was asked to devote all of her time with recruitment efforts, answering questions and taking care of whatever issues popped up using social media.

"I believe we are on the right track," said Tapp. "When we get better connected (with) our high schools and higher education institutions to strategically build our pipeline of qualified candidates, that is when I think we can really be able to say we're getting recruitment right.

"Young people need to be introduced to the type of municipal careers we offer and convinced that public service can really be a worthwhile and meaningful way to go to work." ■

Municipal employment, recent veterans described as ‘natural fit’

There are many reasons for towns and cities to consider hiring military veterans, experts say. Experience with a culture of public service is one of them.

By **Stephanie Bouchard**

As any employer in Maine will tell you, finding help is hard these days. But a state-sponsored recruitment campaign seeks to ease that challenge by connecting employers with a sought-after group of job candidates: military veterans.

The Maine Department of Labor’s CareerCenter and its partners launched the Hire-A-Vet job fair program in 2015 to enhance the employment pipeline between employers and veterans. Participation is free for employers and job seekers.

While the CareerCenter is happy to connect veterans and employers all year round, during the active Hire-A-Vet campaign, the goal is to get 100 veterans or members of military families hired in 100 days.

Last year, 154 employers participated in the campaign, and 296 veterans were hired, said Auta Main, the CareerCenter’s veterans’ program manager and a veteran herself. This year’s campaign kicked off at the end of August with 251 employers participating.

Cities such as Augusta and Portland are among the municipalities participating in the Hire-A-Vet campaign. Both cities value military service in potential employees, say their human resources representatives, and, with competition for talent so tight now, recognize the importance of reaching out to veterans through recruiting activities like Hire-A-Vet.

The City of Augusta never worried about its workforce candidate pool because it always had more applicants than the city knew what to do with, says Barbara Gabri, Augusta’s human resources director. “Now we’re in the

Stephanie Bouchard is a freelance writer from Bath and regular contributor to *Maine Town & City*. stephanie@stephaniebouchard.net.



Photo from the Hire-A-Vet event at the Augusta Civic Center. (Photo by Jen Smith)

same boat as many, because we’re seeing so much retirement,” she said.

In order to fill open positions, the city stepped up its recruitment efforts, including participation in the Hire-A-Vet program, which, Gabri says, has been a positive experience.

Always prepared

“I – honestly, in my 20-plus years of recruitment – have not seen a more prepared job-seeking candidate pool,” she said.

Veterans who take part in the hiring events associated with the program show up appropriately dressed, with professional resumes and prepared with questions, she said. As employees, she said, they are respectful and reliable, and they understand organizational structure, time management and how to follow the rules.

According to a survey released in October that examined veteran hiring practices of businesses, military veterans as a talent pool are in demand

across the country because of what they offer employers.

In the survey by Orion Talent, a national employee recruitment agency specializing in working with those with military experience, businesses report they are recruiting veterans because of their high level of performance, commitment, experience and versatility.

Veterans often have skills that can transfer to the jobs needed by municipalities, noted Mark Cafiso, a veterans’ employment representative for the CareerCenter and a veteran. For instance, they may have operated large vehicles during their military service and those skills can transfer to driving commercial vehicles, such as plow trucks, for cities and towns.

Human resources representatives from Maine’s municipalities say that they also value veterans for their service-oriented ideology.

“They can understand right away as a public servant what that actually means: that they are here to perform

services for others, not the other way around,” Gabri said.

‘A natural fit’

Having a service mindset is “integral” to those working on the police force, said Clarkson Woodward, the principal administrative officer for the Portland police department. Forty-eight of the Portland’s police department’s 161-person work force are employees with military backgrounds, she said. Of the 10 of the police department’s employees currently training at the Maine Criminal Justice Academy, five of those are veterans, she said.

“We value military service,” she said. “It’s a pretty natural fit.”

Besides being an active participant in the Hire-A-Vet program, the Portland police department took the step of becoming an approved job training site for the GI Bill. “It’s a pretty big financial incentive,” for veterans, she said. Being an approved job training site helps the police department compete against other employers that may offer bigger salaries, she said, and it was a simple process to get approved.

It is “wicked easy” for municipalities to get approved as a GI Bill job training site, said Robert Haley, director of the Maine State Approving Agency for Veterans Education, and, since there are no costs to the municipality, serves as a powerful recruitment and retention tool.

The municipality provides on-the-job training and regular wages to

HIRE A VET RESOURCES

To learn more about becoming an approved GI Bill job training site, contact Robert Haley at 207-582-2100 or robert.haley@maine.edu. To learn more about the program, go to www.msaa.maine.edu

In October, the Disabled American Veterans (DAV) released a free employer guide for hiring and retaining veterans with disabilities. “The Veteran Advantage: DAV Guide to Hiring and Retaining Veterans with Disabilities,” describes what financial incentives are available to employers and their veteran-employees; offers recruiting, hiring and retention strategies; explains military culture and what the transition to civilian life is like for veterans; and delves into injuries like traumatic brain injury.

To download this free guide, go to: <https://www.dav.org/wp-content/uploads/HiringGuide.pdf>

Maine’s CareerCenter has a four-part training series on what it means to work with veterans, including understanding military culture and the needs of veterans. To watch these training videos, go to:

https://youtube/06ExCOLD5_E

<https://youtube/rGsYOa3N7ZY>

<https://youtube/qvOLHWdT2-8>

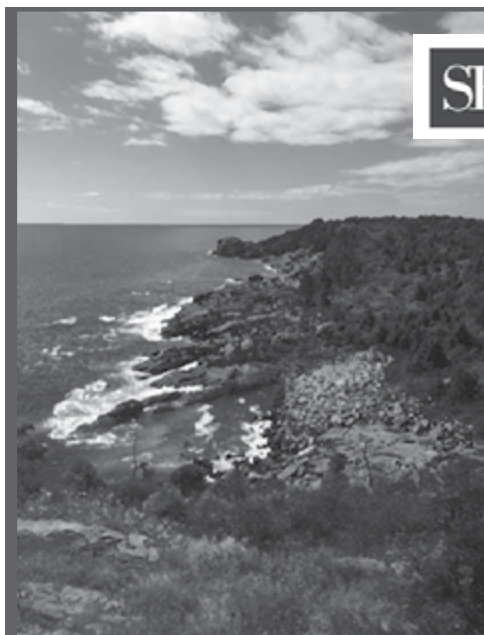
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employees who are GI Bill benefits-eligible. Those eligible employees/veterans can get thousands of tax-free dollars from the federal government.

“To be able to offer what, frankly, amounts to a recruiting bonus of \$5,000 to \$15,000 that doesn’t cost them (municipalities) anything – gee, that’s pretty cool,” he said.

The employing municipality has to contact Haley’s office and provide documentation of the training program the veteran will be in as an employee. If a municipality doesn’t have documentation for the training program, no problem, he said. He will help create that documentation.

Haley’s office then prepares most of the paperwork the municipality needs to apply as an approving job training site. To qualify, the training program must last at least six months and is capped at five years in length. Once approved, all the municipality has to do is keep track of the veteran’s training hours and send that informa-

tion to the Veterans Administration once a month.

If you’ve recently hired a veteran, but aren’t a job training approving site, you haven’t missed the boat. Haley’s office can approve your program retroactively up to a year.

Even for small municipalities,

Haley said, getting approved is a “no brainer.” Having the ability “to leverage what amounts to a recruiting and retention bonus of several thousand dollars that doesn’t cost you a dime – that generally is going to give you an edge on the competition in a limited labor pool,” he said. ■



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Scenes from the 82nd MMA Convention

Photos by Ben Thomas

Augusta Civic Center • October 3 & 4, 2018



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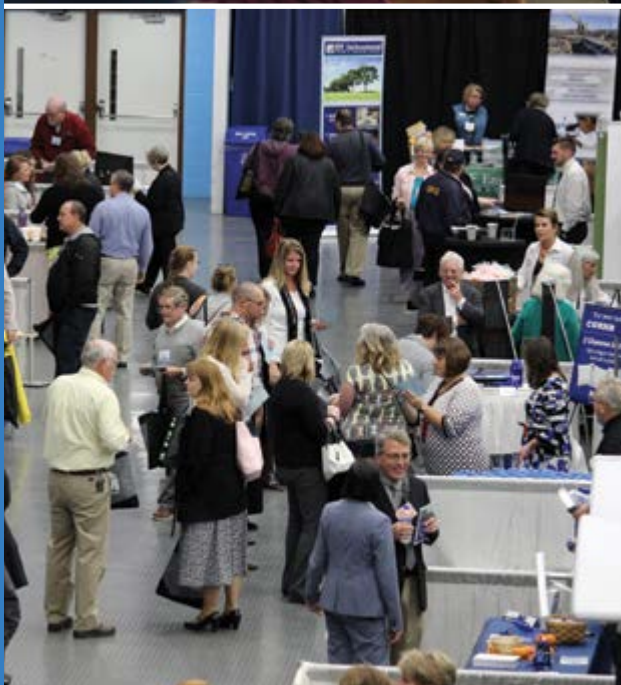
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Scenes from the 82nd MMA Convention

Photos by Ben Thomas

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PEOPLE

Byron voters recently elected **Rick Comstock** to fill the term of **Anne Simmons-Edmunds**, who resigned in May after a decade as a selectperson. Comstock will serve until the 2019 annual town meeting next March. A Byron native, Comstock works for a health care facility in Augusta. He was one of two people nominated from the floor of the special town meeting, but the second person declined the nomination.

Beating out 20 other candidates, **Stephen Fields**, former Human Resources Manager in the Maine Attorney General's Office, was hired as Westbrook assistant city administrator. The City Council restructured the assistant's job to focus on human resources after the city's school department ended a nine-year agreement to share a human resources director. Previously, the assistant administrator focused on community and economic development. Fields also will provide support and management for city services and operations. Fields applied for the job because he wanted to return to municipal work. He has worked in various roles for several New England communities, including Biddeford. He served part time in the National Guard from 1989 to 2007 and full time for 10 more years.



Sandra Fournier

Sandra Fournier, former Eagle Lake town manager, was hired recently as Aroostook County deputy administrator, based in Caribou. Fournier holds a bachelor's degree in business administration after earning an associate's degree in business. An advisory committee earlier this year recommended the new position to make the

office as responsive and productive as possible. Fournier was hired in October 2014 as Eagle Lake manager and was given the leeway to continue working for the northern Maine town until its tax commitment work was completed this summer.

Keith Gautreau has been named Portland fire chief, replacing **David Jackson**, who retired in April. Gautreau, assistant fire chief at the time of Jackson's retirement, was named acting chief. He moved up the department ranks over 23 years, from firefighter to lieutenant to captain before being named assistant chief. Gautreau also worked as the department's fire service educator for many years.



Michael Pardue

The Town of Kennebunk and its manager, **Michael Pardue**, recently received the Patriotic Employer Award from the U.S. Department of Defense for the support provided to a municipal employee who was deployed to Iraq for the past year. The employee, **Nate Jackson**, nominated Pardue for the award for the help and support he gave both to Jackson and his family. Jackson, of Saco, worked for the town for just six months before being called up by the 325th Military Intelligence Battalion, based at Fort Devens, Mass. He said knowing that his job was waiting for him and that the town was supporting his family in his absence gave him comfort during his time in the Middle East. At Christmas, town employees donated gifts and toys for Jackson's wife and three-year-old son, and they were delivered by Pardue in a snowstorm.



Ronald Rodriguez

Ronald "Ronnie" Rodriguez is the new Winslow fire chief. Rodriguez is a former longtime battalion chief for the Fairfax County, Va., Fire and Rescue Department. The Town Council decided earlier this year to dis-

continue sharing a fire chief with the City of Waterville after the retirement of **David LaFountain**, who served as chief for both communities. Rodriguez, 57, has family in Maine, who he had visited annually before moving to Maine. He also has a son who attends the University of Maine in Orono. Rodriguez worked for Fairfax County, where he was born, for more than 25 years. He was promoted several times before being named supervisor of 60 firefighters and officers at five fire stations, which covered an area of 65 square miles. He has earned many awards over his career, including the Pentagon's 9/11 Response Award. Rodriguez said he is humbled most when he was recognized for serving the public well and helping residents resolve "the reason they punched 9-1-1."

Former Brunswick Assistant Town Manager **Derek Scrapchansky** has taken the same position with neighboring Topsham, effective Oct. 1. Scrapchansky retired in 2015 after serving in the U.S. Navy for 25 years. The town eliminated the assistant's job in 2011 and Scrapchansky will assume the duties that have been spread out among several employees since then. He resigned in Brunswick in May 2017 for family reasons. Thirty people applied for the Topsham job and five were interviewed. ■

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

Eric Conrad: econrad@memun.org

or

Jaime Clark: jclark@memun.org

ANDOVER

The town gained \$20 million in value after a recent town-wide revaluation, resulting in a property tax mill rate drop of 31 percent, or \$7 per \$1,000 in property value. The revaluation was started in summer 2017 and ended this April. The new tax rate is now \$15.70, down from \$22.80. A revaluation typically ends with some properties gaining taxable value, while others lose value. Andover is home to 800 residents and is located 15 miles west of Rumford.

ELIOT

Town leaders and ReVision Energy officials met in late October to watch the start of construction of Eliot's second solar array. Once on line, the new array will produce enough electricity to cover 95 percent of the town's needs and save the town an estimated \$320,000 over 25 years. The latest project calls for installing 384 solar panels in three rows at the former municipal landfill. In 2013, ReVision installed 165 panels on the public works garage roof. The closed landfill abuts the public works garage property. The town will own both arrays, the first next year and the second in five years. Municipalities are leaders in solar power use in Maine for both clean power and money to fund town operations.

FRENCHVILLE

The Bay Shore, N.Y., Fire Department on Long Island donated a 1991 pumper fire truck worth \$500,000 to the northern Maine town. The truck, which officials said was well maintained over the years, will be able to haul more water than the truck that the local department will retire. The truck will be dedicated to firefighter Joseph Riitano, whose family has ties to both the Bay Shore and Frenchville departments.

LEWISTON

A new "church" is providing addicts with clean needles and the heroin antidote, Naloxone, commonly known as Narcan. Jesse Harvey runs the operation out of the back of his Honda hatchback. He also collects used needles, which he drives to Portland or Bangor for safe disposal. Last year, 418 people died in Maine of overdoses and 180 more died in the first six months of this year.

NEW ON THE WEB www.memun.org

2018 Convention Presentations. It's not as good as being there of course, but the Maine Municipal Association has posted many of the Power Point and written handouts that speakers used at our Annual Convention. Look for the convention logo and click on "Presentations."

Cable Television. There has been a flurry of activity at the federal level affecting local control over cable television. MMA's State & Federal Relations staff produced a summary, an update and provided helpful web links.

Online Training. Two of MMA's most popular courses – Moderating Town Meetings and Social Media Dos and Don'ts – are now available for online viewing by MMA members.

Harvey provides the Narcan for free to addicts who cannot afford the cost (\$30 to \$125) or will not get the antidote at a pharmacy because of the lingering stigma of addiction. The "Church of Safe Injection" was launched with less than \$1,000, along with \$1,000 worth of supplies from an unidentified donor. While some medical and municipal officials laud Harvey for his efforts and intent, they cautioned that he is operating the traveling "church" in a gray area of the law regarding needle distribution. Harvey, who is attracting volunteers to help, is not a pastor.

OAKLAND

The town council last month approved reimbursing a property owner \$1,110 for sewer overcharges since 2011. The town registered the property as a duplex, even as the new owner used the home as only one unit over the past eight years. Officials discussed how property owners should know what they are paying and alert the town to errors. All five councilors agreed it was a mistake by both parties, but decided the right thing to do was to repay all overcharges. The quarterly sewer rate in Oakland is \$50, in addition to water consumption. The council made an exception to the town's sewer ordinance, which requires the town to repay overcharges only for up to two billing quarters. Under the ordinance, the property owner would have received just \$100.

OLD TOWN

The company that owns the Rumford paper mill has purchased the shuttered Old Town mill, which comes with 100

acres of land. The owners, ND Paper Ltd., headquartered in Hong Kong, has promised "well over" 100 good-paying jobs. It intends to revamp the mill to use soft pulp rather than hard, since there is an abundance of the soft wood in the region. It also plans to eliminate bleaching operations to focus on the softwood pulp. The company plans to further make the mill successful by operating joint management and administrative work with the Rumford mill. Additionally, the company announced in October it will invest \$111 million in the Rumford mill over the next two years to maintain its current workforce of 650 employees and add 50 more. The new Rumford employees will be paid \$70,000 a year. The mill owners expect to restart the Old Town mill in early 2019 once capital improvements are complete.

WESTBROOK

The city hopes to expand a successful book-sharing program to residents of the towns of Gray and Windham. The Westbrook borrowing program was initiated last summer in cooperation with libraries in Cape Elizabeth, Gorham, Scarborough and South Portland. Patrons and municipal officials in all of the towns like the program and the idea of adding even more communities to the coalition. As long as a resident of any of the towns shows their joint library card, they can check out books and other materials at any of the participating libraries. A decision on expanding the program will be finalized by year's end. ■

MUNICIPAL BULLETIN BOARD

NOV. 29

Planning Boards/BOA: Northport

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on Nov. 29 at the Point Lookout Resort and Conference Center in Northport.

The workshop is designed as an introduction for new or less experienced members, but veterans may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members.

DEC. 6

Elected Officials Workshop: Bethel

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for elected officials on Dec. 6 at the Bethel Inn Resort in Bethel. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting

and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members.

DEC. 18

Elected Officials Workshop: Augusta, Caribou (video)

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for elected officials on Dec. 18 at Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta. The workshop also will be shown via video conference at the Northern Maine Development Commission office in Caribou. The session begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop in Augusta is \$55 for MMA members and \$110 for non-members. Cost in Caribou is \$45 for MMA members. ■

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I certify that the statements made by me above are correct and complete.

Eric Conrad, Editor

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

Use the following link:

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

LEGAL NOTES

Small Cell Wireless Tech – Local Regulation Limited

Small cell wireless technology – 5G networks utilizing small antennas attached to utility poles and rooftops and providing only a few hundred feet of coverage – is coming to the denser neighborhoods and spaces of Maine's towns and cities.

Small cell technology adds to internet speed and capacity and can complement macrocell or cell tower coverage in high-demand areas. But small cell infrastructure, particularly in public places, can also pose safety and aesthetic concerns. The Federal Communications Commission (FCC), however, has significantly restricted local authority to regulate small cells.

The FCC's Small Cell Order (approved Sept. 26, 2018) establishes "shot clock" deadlines for local permitting decisions and limits the fees local governments can charge. The Order also declares that small cells are also covered by the federal Telecommunications Act of 1996, which preempts state and local regulations prohibiting or having the effect of prohibiting deployment of telecommunications infrastructure. The FCC's Order does not prohibit local regulations based on safety or aesthetic concerns, such as spacing or design requirements, but they must be reasonable and no more burdensome than those applied to other types of infrastructure deployments.

The Maine Legislature also considered (and rejected) a bill in early 2018 that would have substantially curtailed municipal regulatory authority over small cells (see LD 1690). We would not be surprised if it or something very much like it resurfaced in the future. (Twenty states have already enacted similar industry-backed bills.)

For an excellent summary of the FCC's Order and the regulatory options still available to municipalities, see the following article by Next Century Cities: <https://nextcenturycities.org/wp-content/uploads/Summary-of-Proposed-FCC-Small-Cell-Order.v2-1.pdf>

Next Century Cities is a nationwide coalition of municipalities promoting next-generation broadband internet for all. So far, six towns and cities in Maine (Islesboro, Lewiston, Rockport, Sanford, Scarborough and South Portland) are members. (By R.P.F.)

MUNICIPAL CALENDAR

ON OR BEFORE DECEMBER 15 — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333-0011 [22 MRSA §4311].

DECEMBER 25 — Christmas Day - a legal holiday (4 MRSA §1051, 20-A MRSA §4802).

DURING DECEMBER — Towns that elect officials by secret ballot under 30-A MRSA § 2528 must make nomination papers available 40 days before the filing deadline. The filing deadline is 60 days before the election date. For most towns with March elections, papers must be made available beginning sometime in December, depending on the date of the election.

BY JANUARY 1 — Each owner or keeper of a dog or wolf hybrid at the age of 6 months or more shall obtain a license for that animal from the municipal clerk (7 MRSA § 3922). ■

New Dangerous Dog Law

Maine has a new law that allows a court to declare a dog to be dangerous and impose a \$250-\$5,000 fine payable to the municipality where the dog resides (see PL 2017, c. 404, eff. Aug. 1, 2018). The court may also, as it deems appropriate, order the dog euthanized, prohibit the owner from keeping dogs, require the owner to post dangerous dog signs, order the dog to be confined or muzzled, require the owner to have liability insurance, and pay restitution to injured persons, among other things. The new law was prompted by several recent serious dog attacks.

The annual municipal license fee for dogs declared by a court to be dangerous has also been increased to \$100 (\$1 for recording, \$98 for the municipal animal welfare account, and \$1 for the State's animal welfare fund). Dangerous dogs must also wear special lifetime dog tags.

The new law also includes analogous provisions for court-declared nuisance dogs. The annual municipal license fee for nuisance dogs is now \$30, but no special dog tags are required.

The law also requires the State's Animal Welfare Program to implement a dog licensing database to track all licensed dogs, including dangerous and nuisance dogs; the database must be accessible to all municipalities and dog licensing agents at no cost.

For a copy of the new law and some helpful FAQs, go to the Animal Welfare

Program's homepage: https://www.maine.gov/dacf/ahw/animal_welfare/index.shtml

For questions, contact the Animal Welfare Program at 207-287-3846 or 1-877-269-9200 (toll-free) or animal_welfare@maine.gov.

For the record, there is no State "leash law" (see "Is There a State Leash Law?," *Maine Townsman*, Legal Notes, May 2016). While municipalities are authorized to enact stricter dog ordinances (see "Dog Ordinances," *Maine Townsman*, Legal Notes, June 2011), State statutes expressly prohibit breed-specific ordinances (see "Banning Pit Bulls," *Maine Townsman*, Legal Notes, September 2014). (By R.P.F.)

Municipalities & Recycling

Question: Are municipalities legally required to participate in solid waste recycling?

Answer: Yes, they are. Although recycling has become much more expensive recently due to a steep decline in the market for recycled materials, municipalities still must demonstrate "reasonable progress" toward the state recycling goal as determined by the Maine Department of Environmental Protection (DEP) (see 38 M.R.S. § 2133(1-A)).

The current state recycling goal is to recycle or compost, by January 1, 2021, 50% of the municipal solid waste tonnage generated each year within the State (see 38 M.R.S. § 2132(1)).

To this end, municipalities must file

LEGAL NOTES

an annual report with the DEP on their solid waste management and recycling practices (see 38 M.R.S. § 2133(7)). The report must indicate how much of each type of solid waste is generated and how that solid waste is managed. The DEP is required to assist municipal reporting by developing a municipal waste stream assessment model.

For an annual municipal reporting form, with instructions, see <https://www.maine.gov/dep/waste/solidwaste/applicationforms/index.html>

For questions on and technical assistance with recycling, contact the DEP's Bureau of Remediation and Waste Management at (207) 287-7688.

Incidentally, municipalities are legally required to provide solid waste disposal services for domestic and commercial solid waste generated within their boundaries – disposal services for industrial waste and sewage treatment plant sludge are optional (see 38 M.R.S. § 1305(1)). This requirement does not mean, though, that municipalities must provide curbside pick-up or a local transfer station or even that disposal services must be "free." Many municipalities satisfy this obligation by simply contracting with a licensed facility to provide access to residents for a fee. (By R.P.F.)

Employee's Right to Review & Copy Own Personnel File

Most (but not all) of what's in a municipal employee's personnel file is confidential and not open to inspection by the general public (see 30-A M.R.S. § 2702(1)); see also "Personnel Records – What's Confidential," *Maine Townsman*, Legal Notes, June 2006).

But a municipal employee or former employee has the legal right to review their own file if there is one (see 30-A M.R.S. § 2702(2)). The request must be in writing, and the review must take place during normal office hours at the location where the personnel files are maintained.

Moreover, under a separate law applicable to all employers, an employee or a former employee or a duly authorized representative has the legal right to copy their own file if there is one (see 26 M.R.S. § 631). Again, the request must be in writing, and the copying must take place during normal office hours and where the personnel files are maintained unless, at

the employer's discretion, a more convenient time and location for the employee can be arranged.

Upon request, an employee is entitled to one free copy of their file each calendar year. The cost of all other copies requested during the year must be paid by the requester.

If personnel files are maintained in a form other than paper, the employer must make available to the employee the equipment necessary to review and copy the file.

Any employer who, following a request and without good cause, fails to provide an employee with an opportunity to review and copy a personnel file within 10 days is subject to a civil penalty of \$25 for each day thereafter up to a maximum of \$500. An employee or the Maine Department of Labor may also sue for release of the file, and if successful, the employer may be held liable for costs including attorney's fees.

Incidentally, municipal personnel files

are subject to the Maine State Archives' Local Government Record Retention Schedules. These schedules are new (May 2018) and replace the Archives' Rules for Disposition of Local Government Records. Personnel records are governed by Schedule 4. The new schedules can be found at <https://www.maine.gov/sos/arc/records/local/localschedules.html>. (By R.P.F.) ■

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