

March 2013

maine townsman

The Magazine of the Maine Municipal Association



**‘UPHOLD THE LAW’
Clerks Handle Marriage
Change with Aplomb**

ALSO IN THIS ISSUE:

2013 Technology Conference / Budget Series / History of Revenue Sharing / GA Changes

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Municipal Technology Conference

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Are you in charge of your technology or is it in charge of you? That's the central question that Ted Janusz, keynote speaker at MMA's April 30 Technology Conference, will pose to his audience.

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Maine underwent a seismic shift in legal marriage last December when same-sex couples gained the right to wed. The state's leading municipal clerks say their peers handled the change well because their missions are pretty straightforward: Follow the law.

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COVER PHOTO: This photo by freelance photographer Jeff Pouland shows Clerk Kathy Montejo working with records at Lewiston City Hall.



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A Message From MMA



By Eric Conrad, Editor

21st Century Lineup at Municipal Technology Conference

Are you in charge of the technology in your life or is it in charge of you?

That question will be explored by Ted Janusz, a high-energy, sought-after national speaker who will address attendees at the upcoming Municipal Technology Conference (April 30) about consumer trends, time management – and how both of those subjects intersect in our personal and professional lives.

Janusz, an author, social media expert and marketing consultant, sums it up like this: “The key to success with technology is to make it be your slave, not your master.”

That’s not as simple as it sounds.

For example, Janusz, who has spoken to more than 500 organizations and groups from Puerto Rico to Alaska, offers this factoid: Americans today spend more than 120 minutes each day on their smart phones. But they spend about 12 of those minutes using the smart phone as an actual telephone.

“The smart phone has become the default remote control for our lives,” said Janusz, who graduated from Slippery Rock University in Pennsylvania and holds a Master of Business Administration degree from the University of Pittsburgh. “Our smart phones can do so many things.”

That is both a blessing and a curse, which is why time-management during these high-tech times is more important than ever. “A lot of people prioritize and set their schedules at work by opening their emails first,” he said. “That’s a mistake. Most emails are urgent but not important.”

Janusz instructs that a high level of professional productivity, organization and effective use of time starts where it always has – in our heads. People need to prioritize their work days in advance, preferably as the last thing we do before leaving work or the first thing in the morning. “It sounds simple, but you have to plan your day,” he said.

Maine Municipal Association is proud to host the Municipal Technology Conference on April 30 this year at the Augusta Civic Center. We want to thank our co-sponsors, the Maine GIS User Group (MeGUG) and ConnectME Authority. The all-day conference is packed with excellent and timely workshops. For the complete agenda and for registration information, please turn to P. 21 or visit our website.

TRACKING THE PROPOSED STATE BUDGET

As many municipal leaders no doubt know, the proposed 2014-2015 state budget would deal several blows to town and city budgets – and ultimately to property taxpayers – if it is enacted as written.

MMA on Feb. 15 launched a website that will track the budget throughout the current Legislative session and, ultimately, will include roll call lists of lawmakers who vote for and against it and who vote on related measures, such as bills that would begin to reinstate the oft-raided municipal revenue sharing fund.

The website is divided into five key subject areas: Key Facts; Impact Data & Analysis; Resolutions & Local Action; Municipal Collaboration; and, In the News. We encourage members to visit the site through our home page, www.mmun.org, or through the new site’s own domain name, www.memun.org/Maine-TaxShift. We welcome your feedback and suggestions.

MEDIA MEMORIES

On Feb. 14, MMA won an important ruling in federal court pertaining to a lawsuit filed in 2010 by the Maine Heritage Policy Center. The Policy Center had alleged that MMA violated a few plaintiffs’ civil rights by participating in five citizens’ initiative election campaigns between 2004 and 2009. U.S. Chief Judge John A. Woodcock, Jr. last month ruled in favor of MMA on every federal claim. (His ruling

can be read at MMA’s website.)


If you go back to the day when the lawsuit was filed – June 2, 2010 – many newspapers, television and radio stations covered a Heritage Policy Center news conference announcing the filing. It received prominent air play that day and landed on many newspaper front pages the day after.

Two and a half years can seem like a long time and for some Maine media outlets, indeed it was. Within a few hours of receiving Judge Woodcock’s 56-page ruling, MMA sent a media release statewide and started calling news outlets that covered the 2010 press conference. Few of the assignment editors contacted remembered the lawsuit’s filing.

Still, some did better than others following through and reporting about the ruling.

The Sun Journal newspaper of Lewiston carried Judge Woodcock’s ruling on its Feb. 15 front page, matching the prominence of its coverage from June 2010. While the Portland Press Herald’s Feb. 15 print edition carried its article on an inside page, it was first out of the gate on Feb. 14 with a website article about the ruling. The Bangor Daily News ran its article on an inside page on Feb. 15. The Kennebec Journal in Augusta played the article on the front of its Local & State section on Feb. 16.

TV and radio? Pretty much yawns all around. No television station that we know of reported on the judge’s ruling, though several covered the 2010 news conference. Maine Public Radio, which had two substantive reports on the lawsuit’s filing, made quick mention of the judge’s ruling on the morning of Feb. 15.

There may not be a lesson here, but it seems fair to conclude that when it comes to civil lawsuits, some in the media show more interest reporting on initial allegations than on the subsequent, and more substantive, legal outcome. 



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Clerks Handle Same-Sex Marriage Law with Ease

By Douglas Rooks

For a law that was enacted only after much turmoil – two trips before the Legislature, and two statewide referendums, complete with millions of dollars in campaign spending – Maine’s same-sex marriage law went into effect on Dec. 29 with remarkably little fuss.

Town and city clerks, who must issue a license for a marriage to be recognized by the state, say that it’s resulted in no big changes in their work, though they recognize that people continue to have differing views on the change.

“Clerks see this just like any other law. For us, it’s all about upholding the law,” said Kim McLaughlin of Old Orchard Beach. “You give it to us and we carry it out. To be honest, I haven’t heard one issue raised about it.”

McLaughlin is also president of the Maine Town & City Clerks’ Association, and said there was an informal survey of how many municipalities expected to open on Dec. 29 – a Saturday – and how many offer marriage ceremonies as well as licenses, but there wasn’t a large enough response to draw any conclusions.

To those who wonder why anyone would want to get married in an institutional setting like a municipal office, Susan Mooney, city clerk in South Portland, said it’s simple.

“Some people want to spend \$30,000 putting on a show for the day. Others prefer to keep it a lot quieter.” She added, “I wouldn’t want to be married in a city hall, but that’s just me.”

South Portland was one of a number of municipal offices that did open on Dec. 29, from 8 a.m. to noon but, like most offices that did so, the city saw less than the expected influx of couples. In all, Mooney performed four marriage ceremonies that morn-

ing, three for same-sex couples and one involving a man and a woman.

Mooney was one of several clerks who said she believed it was important to mark the first day with a welcoming atmosphere. “I have friends who are gay who have been waiting a long time for this, and we’re happy that it can happen for them, too,” she said.

FORMS CHANGED

The marriage ceremony is essentially the same but the new license forms the state supplies now use the term “spouse” as well as husband and wife. The change will allow the statistical tracking of same-sex and heterosexual couples.

The state made them available for the first day though, as McLaughlin pointed out, “We got several reminders not to use the new form before the actual date.”

Brewer was another community that opened Saturday to offer licenses, though it doesn’t offer marriage cer-

emonies at city hall. Clerk Pam Ryan said she issued one license that day, and only two since then.

Everything’s gone smoothly, she said. “People seemed to know the law pretty well.” Two of the same-sex couples were from Brewer, and the other was from Alabama, where same-sex marriage is not legal. “They came here because they’re from the area, and hope to be back some day,” Ryan said.

Maine law imposes few requirements surrounding marriage. Any notary public – and there are thousands – is authorized to perform marriages, as are all recognized members of the clergy. A marriage license costs \$40 and there is no waiting period before the ceremony can take place. Maine residents must obtain a license at a municipal office in the town or city where one of them resides, but non-residents can receive a license in any community.

If there was any controversy surrounding implementation, it may have



Waterville City Clerk Patti Dubois



South Portland City Clerk Susan Mooney

arisen from a misunderstanding. Two men applied for a marriage license the first week at the Litchfield Town Hall, and received one, but also asked about being married there.

The response they received was that the marriage couldn't be performed, but that was because the town doesn't perform marriages for anyone. Town Manager Michael Byron later recommended, and selectmen adopted, a formal policy saying that the town doesn't

offer ceremonies, only licenses.

Adopting a written policy has been one of the state's recommendations to towns and cities. Most municipal offices already have a practice of offering or not offering marriage ceremonies, but in many it hasn't been formalized.

Susan Mooney said "it's not unusual" for municipal offices to offer the additional service, though she doesn't know exactly how many towns and cities do.

In the capital area, clerks in Gardiner, Augusta and Hallowell got together to offer the same hours on Saturday, Dec. 29, with only Gardiner offering ceremonies among the three.

Gardiner City Clerk Deirdre Berglund said that one marriage took place on opening day, performed by Tax Collector Kathy Cutler. Berglund said the city council decided to celebrate the new law with the Saturday office opening, which she said was unusual but not unprecedented.

SAME-SEX MARRIAGE: OTHER STATES

Until 2004, no state allowed same-sex marriage. Now, less than a decade later, nine do, and more could be added to the list through legislative action this year.

Maine's Legislature passed a bill to authorize same-sex marriages in 2009 that, at the time, would have made Maine the fifth state to allow gay and lesbian couples to marry. But in a people's veto referendum that November, voters rejected the law by a 53-47 percent margin.

Three years later, supporters organizing as Equality Maine got the question on the ballot again. This time, a nearly equal proportion of Mainers swung in favor of the question on Nov. 6, 2012. When the law took effect Dec. 29, Maine was the eighth state to allow same-sex marriage.

Massachusetts was the first, in 2004, followed by Connecticut in 2008 and Iowa and Vermont in 2009. Since then, New Hampshire, New York, Washington and Maryland have approved similar laws, as has Washington, D.C.

Rhode Island is the only one of the six New England states not to have such a law. The House there passed a marriage bill in January, which is expected to be considered by the Senate before adjournment in May or June. Rhode Island, along with New Mexico, does recognize same-sex marriages granted by other states.

Several states that offer civil unions, such as California, also have voter-initiated constitutional amendments forbidding same-sex marriage, although that, too, may be subject to change. The U.S. Supreme Court is hearing a challenge that could lead to overturning the California amendment.

SATURDAY OPENINGS

"We've opened on other Saturdays for voting and for absentee balloting," she said. And, she emphasized, other business could be transacted and many residents took advantage of the opportunity. "I was surprised at how busy it was," she said. "We sold hunting and fishing licenses and lots of people paid their taxes, perhaps because it was the end of the year."

The only concern she heard expressed was whether it cost extra to open the office, which it didn't. "The tax collector adjusted her hours and the rest of us are salaried," Berglund said. "I'd say the city made money, actually."

In Lewiston, City Clerk Kathy Montejo's office, which also performs marriage ceremonies for Lewiston residents, did not open on Dec. 29, basically because demand was not there.

Another factor in whether offices offer marriage ceremonies is the re-

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lationship with local notaries. In Old Orchard Beach, Kim McLaughlin said, there are several notaries that offer same-day service, and she said, "We don't want to compete with them for the business. They do a good job, and we don't feel it's necessary for the town to do it."

In South Portland, which does do ceremonies, Susan Mooney sees it differently. "We do sometimes get asked by notaries if we can list them, but we don't, because if we did it for one person we'd have to do it for everyone."

When the law first passed, there was speculation that Maine might become a "marriage destination" for couples with ties to the state, or some who simply like the state's ambience that draws hundreds of thousands of visitors each summer.

McLaughlin said that Old Orchard Beach does see an upswing in marriage license applications during the summer, but declined to offer a prediction on whether that might hold true for same-sex couples as well.

In Waterville, City Clerk Patti Dubois said that initial demand, as elsewhere, was lower than expected. In all, the state reported 44 licenses issued

on Dec. 29. Waterville wasn't open on the first Saturday, and issued only two licenses to same-sex couples in the first week. And though the city has long offered marriage ceremonies, usually only about two or three couples a month choose that option, she said.

Other than the new state form, and a few minor wording changes in the ceremony, Dubois couldn't think of any differences prompted by the new

law. "The law is pretty well understood, both by the clerks and the people who've come in to the office," she said.

But though the ceremony may be the same, she said, "It has to have a lot of meaning for people who've been waiting so long for the law to pass." **mt**

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

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Maine and Canada Come Together to Grow

By Lee Burnett

In two regions of Maine, communities are reaching across the border to Canada in pursuit of joint economic development opportunities. Cross-border collaborations are uncommon due to the complexities of working around conflicting government processes and priorities, which makes these initiatives particularly noteworthy:

- Calais and St. Stephen, New Brunswick, which already share a festival and college students, are teaming up in the fundraising for a \$15 million civic center in St. Stephen and in pushing for the proposed east-west highway across Maine.
- Madawaska, Edmonston, NB and other communities in the St. John River Valley are exploring joint tourism promotion and a host of other ways to extend the benefits of the 2014 World Acadian Congress, which is expected to draw 50,000 visitors and \$55 million to the region.

Cross-border economic development is an untapped opportunity for border communities, according to a business location firm working for Calais. As part of its work, CWS Consulting Group of Newton, Mass. analyzed economic development initiatives in four border areas: the Pacific Northwest; Niagara Falls, N.Y.; Sault Ste. Marie; and, Ogdensburg, N.Y.

“While some communities work with their cross-border counterparts, as of this date, no true joint economic development marketing takes place. Barriers such as competition and different administrative systems hamper the establishment of a cross-border, economic development region,” according to the report, authored by CWS President Christopher Steele.

Steele says misconceptions arise with cross-border economic development, which many people associate with shopping opportunities created by the U.S.-Canadian dollar exchange rate. “Traditionally, that’s the overwhelming approach,” Steele said, during a recent interview.

But cross-border shopping tends to be a competitive relationship: To the extent an exchange rate benefits a community on one side of the border, it hurts the community on the other side. Maine communities are current beneficiaries, but that’s only been in recent years. True cooperation involves things like joint tourism promotion, free-trade zones and joint workforce development programs, said Steele.

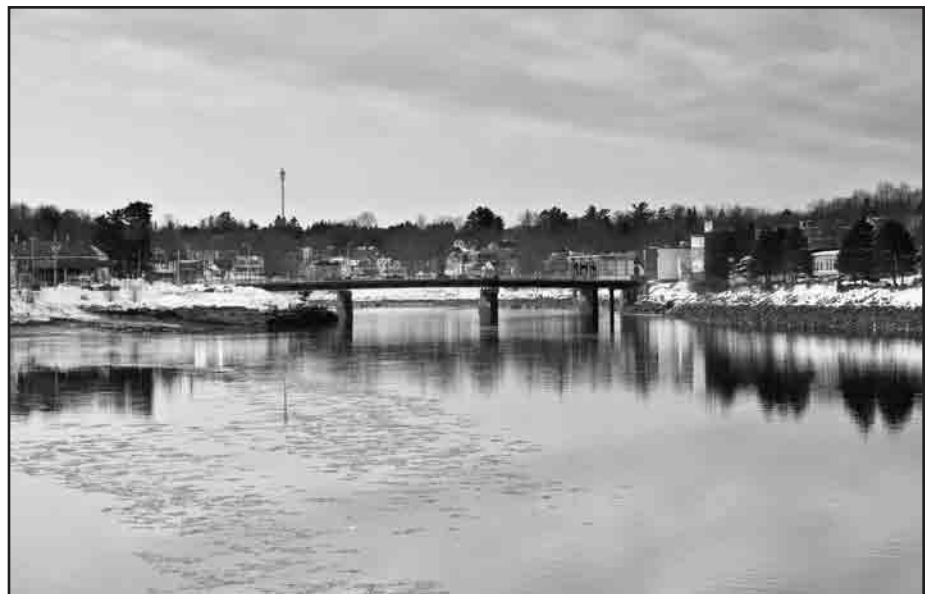
“There’s a real opportunity,” said Steele. “It doesn’t have to be big.”

YOUTH SPORTS DRAW

Calais has tried to do “big” on its own, without much success. Four times since the 1990s, the city backed resort casino development proposals, which were later defeated by the courts, the legislature or by voters. Three separate LNG terminal development proposals have surfaced and died in the past decade.

Meanwhile, positive things have been happening in Calais’ backyard, or more precisely, across the St. Croix River in St. Stephen. A four-lane highway between St. Stephen and St. John, the largest city in the province, was built. The strengthening Canadian dollar has sent more Canadians across the border to shop and eat.

The four colleges in the area – Washington County Community College in Calais, University of Maine



This bridge connects Calais, Maine and St. Stephen, N.B. (Photo by Brad Phillips)

at Machias, New Brunswick Community College in St. Andrews, NB and St. Stephen's University in St. Stephen – allow students to cross-register for classes at other colleges. And finally, after decades of planning, a third bridge between St. Stephen and Calais was built.

“Collaborating on that bridge may be set the tone,” said Harold Clossey, executive director of the Sunrise County Economic Council. “They needed almost a hundred permits, including the signature of the president, to get that bridge built.”

Sitting on opposite shores of the St. Croix River, Calais (pop 3,123) and St. Stephen (pop 4,817) are naturally drawn to each other. For the past 39 years they have jointly celebrated International Homecoming Festival, a fitting event since most families have roots on both sides of the river.

Their loyalty to each other goes back to a fondly recollected event during the War of 1812 when the British gave St. Stephen a large supply of gunpowder for protection against the enemy Americans in Calais. Instead, town elders gave the gunpowder to Calais

for its Fourth of July celebrations.

Today, the communities form the only population center on the three hour drive between Bangor and St. John, NB. Until about a decade ago, St. Stephen's public water system supplied Calais. Today, both fire departments respond to fires in either community.

“The only thing separating us is the river,” Diane Barnes, the City Manager in Calais, likes to say.

So, it was no surprise that when St. Stephen began planning a civic center, its leaders turned to Calais lawyer David Mitchell to head up the fundraising in Calais. Mitchell grew up in Calais, married a St. Stephen woman and raised his family in St. Stephen. Though he now lives in Calais, he still coaches St. Stephen youth hockey.

The close proximity of the two communities made it relatively easy to raise funds in Calais, Mitchell said.

“The way we sold the civic center over here was: If people come to St. Stephen's downtown, they're in our backyard. The retail stores, the grocery stores – they recognized a large percentage of their customers are coming

from Canada. They get it,” Mitchell said. So far, Calais has contributed \$125,000 toward the effort.

CIVIC CENTER DETAILS

The \$15 million recreational center will include a hockey rink with seating for 1,200, swimming pool, indoor track and other amenities. Most of the funding (\$9.4 million) is coming from the province and Canadian government. Construction is expected to be completed this year.

Separately, developers plan construction of a privately financed 90-100 room hotel, an announcement that is stirring additional excitement since it means larger meets and tournaments drawing more distant teams.

“It's huge,” explained Calais Mayor Marriane Moore. “It's going to spill over into Calais.”

The youth-sports focus of economic development seems to be spreading. Mitchell, for example, is seeking to coordinate travel-team basketball tournaments, which are now held on just the four courts on the U.S. side.

“If we include St. Stephen, we could double or triple the number of

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basketball courts and space for teams," said Mitchell. "Games are already happening. There's just no coordination."

Many other economic development initiatives are being explored. "I don't think, it's the secret recipe for these areas," said Mitchell. "What we need are decent paying jobs. People can't stay, if there's no work... The least we can do is keep our restaurants and hotels full."

Calais and St. Stephen also have teamed up to jointly pursue construction of the proposed privately funded, east-west highway, which would tie into the four-lane Canadian highway that ends at St. Stephen.

"Our joint prosperity hinges on the expeditious completion of this worthy infrastructure," according to a letter jointly signed by officials in each community and sent to Cianbro Corp., the Maine-based company proposing to build the highway.

FAMILY REUNION TIME

How does a region that has been losing population for the past half century pursue economic development? For Aroostook County, it has meant

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taking stock of its assets and building on them. The county's bounty of trees and wind, for example, is fueling the development of a renewable energy cluster, construction of the state's first utility scale wind energy facility on Mars Hill and installation of commercial biomass plants at Northern Maine Medical Center in Fort Kent and three schools.

The region is trying to capitalize on its Acadian culture and proximity to Canadian provinces of Quebec and New Brunswick. The region hit a marketing jackpot by being chosen to host the 2014 World Acadian Congress, a scholarly conference and cultural heritage festival held every five years. Some 50,000 people are expected to attend two weeks of events spread throughout northern Maine, northwestern NB and the Témiscouata region of Québec.

The heart of the event are family reunions, which are more accurately described as sprawling clan musters involving hundreds, if not thousands, of people. Some 3,000 people attended

the largest family reunions at the last congress in 2009, according to Jason Parent, director of advancement at Aroostook Medical Center and reunion coordinator.

Promoting family reunions is a way of turning a liability – the region's population loss – into an asset – the strong homecoming instincts of the Acadian diaspora. It builds on Madawaska's experience hosting a single family reunion each year as part of the much-smaller Acadian Festival.

"We have hosted reunions before, but this is on a much bigger scale," Parent said. Next year's goal is to host 120 family reunions, up from 89 families at the last congress in 2009. Communities that are chosen to host receive seed money for planning events. Since, there are only 3,500 hotel rooms within a 50-mile radius of northern Maine, many accommodations will include houses, campgrounds, tents and RV parks.

To build up the region's tourism infrastructure, the U.S. Northern Bor-

der Regional Commission, a federally funded economic development entity, recently awarded a \$250,000 grant to Madawaska, St. Agatha and Frenchville to expand boat launches, RV camping and historic site parking.

So what happens after August 2014? A work group of the World Acadian Congress is starting work on that now with an economic development strategy building off the Congress.

"It's been tried at other Acadian congresses but hasn't really been as successful as we think ours will be," said Alain Ouellette, planning and development division director at Northern Maine Development Commission in Caribou. The early start on planning should pay off, he said. "The whole purpose of our effort is to bring an economic development component to the (World Acadian Congress)."

Likely components of the strategy include support for the creation of a free-trade zone between Canada and the U.S., business promotions and common marketing tools. "What is the economic legacy we can leave through this opportunity?" asked Ouellette.

To help answer that question, planners are conducting business surveys on both sides of the border and an asset-mapping exercise to identify common strengths. One purpose of the survey is to see if there are opportunities to locally source equipment and materials that are currently shipped great distances to local businesses. Some of the regional assets already identified and corresponding opportunities include:

- Idle farms – land for energy biomass crops.
- Dual-language colleges – highly educated bilingual services.
- Extensive snowmobile trails – a common trail pass.
- Registrations for World Acadian Congress – a database of names for promoting future events.
- Outdoor recreation and historic sites – joint tourism promotion.

"Municipalities will be the leaders, it's the only government in the territory," said Francine Landry, economic development director for the Congress. mt

Lee Burnett is a freelance writer in Sanford and regulator contributor to the Maine Townsman, leeburnett_maine@hotmail.com.



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Take Long View During Budget Season

By Liz Chapman Mockler

Brunswick Finance Director John Eldridge III talks about the importance of long-term budgeting and planning rather than only the short-term, as well as how the town might approach the coming year's budget should the governor's plan to suspend state revenue sharing for two years gain legislative approval.

Q: *Why did you choose a career in municipal finance?*

A: It was a perfect fit for me. I have always had an interest in finance and government. Public finance allows me to enjoy both of those passions and hopefully make a contribution to my community.

Q: *Gov. LePage has proposed suspending State Revenue Sharing for the 2014-15 fiscal years, among other proposals that would both reduce municipal funding and shift costs from the state to local government. How will that affect the way you build and balance the budget?*

A: If the revenue sharing proposal remains unchanged, I expect we will be asked to present several scenarios with various service levels and property tax impacts. Traditionally, Brunswick's elected officials and residents have been quite active in the budget deliberations. In the end, a budget is a reflection of a community's priorities. As finance professionals, our obligation is to accurately assess the impact of Augusta's decisions and offer strategies to deal with those impacts.

Q: *How could municipal budgeting be improved?*

A: Unfortunately, when it comes to budgeting, there tends to be a very myopic focus. It's this year's mil rate and this year's shortfall. We probably

would do better if we took a more strategic approach to financial planning and the delivery of services. As difficult as it can be, we all should attempt to develop long-range financial plans.

Q: *Do you think cities and towns should have a capital improvement plan, regardless of the size of the municipality?*

A: Yes, regardless of size, every municipality should have a CIP. But each municipality needs to establish a definition of capital that is appropriate to its size. Capital decisions are not easily undone so it's important to engage in a good capital planning process that looks not only at project costs but life cycle costs as well. In many cases, those costs are greater than the original project costs. I should add that all of the major bond-rating agencies consider a CIP to be an essential component of sound financial management.

Q: *How should a CIP be financed?*

A: As a practical matter, most large capital items are financed through the issuance of debt, typically bonds repaid from future property taxes. However, a certain portion of the CIP should be funded from pay-as-you-go methods and reserves. A combination of sources provides some flexibility and can help preserve borrowing capacity. That's important, especially if something unexpected happens.

Q: *Do you think most property taxpayers understand municipal and school finances, municipal services and how they affect tax bills?*

A: I would like to say yes, but at times there seems to be a real disconnect in understanding the relationship between the demand for services and the level of funding required to

provide them. I suppose in some ways the disconnect is understandable. Tax bills are based on property values; they are not a direct exchange for services. But it may be that as public officials we just haven't done a good enough job explaining the connection. At times, we use what I call the "shopping cart" explanation. By that I mean we attempt to say, "This item will add X percent to your tax bill." So items can be "priced" to help understand the tax impact.

Q: *How do you address financial emergencies or unexpected expenses?*

A: It's important to keep adequate reserves so that the municipality has the flexibility and resources to deal with unexpected expenses and emergencies. At a minimum, every municipality should develop and adopt a fund balance policy that sets a minimum level appropriate for that municipality. As part of that development, municipalities need to evaluate their financial risks as well their other reserves. While there are certainly guidelines, each municipality must develop a policy that meets its unique circumstances. You can't just pick someone else's policy off the internet and call it your own.

Q: *How, specifically, do you try to save the municipality money?*

A: I like to think I take a longer view of costs and value. The lowest cost alternative may not result in the lowest life-cycle cost. Early on in my career, I heard an adage that's stuck with me: "There's never enough money to do it right, always enough to do it over." Unfortunately, I think there is a tendency to focus on short-term costs.

ABOUT THIS SERIES

This is the third question-and-answer article in a series about municipal budgeting that the Maine Townsman began publishing in January and will end in April. If you have particular questions you would like asked, please email Eric Conrad, MMA's Director of Communication and Educational Services, at econrad@memun.org.




John Eldridge III is a certified public finance officer who serves as the Town of Brunswick's finance director, a position he has held for nearly 25 years. He previously served as a town manager in the towns of South Berwick and Bradley. He has co-taught Maine Municipal Association's Basic Municipal Budgeting course for more than 20 years and has been a speaker at other MMA seminars and events. During his career, he has served on the boards of numerous groups, including the Maine Public Employees Retirement System Board of Trustees, the Maine PERS Participating Local District Advisory Committee, and the InforME board. John is a past board member and president of both the Maine Government Finance Officers Association and the New England States GFOA. He has also served on the national GFOA's Standing Committee on Cash Management and he is a current member of GFOA's Certification Council. Each year since 1999, the Town of Brunswick has been awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting. John is a graduate of the University of Maine and has completed additional coursework at both the University of Maine and the University of Southern Maine.

Q: *OK, be honest. Something weird must have happened to you over the years in developing a budget or presenting one. Can you share any memories?*

A: Early on in my career, I went to a town meeting during which the meeting voted that the superintendent of schools couldn't speak. This left the school board members alone to defend its budget; a task for which they weren't very well prepared. The school budget was cut and the clear lesson learned was to always make sure elected officials are fully capable on their own of answering questions at town meetings.

Q: *Do you have any parting thoughts for our members?*

A: Although the vast majority of my career has been in the public sector, I spent a couple of years in the private sector, working for a small company. If public sector employees have the opportunity, I would recommend a stint in the private sector. I think my private sector experience provided me with some valuable insight about customer service and revenue generation and certainly has caused me to be more empathetic with those that pay our bills. 

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

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No Spin Zone: History of Revenue Sharing

By Geoffrey Herman, Director of
State & Federal Relations, MMA

Some municipal officials have reported that comments made by their legislators and local reporters suggest that it would be valuable to have access to a concise history of the municipal revenue sharing program. The comments causing concern suggest that revenue sharing:

- Was enacted as a temporary program or a stop-gap measure of some kind.
- Was enacted when the state was so flush with revenue it didn't know what to do with it.
- And, it has always been treated as an appropriation by the Legislature, is raided annually, and like the "55 percent" requirement to fund public education, has never been funded as the statute requires.

A review of the enactments associated with the creation of revenue sharing, as well as the actual history of the program, show those characterizations to be false.

The municipal revenue sharing program was enacted into law 41 years ago, in 1972 (PL 1971, chap. 478). Major enactments at that time were based on legislative "findings". The Legislature's original findings that supported the creation of a revenue sharing program are still found, word for word, in current statute.

"Findings and Purpose. The Legislature finds that:

- The principal problem of financing municipal services is the burden on the property tax; and
- To stabilize the municipal property tax burden and to aid in financing all municipal services, it is necessary to provide funds from the

broad-based taxes of State Government....

.....To strengthen the state-municipal fiscal relationship pursuant to (these) findings and objectives....there is created the Local Government Fund." (30-A MRSA, Section 5681, Sections 1 and 3)

TAX BACKDROP

Just three years before the enactment of municipal revenue sharing, the income tax was first established in Maine and the state's income tax revenue stream was becoming established.

Also, revenue sharing was by no means the only major public policy initiative enacted in 1972 with significant impact for municipal government.

The Shoreland Zoning Act was also put into law in 1972, requiring municipalities to administer the land use regulation system in all shoreland areas.

The "current use" taxation system was also established in 1972, requiring municipal assessors to manage all Tree Growth, Farmland and Open Space enrollments. "Current use" taxation reduces municipal tax revenue associated with all three enrollments.

Just one year later, in 1973, another major transformation of the state's tax policy was enacted under the title "*An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Income Tax.*" (PL 1973, chap. 592). The repeal of the "inventory tax" eliminated a line of municipal tax revenue generated by commercial entities and shifted that tax jurisdiction directly to the state.

In short, the municipal revenue sharing program was established in the context of three driving forces:

- The state was deliberately moving toward a greater reliance on the more progressive system of income taxation and away from the high reliance on the regressive property tax.
- The Legislature was enacting significant municipal mandates and recognized that those obligations should be supported financially.
- And, a component of the property tax base upon which local government relied – commercial inventory – was made exempt from municipal taxation and replaced with a state corporate income tax.

The revenue sharing program was a way to structurally replace that lost municipal tax revenue, provide some generalized financial assistance associated with unfunded state mandates and use a fraction of the state's "broad based" and more progressive tax revenues to blunt the regressivity of the property tax.

PURPOSE: REQUIRED USE

From its inception to today, the municipal use of revenue sharing has been prescribed by law for a single purpose, which is to reduce the property tax rate. That prescribed use was written into the original law and is now found in a separate tax statute (36 MRSA, Section 714). After all budgetary actions of the town meeting or town or city council, and after the "true and perfect" assessing lists have been completed and the value of all taxable property has been determined, the municipal assessors must identify the value of municipal revenue sharing the town or city is scheduled to receive and subtract that value from the

aggregate value of all appropriations. This results in a lower property tax rate. Revenue sharing is a property-tax relief program for all taxpayers in the community.

After its first transition year in 1972-1973, the municipal revenue sharing program became a true sharing program. As a sharing system, a fixed percentage of all state sales and income tax revenue is dedicated by statute to the "Local Government Fund" in such a way that it doesn't

even get deposited into the state's General Fund. The design of a true revenue sharing program has two characteristics.

First, the revenue sharing account (the Local Government Fund) is capitalized "above the line" and does not have to compete with other appropriations made by the Legislature in the process of enacting a state budget. As a matter of design, this establishes a base level of assurance and predictability for the local government recipients.

Second, because it is a strict percentage of all state sales- and income-tax revenue, revenue sharing distributions rise or fall naturally, in accordance with the rise and fall of state revenues. Unlike a fixed appropriation, the revenue sharing distribution falls during difficult economic times. Because of this "natural decline" during tough times, municipalities argue that additional legislative raids on revenue sharing funds, cutting even deeper than the natural decline, are uncalled for.

When first enacted, the Local Government Fund was capitalized with 4 percent of all state sales and income tax revenue. In 1983, the Legislature increased that rate to 4.75 percent and then to 5.1 percent in 1985. Coincidence or not, these increases occurred simultaneously with a major reform of public education, which imposed significant new educational mandates on local government.

In 2000, the Legislature created a revenue sharing supplement, nicknamed "Rev. II" that takes a share of total revenue sharing resources and distributes them to municipalities with disproportionately high property tax rates. When "Rev II" was created, the Legislature increased the rate of sales and income taxes going to the Local Government Fund from 5.1 percent to 5.2 percent to cover the new supplementary distribution.

Although that increase was technically in the law books for several years, that higher rate was never implemented and eventually was repealed. In 2009, the sharing percentage was established at a flat 5 percent in the context of a revenue sharing "simplification" effort worked on collaboratively between the Appropriations Committee and Maine Municipal Association.

The original revenue sharing distribution formula still applies for 80 percent of all revenue sharing. Now nicknamed "Rev. I", the distribution formula is simple. Each municipality's share of the monthly distribution is a factor determined by multiplying the municipal population by its "full value" property tax rate.

The only change to the basic distribution formula is the so-called "Rev II" distribution, enacted in 2000, which takes 20 percent of the Local Government Fund and distributes those resources on the basis of a slightly



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different factor. Under Rev II, the municipality's population is multiplied by its full value mill rate minus 10 mills. By subtracting 10 mills from each municipality's full value mill rate, the Rev II distribution is targeted to those towns and cities with property tax rates well over the state average.

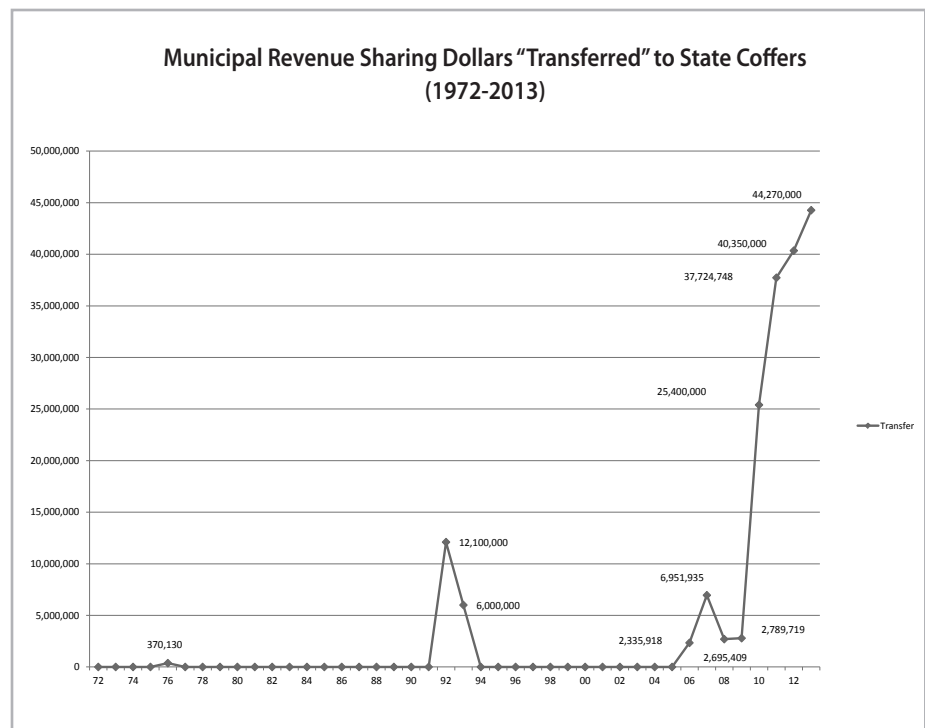
LEGISLATIVE HISTORY

The Legislature is above the law, so even though the program was designed to keep revenue sharing out of the annual appropriations process, the Legislature can ignore that policy if it chooses to. As the data provided on P. 19 makes perfectly clear, the Maine Legislature treated the municipal revenue sharing program with respect for most of its 41-year history. For its first 34 years, there was only one significant legislative raid on the revenue sharing program, coming in the 1992-1993 period. It is only over the last eight years of the program's existence that the Legislature has been taking revenue sharing funds to pay for state spending priorities as an ever-growing matter of course. The practice has taken on an expanding aggressiveness in the past four years. Gov. LePage's proposal to eliminate the program represents the culmination of the state's ever-growing appetite for these "sharing" resources.

No report on the municipal revenue sharing program in Maine can ignore the unfortunate history of the "Fund for the Efficient Delivery of Local and Regional Services."

In 2004, the voters of Maine adopted citizen-initiated legislation with the title "*The School Finance and Tax Reform Act of 2003*." In summary, that Act directed the state to provide 55 percent of the cost of K-12 public education from General Fund resources and comprehensively reform the state's tax code in order to accomplish that result. It should be noted that the citizens' initiative expressly prohibited the Legislature from raiding the revenue sharing program in order to meet its 55 percent obligation, which is just one of many elements the voter-adopted law that the Legislature has either ignored or repealed.

Another element of that enactment created the Local Government Efficiency Fund. The purpose of that fund was to set aside 2 percent of the total revenue sharing distribution and make those resources available



to municipalities or multi-municipal applicants that were proposing to develop potentially cost-effective regional service delivery systems, but could use some start-up capital to make the transition to the new system.

As adopted by the voters, the Local Government Efficiency Fund was not seeking any additional resources for the revenue sharing program. Instead, it was dedicating 2 percent of the existing distribution – approximately \$2 million annually – for the purpose of exploring the regional service delivery efficiencies that lawmakers often claim are abundantly available.

The Legislature's treatment of the Local Government Efficiency Fund can only be described as abusive. Generally speaking, for the five years the program was allowed to marginally exist before it was repealed, the Legislature allowed the 2 percent of municipal revenue sharing to be set aside into the Local Government Efficiency Fund, and then it simply swept those revenues back into the state's General Fund to balance the state budget.

When reviewing the Legislature's treatment of the municipal revenue sharing program over its 40-year history, it would appear that these undisguised legislative raids on the Local Government Efficiency Fund were what whetted the Legislature's appetite for dipping into this property

tax relief resource for state budgeting purposes.

LEGISLATIVE 'FINDINGS'

The only proper way to conclude any history of Maine's municipal revenue sharing program is to reiterate the "findings" that the Legislature made 41 years ago, which formed the foundation of this piece of tax policy that goes to the core of the state-local intergovernmental relationship. The question to be asked is whether these findings are still as accurate, appropriate and relevant today as they were four decades ago. Few municipal officials would argue otherwise.

"The Legislature finds that:

- The principal problem of financing municipal services is the burden on the property tax; and
- To stabilize the municipal property tax burden and to aid in financing all municipal services, it is necessary to provide funds from the broad-based taxes of State Government...

To strengthen the state-municipal fiscal relationship pursuant to (these) findings and objectives....there is created the Local Government Fund." [ME]

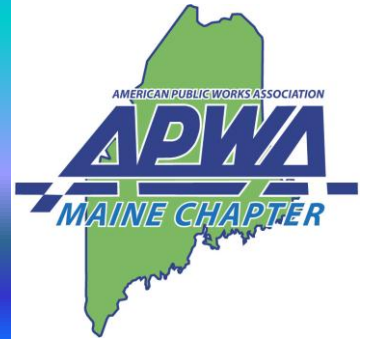
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Registration & Continental Breakfast

8:30 – 9:30am

Keynote Address

Sought-after national speaker Ted Janusz will engage the audience with a presentation on Time Management, Consumer Trends & You. Do you realize that Americans, on average, spend 128 minutes on their smart phones each day, but only 12 minutes using the phone as an actual telephone? Are office emails setting your priorities and controlling your schedule? Mr. Janusz, an expert on social media, communication and technological trends, will lead attendees through the 21st Century electronic maze and show “how to make technology your slave, not your master.”



9:30 – 9:45am

Morning Break/Visit with Partners

9:45 – 10:45am

Maine's FOA Law: Potential and Pitfalls

With the recent changes to Maine's Freedom of Access Act, it is more important than ever for municipal officials and employees to understand how technology plays an integral part in meeting the requirements of the law. This panel discussion reviews legal updates, provides lessons learned and answers your questions.

Presenters: Eric Conrad, Director of Communication & Educational Services, Maine Municipal Association; Jay Feyler, Town Manager, Town of Union; Amanda Meader, Staff Attorney, Legal Services Department, MMA

Managing Email

This session walks you through important email functionality and will help you manage email more efficiently. Overwhelmed with the volume of emails you get? Want to save time sending emails to multiple receivers? These are just a few of the topics to be covered. (Instructor will use Microsoft Outlook as the template and will be available to answer your specific email questions as well.

Presenter: Robert Moore, CEO/President of Mortec Solutions, Inc. & VTEC Technical Instructor

Updated Aerial Photography and Elevation Data for Maine

The Maine GeoLibrary Board is in the second year of a five-year program to update aerial photography for the State, partnering with federal, state, and county government to fund it and optional buy-ups for towns. Hand-in-hand with this is the effort to get improved elevation data (lidar). This presentation will outline the two types of data, common uses, and how your community can participate.

Presenters: Mike Smith, State GIS Manager, Maine Office of GIS/State of Maine, Office of Information Technology; Dan Walters, Geospatial Liaison for Maine, Massachusetts and Rhode Island, USGS NSDI Partnership Office

Virtual Maine: Real Time Visual Situational Awareness

This session will introduce community leaders to a Google-based GIS tool that has been developed to automatically map events that are occurring during an emergency situation and combine that information with numerous GIS databases to analyze potential impact.

Presenter: Bruce Fitzgerald, Deputy Director, Maine Emergency Management Agency

Health Information Technology Implementation (HIT) Challenges, Solutions and Funding at a Local Level

Maine has received national recognition for efforts to expand the effective use of electronic health records, health information exchange and other technology tools to improve patient care and health outcomes in the state. HIT will result in higher-quality coordinated care and more people taking an active role in their own health. It's an investment that has and will continue to reap benefits throughout Maine communities.

Presenters: Dawn Gallagher, Social Services Program Manager, Office of the State Coordinator for Health Information Technology, Maine Department of Health and Human Services; Ralph Johnson, Chief Information Officer, Franklin Community Health Network; David Maxwell, Program Director, ConnectME Authority

10:50 – 11:50am

Email Archiving and Record Retention

Both state and local governments receive requests from citizens and the media for public information. The way information is stored plays an important role in the efficiency and accuracy of providing this information in accordance with law. This session will focus on various technologies available for municipalities to maintain records as well as tips on storing efficiently for quick retrieval.

Presenter: Farokh Karani Lam, Northeast Regional Sales Manager, ArcMail

The Cloud: What's in it for Municipalities?

We keep hearing about “The Cloud” but what is it, really? Cloud computing is the practice of using an Internet-based network to store, manage and process data instead of using a local physical server. Understanding and implementing this technology has the potential to save municipalities time and money. This discussion will focus on defining the “cloud,” various cloud tools and the benefits, as well as possible pitfalls.

Presenter: Victor Chakravarty, Enterprise Architect, Office of Information Technology, State of Maine

Web-Based Records Management for Public Works, Water & Sewer, and Practical Applications of GIS at Portland Water District

This two-part session will focus on the method that Boston Computer Scanning, Inc. has created, through input from public works’ superintendents and crews, an easy-to-use, affordable, web-based records management tool for municipalities. In the second half of the presentation, see practical application of GIS by Portland Water District staff (both ArcGIS desktop and ArcGIS Server) to complete various work functions from locating assets in the ground to managing large projects.

Presenters: Ted Dooling, Boston Computer Scanning, Inc.; Shana Lowe, GIS Analyst/Business Systems Analyst, Portland Water District

Innovation Through Civic Technology: An Introduction to the Code for America Brigade

Across the U.S, local governments are finding new ways to improve the delivery of essential services, significantly reduce expenses and engage new stakeholders by harnessing the power of the open web. Code for America Brigade is an organizing force for local civic engagement - a national network of civic-minded technologists who contribute their skills toward using the web as a platform for local government and community service. This session will examine Maine’s existing traditions of participatory governance and how civic technology can build on them.

Presenters: Andrew Jawitz, Brigade Captain, Code for America Brigade, Code for Maine; Emma Burnett, Brigade Captain, Code for America Brigade, Code for Maine

Municipal Broadband Networks

Broadband networks are essential infrastructure for economic development, public safety, and healthcare. Some underserved communities have taken matters into their own hands and built out local networks. These networks leverage diverse technologies and business models. Representatives from Tilson Technology and Red Zone Wireless will discuss their experience and opinions about municipal networks.

Presenters: Josh Broder, President, Tilson Technology Management; Jim McKenna, President, RedZone Wireless

11:50 – 12:30pm

Buffet Luncheon

12:30 – 1:30pm

Luncheon Address

COAST – Coastal Adaptation to Sea Level Rise Tool – Modeling Cost Avoidance with GIS

The New England Environmental Finance Center (NEEFC) has developed a new GIS-based tool for modeling and estimating losses that are the result of climate change with the aim of developing the practice of smart growth. This modeling will allow communities to analyze specific mitigation strategies and adopt the one most suited toward dealing with the climate change needs of their locale. Currently, utilization of this approach to present the model in software requires a number of separate steps from secondary data collection. NEEFC has developed a free GIS tool in conjunction with Blue Marble Geographics, called COAST. Based on the Global Mapper platform, municipalities can model and estimate these flooding events and publish the data to the public via Google Earth. Patrick will discuss some of the challenges faced with this type of initiative, as well as exploring the benefits of this type of specialized GIS implementation

Presenter: Patrick Cunningham, President, Blue Marble Geographics

1:30 – 1:45pm

Afternoon Break/Visit with Partners

1:45 – 2:45pm

Creating a Data Disaster Recovery Plan

2012 put “disaster recovery” at the forefront of everyone’s minds. What do we do when “x” happens? And when it happens, how is the technology we use affected? From power outages, ice storms, hurricanes or even a random accident – when disaster strikes, you need to have a plan in place to ensure that technology is restored quickly and, when it is restored, that it works.

Presenters: Paul Lawton, Practice Director, Cavan Group; Marc Roy, Solutions Executive, Dell/Global Commercial Channels; Kevin Pazera, Senior Storage Architect, Dell Compellent; Matthew Raymond, Solutions Architect, Dell/AppAssure

Technology, Communication and Your Citizens Part I

We hear the phrase all the time: “Transparency in Government.” But it seems that every technology available has good, bad and ugly, and can be quite confusing. Municipalities can use electronic marketing tools to inform, build relationships and maintain a happy citizenry. Part I will cover how to optimize your municipal website for search engines so citizens can find your content.

Presenter: Ross Lasley, The Internet Educator

Leveraging the Power of Cloud-Based GIS

This session will demonstrate how to create and share maps that can be accessed by anyone through a browser, a mobile device, traditional desktop GIS software or custom application with focus on tools to manage map data through an easy-to-use catalog that allows public sharing or content – to all or specifically designated groups. This session will demonstrate how to make a map using ArcGIS with little or no training.

Presenter: Jon Cassidy, Environmental Systems Research Institute

MaineDOT's Online Map Viewer

MaineDOT has an online Map Viewer that is used to show aspects of transportation infrastructure to municipalities, regional planning organizations and other external entities. This tool helps to facilitate communications and provides a location index for much of MaineDOT's infrastructure data. The public version is available to anyone and can provide a quick and easy mapping tool for basic, municipal needs. This session will provide an overview of the tool.

Presenter: Nate Kane, GIS Administrator, MaineDOT

Gigabit Network Coming To Orono and Old Town

Gigabit Maine Street Internet Network in the Old Town and Orono communities surrounds the University of Maine campus. Panel members will discuss how this network is bringing people from the public and private sector and the university community together to drive innovation and create economic opportunity. The completed network will give the Maine communities an Internet network as fast as any in the world and be one of the fastest business-residential networks in the United States.

Presenters: Fletcher Kittredge, CEO, GWI; Jeff Letourneau, Executive Director, Networkmaine; Evan Richert, Town Planner, Town of Orono; David Wight, Director of Public Works, City of Old Town

2:45 – 3:00pm

Afternoon Break/Visit with Partners

3:00 – 4:00pm

Information Security on a Budget

The technology budget has been cut – again. And, now, you're starting to worry about how secure your information is. The cost of compromised security is so much higher than the cost of implementing and maintaining security for your systems, why is it so hard to keep it in the budget? This session will discuss information security, affordable options available and how to plan for maintenance, upgrades, etc. Most importantly, it will answer the question: "Can we afford to NOT implement or maintain information security?"

Presenter: Dr. Eugene Slobodzian, Practice Director, InfoSecurus

Technology, Communication and Your Citizens Part II

In part II of this session, Ross will continue the discussion by introducing email communication and social media tools as communication tools – not just what tools are available, but how to take charge of social media and email and make them work for your municipality. And, he will wrap up with a question and answer period. Bring your burning questions here!

Presenter: Ross Lasley, The Internet Educator

Low-Cost GIS for Small Municipalities

Often considered beyond the reach of small municipalities, GIS technology is now part of the daily workflow for local government departments of every size. No longer constrained by overly complex software requiring highly skilled technicians, or by expensive acquisition and maintenance costs, municipal officials are learning the value of GIS self-sufficiency. This session will demonstrate Maine-based Global Mapper, a powerful, low-cost GIS software offering that is ideally suited to the challenges of local government operations.

Presenter: David McKittrick, Senior Applications Specialist, Blue Marble Geographics

Innovative Stormwater Treatment and Model Building for Communities

This two-part session will focus on Low Impact Development (LID) techniques like greenroofs, rain gardens and porous pavement as a cost-effective solution for treating pollutants. The second part of this session will demonstrate tools that were developed by the Bangor Area Stormwater Group through an EPA Grant. These interactive land use planning tools were created to develop a user driven process to engage the local communities in understanding the impacts of various planning scenarios on water quality.

Presenters: LaMar Clannon, NEMO Coordinator, Maine NEMO; Judy Colby-George, President, Spatial Alternatives

Overview of RUS Telecom Loan and Grant Programs

Opportunities for federal grants and recent funding formula changes that may benefit Maine will be discussed with a focus on the following programs: Distance Learning / Telemedicine Grant Program, Community Connect Broadband Grant Program, and Farm Bill - Broadband Loan Program.

Presenter: Rob OHara, RUS - Telecom Field Representative, Rural Development, U.S. Department of Agriculture

4:00 – 4:45pm

MEGUG Scholarship/Grant Recipient Presentations & Business Meeting

GA Officials Cope With Budget Uncertainty

By Douglas Rooks

Among numerous municipal aid reductions in Gov. Paul LePage's proposed 2014-15 biennial budget, the cuts to General Assistance have particular significance for local welfare directors. They feel caught between increased demands for assistance and the administration's repeated attempts to cap spending on GA – which, under state law, must be provided to anyone who is eligible.

GA is the “program of last resort” for Mainers who face eviction from an apartment, an empty fuel tank, or a bare refrigerator. It's a longstanding joint responsibility between the state and municipalities.

As Doug Gardner, Portland's Director of Health and Human Services, explained it: “The state sets all the guidelines for the program, and the cities and towns administer it for the state.” He added that the state pays none of the administrative costs; all state funding goes directly to benefits.

For this reason, it's puzzling to municipal directors that the administration continues to try to cap spending on what is, after all, a small state budget line, about \$10 million a year.

“It doesn't make sense,” said Sue Charron, Lewiston's Welfare Director. “It's a needs-based program that doesn't allow discretion. If someone needs a medicine to keep them alive, how are you going to deny that?”

The idea of a cap, and a reduction in “over-threshold” reimbursements for cities with large caseloads from 90 percent to 50 percent, first surfaced in the governor's 2011 two-year budget proposal. It was rejected by the Legislature but has resurfaced in several supplemental budgets, including the one enacted in February. It's also proposed in the fiscal 2014-15 budget plan.

So far, the Legislature has mostly

resisted capping or substantially reducing over-threshold reimbursements but, as the welfare directors note, that's no guarantee it won't eventually be accepted by lawmakers seeking savings wherever they can find them.

That prospect worries them.

“How is (the cap) going to work?” asked Stacey Parra, General Assistance Administrator for Rockport. “Is there going to be a set amount of money every month, and when it's gone, it's gone?”

‘WE CAN'T DENY’

Parra said such a system could leave towns in a difficult position. “You may have already helped a person when that happens. And we can't deny anyone assistance when they're eligible.”

Sue Charron in Lewiston asked: “How do I know what's available? What if I submit \$80,000 in bills and they have to say, ‘Portland beat you to it?’ ”

Doug Gardner in Portland said a cap isn't a sensible way to control costs in the program. “It puts a town in an untenable position. Do you approve a request knowing that there isn't funding for it? Or do you say, ‘We could have helped you on Monday, but not now, because it's Tuesday.’ ”

After lengthy discussion of funding and eligibility issues before the Legislative Appropriations Committee last year, lawmakers commissioned a study from a work group composed of state officials, welfare directors and representatives of Maine Municipal Association, Maine State Housing, the Veterans Administration and a consumer advocate.

The group was charged with finding \$500,000 in program savings, but it also submitted a long list of recommendations to make GA more efficient

and effective in providing benefits. Gardner said the group identified \$833,000 in savings, though this was only part of its mission.

“Making sure people are connected to the right programs is really one of the biggest challenges we face,” Gardner said. Since GA is supposed to be used only for short-term assistance, people who need help may well qualify elsewhere.

A pilot program called SOAR, which aims to coordinate Social Security, SSI disability, and Veterans Administration benefits, gets the welfare directors' strong endorsement.

“It's a good partnership. It's designed to help people get all the information they need to apply, and not face delays and rejection,” said Linda Fossa, Waterville's Welfare Director, who has worked with the programs for 32 years.

Specialists in the Department of Health and Human Services regional offices work directly with municipal officials to cut through the often tangled questions of eligibility. What on the surface might seem like a simple question, such as “Who is a veteran?” can get complicated.

“A lot of people eligible do not self-identify as veterans,” said Gardner. “They might not think of the Coast Guard as part of the armed forces or they might think they have to serve in

wartime or on active duty.”

Fossa said that while SSI disability benefits can provide long-term help for some people now using GA, the application process is tortuous at best. It’s not unusual for two or three years to go by without a determination, she said.

“It’s complicated,” she said. “It’s easy to miss cutoff dates, to find all the documents you need, and get everything together in the right order. That’s where SOAR can really help.”

CASE BY CASE

Municipal programs try not just to pay benefits but to look at each person’s situation. “We do what’s required,” Fossa said, “but we also talk to people about how to look for work and whether they can help themselves by getting a GED. That’s also part of our responsibility.”

One source of agreement between the state and municipalities concerns access to DHHS databases. At the moment, most towns check eligibility by phone and that can lead to delays, particularly in smaller communities with limited office hours. Portland has had better luck with faxes, Gardner said,

but direct access would be far better, both in ensuring eligibility and in paying benefits promptly.

Housing is usually the critical need for those seeking General Assistance, which makes sense because that’s usually the biggest part of any household budget, followed by heating and then food. For fiscal 2012, 65 percent of GA expenditures went for housing and another 13 percent for emergency placements in shelters. Because municipalities pay cash benefits, there’s a perception that there’s a high potential for fraud – a perception welfare directors say is almost entirely unwarranted.

“Could you receive benefits the first time, for an emergency, without being eligible?” said Doug Gardner. “Yes you could, but not after that.” Emergency assistance usually covers only a week and no more benefits can be paid without approval from DHHS.

Since 2008, Portland has expanded its inquiries into applicants’ financial backgrounds, checking bank accounts, employer databases and other sources to make sure applicants are eligible.

“You have to bring receipts to show how you spent the money. I won’t say we’re fraud-free, but this is a tightly

run program with a lot of accountability,” Gardner said.

He said it’s hard to measure the financial impact of the changes because demand for GA mushroomed after the 2008 financial crash and has remained high ever since. But he has no doubt that the impact is significant.

The demand for assistance has gone up just about everywhere. Winthrop’s General Assistance Administrator, Donna Staples, said, “There are a lot of people we’ve never seen before, people who never thought they’d be asking for help.”

In Rockport, where there are fewer requests than in many towns, “homelessness is a real issue,” said Stacey Parra. Without access to a nearby shelter, it can be tricky to find emergency housing in towns far from a large, service-center community, she said.

WATERVILLE BY THE NUMBERS

Approval of requests is far from automatic. In Waterville, Linda Fossa provided detailed figures. Municipalities keep records of both total requests, which can often be half a dozen or more per individual, and “unduplicated” requests, which count

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each person separately. For fiscal 2012, Waterville had 1,847 requests for GA, of which 1,162 were approved and 685 denied. For the unduplicated category, there were 442 requests, of which 283 were approved and 159 denied.

Each municipality is responsible for its own program and determines how to administer it. Budgets vary widely, and the largest cities – Portland, Lewiston and Bangor – see the bulk of the cases.

In Portland, last year's budget for GA was \$8.3 million, with 4,156 people served, making it by far the largest in the state. Lewiston's budget was about \$1 million, with 800-850 people being served annually. Waterville's program is budgeted at \$136,000, while Winthrop expects to spend about \$25,000 and Rockport, \$13,000.

Welfare directors did not see the expected impact of the state's new five-year lifetime benefit limit for Temporary Aid to Needy Families (TANF), a federally funded program that provides basic needs for the poor.

They based budget requests on the state's list of those who faced benefit cutoffs but, for reasons that aren't entirely clear, the actual impact was far

“When you have no place to live in the middle of winter, it's different.”

less. Lewiston expected 100 families requesting GA, but there were actually 41, Sue Charron said. Winthrop was given a list of 60, but less than half that number requested GA, Donna Staples said.

Discontent about the state's role and its intentions continues. The legislative work group completed its work on time but the report wasn't completed until Jan. 29. It was presented to the Appropriations Committee in mid-February – too late to have an impact on the supplemental budget, its original purpose.

Donna Staples thinks the work group's housing subcommittee should have dug deeper. She's concerned about the amounts the program pays for reimbursements to emergency shelters, which she says are based on formulas that don't necessarily represent actual costs.

“Shelters are very important to the system, but they should be accountable, just like everybody else,” she said.

Sue Charron said the Welfare Directors Association has worked for years on ways to make the GA program more effective and accountable but the Legislature hasn't always seemed interested in the recommendations. Lawmakers will get another chance, though, as the biennial budget begins taking shape this spring.

General Assistance is not a large program, as measured by dollars, in either the state or municipal budgets. But it is important.

“This is not like a food bank or a soup kitchen, which people depend on but where they usually have alternatives,” said Waterville's Linda Fossa. “When you have no place to live in the middle of winter, it's different.” **mf**

Douglas Rooks is a freelance writer from West Gardiner and regulator Maine Townsman contributor, drooks@tds.net.

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



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

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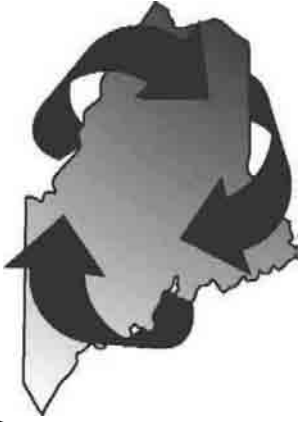
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Butch Asselin, Houlton police chief since 2007, was named Maine Police Chief of the Year by the Maine Chiefs of Police Association. Asselin began his law enforcement career in 1975 as a Skowhegan patrolman and worked his way up to chief by 1997. During his tenure in Skowhegan, he focused on helping children and lobbied Maine's congressional delegation in Washington, D.C., to support Head Start and afterschool programs as a way to divert children away from trouble and toward success and good citizenship. He also testified before a congressional committee about bullying. In Houlton, he launched a Citizens Police Academy and started an annual memorial ceremony for officers killed while doing their jobs. He also started a Halloween safety program to rope off part of the town to keep kids safe. He won the MCPA's President's Award in 2006 and 2012.



Butch Asselin

Newburgh selectmen named Administrative Assistant **Serena Bemis-Goodall** as the town's new manager. Bemis-Goodall served as AA to the board, as well as town treasurer, since last October.

Longtime Scarborough volunteer firefighter **Gregory Brown** died in February at the age of 63. Brown had suffered a stroke during his nighttime shift as distribution specialist for the Portland Press Herald on Jan. 29. Two days later he suffered a massive stroke at the hospital and died on Feb. 11. He was praised by his co-workers as a hard-working man with many friends and by Scarborough fire officials, who said Brown always responded to calls in his district. He served as a volunteer firefighter for 35 years, working at the Dunstan Station.

James Dowling, a former Augusta selectman and planning board member, died on Jan. 30 at the age of 92. A veteran of World War II, Dowling spent his professional career as a watchmaker and jeweler. Dowling, also an accomplished woodworker, handcrafted the gavels still being used by the Maine Legislature.

He began his public service in Augusta before it incorporated as a city and changed its form of government from a board of selectmen to a council.

Skowhegan Police Chief **Michael Emmons** resigned effective Feb. 23 to accept the job as police chief at the Togus campus of the VA Maine Healthcare Systems in Augusta. Skowhegan Deputy Chief **Dan Summers** will take over as interim chief pending appointment of a permanent replacement. Emmons was named Skowhegan chief in 2007, following stints with the Wiscasset, Augusta and Gardiner police departments. Emmons is a master sergeant in the Maine Air National Guard and served two recent tours in Southwest Asia.

The "Town Mother" of Shapleigh, **Ruth Ham**, died on Feb. 5 at the age of 81. Among her many public service efforts included helping start an area food pantry, where she volunteered for more than 40 years. Ham served as selectman



Ruth Ham

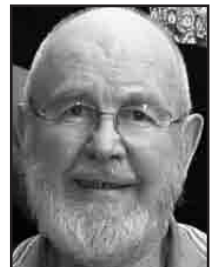
for 33 years and was planning another run at the time of her death, according to her obituary. Ham also served as a town Planning Board member, was elected chairman of numerous boards over the years, and was a certified state assessor. She served on the Maine Municipal Association Executive Committee from 1987-89. Ham also enjoyed the affection of residents, who voted to name the town's recreation fields in her name. As a young woman, she aspired to become a Catholic nun so she could help the poor, but the rub was her longtime status as a Baptist. She soon met her husband, Warren, and decided to help others in different ways. Her husband died in 2003.

Gardiner councilors in February chose former school board member **Richard Heath** to fill the unexpired term of Thomas Harnett, who was elected mayor in November.

South Portland officials announced in mid-February that **Jon Jennings** was hired as the new assistant manager, just

weeks after the Cumberland council appointed him to fill an unexpired term on the board. Jennings, a former Boston Celtics official who started his career working in the White House in the late 1990s, holds a Master's Degree in Public Administration from Harvard University. Among his many accomplishments, Jennings also worked as state director for Massachusetts Sen. John Kerry, who was sworn in last month as the U.S. Secretary of State. Jennings is expected to serve out his Cumberland council term.

Former Topsham Selectman **Charles "Bill" Pettigrew** died on Jan. 25 at the age of 82. Pettigrew, a 30-year Navy veteran and professional meteorologist, served as selectmen from 1979-81. After retiring from the military, Pettigrew, who had earned two master's degrees, taught at Maine colleges for 20 years. He was active in sports officiating and earned many awards over his lifetime.



Bill Pettigrew

Old Orchard Beach teacher aide, former school board member and town Councilor **Cheryl Rague** died on Feb. 5 at the age of 49, following a three-year fight with scleroderma. Rague was elected to the school board in 1999 and served until 2002. She served on the council from April 2004 through November 2006. A mother of four, Rague was known for her hard work, dedication to the community and children and her abundant energy and willingness to help others.

After serving Lincolnville for nearly 30 years, beginning as an elected treasurer in 1979, **Doris Weed** retired on Feb. 1. When the town changed its form of government, she became an office clerk and then deputy town clerk and tax collector. Weed said she enjoyed "every minute" of her municipal career and was feted by her peers for her untiring work for and dedication to town residents. Weed, 65, intends to continue working summers with her husband on their boat and would like to take up snowboarding.

Statewide: Former Augusta Mayor Roger Katz has submitted a bill to restore state revenue sharing to municipalities to five percent over the next three years. He penned the bill before knowing that the governor planned to propose suspending all SRS for the next two years – already down from five percent to 3.5 percent – in order to balance the state budget. Under law, the state is required to share part of its sales and income taxes with municipalities to mitigate the burden on the property tax, considered the most regressive form of taxation in Maine. Rather than pulling the bill after learning of Gov. Paul LePage’s proposal, Katz sought and got key Democratic co-sponsors. The bill already had Republican co-sponsors. LePage’s proposal has drawn sharp criticism and worry from lawmakers in both parties. Katz represents Augusta and was chosen by his peers to serve as assistant Senate Republican leader.

Augusta: City officials recently learned they have retained the city’s AA bond rating by Standard and Poor’s, despite declining revenue and a stubbornly slow national and state economic recovery. The bond rating company noted the city’s strong financial management and stability, low debt and the diversity of its tax base in making its decision. According to an expert on municipal bonds, Augusta is considered among the top 3 percent to 5 percent of the most credit-worthy municipalities in the U.S. The bond rating is used when cities and towns borrow money. Augusta will be able to borrow money at favorable rates because of its AA rating.

Bangor: The Penobscot County Sheriff’s Department seized 18 pounds of Maine’s scariest and most lethal synthetic drug, commonly known as Bath Salts, during a February drug investigation. Bath salts zap the resources of cities and towns and Maine police are working with their peers in other states to learn how to handle the crisis. The February bust was estimated to have a street value of \$1.26 million. In the worst cases, users quickly die from the bath salts, which is a complex mixture of nasty chemicals. The drug also is consuming significant resources of hos-

pitals and other health care providers. Police and drug agents fear the case may be just the “tip of the iceberg,” according to the Bangor Daily News.

Bar Harbor: A new federal report shows that Maine’s only national park, Acadia on Mount Desert Island, attracted 2.4 million visitors last year, who spent \$186 million and supported 3,000 jobs. The park encompasses 47,000 acres and, while the bulk of the park is located in the town of Bar Harbor, it also stretches into the remaining three towns on the island – Tremont, Mount Desert and Southwest Harbor.

Hermon: The town will partner with Glenburn to apply for a \$500,000 Community Development Block Grant that would be used to help homeowners in both towns upgrade their houses.

With only \$1 million available in CDBG money in the coming year, the towns decided to apply together to increase their chances of winning. Both towns are located in Penobscot County, but do not border each other.

Paris: The town has spent nearly all of its money, weeks before new property tax revenue is scheduled to begin filling town coffers. When asked by selectmen what the town would do, new Manager Amy Bernard she would seek a short-term \$800,000 tax-anticipation loan, likely at an interest rate of one percent or less. The town has about \$125,000 on hand, selectmen were told in February, which is enough money to cover payroll but virtually nothing else. Bernard said it would be helpful if property owners pay their taxes early.

NEW ON THE WEB

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

- **Proposed State Budget.** MMA created a separate website that will track the proposed 2014-15 state budget throughout the current Legislative Session. The website includes five topic areas: Key Facts; Impact Data & Analysis; Resolutions & Local Action; Municipal Collaboration; and, In the News.
- **Property-Dispute Ruling.** The Maine Supreme Judicial Court ruled favorably for municipalities in a lawsuit that focused to a large degree on the Town of Madawaska’s tax-lien notification and property foreclosure process.
- **MMA’s Federal Court Ruling.** U.S. Federal District Court Chief Judge John A. Woodcock, Jr. ruled in favor of MMA on all federal counts stemming from a 2010 lawsuit filed by the Maine Heritage Policy Center.

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Municipal Bulletin Board

MUNICIPAL LAW FOR CLERKS

Kathy Montejo, City Clerk in Lewiston, and Michael Stultz, Staff Attorney with MMA's Legal Services Department, will lead a session on municipal law at the Seasons Event Center on Riverside Street in Portland on March 27.

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

NEW CLERKS WORKSHOP

The Maine Town & City Clerks' Association will hold a workshop for new clerks on April 2 at the Elks Banquet & Conference Center in Waterville. The course is designed to familiarize newly elected and appointed municipal clerks with their responsibilities.

Kim McLaughlin, President of MTCCA and Clerk in the Town of Old Orchard Beach, will lead the workshop, along with Old Town City Clerk Patty Brochu. Cost of the workshop is \$55 for MTCCA members and \$75 for non-members. Registration begins at 8:30 a.m. Attendees are encouraged to wear their MTCCA name badges.

BASIC EXCISE TAX

Gilberte Mayo, Treasurer in the Town of Lincoln, will present a workshop on the procedure of excise tax on April 3 at the Maine Municipal Association Conference Center in Augusta. The day-long class is sponsored by the Maine Municipal Tax Collectors' and Treasurers' Association.

It is designed to focus on the procedures involved, and emphasis will be placed on how to calculate excise tax and the mil rate for various motor vehicles. Registration begins at 8:30 a.m. Cost is \$50 for MMTCTA members and \$60 for non-members.

MANAGING FREEDOM OF ACCESS REQUESTS

This timely workshop is aimed at helping municipal staffs, newly designated "Public Access Officers," elected and appointed officials understand Maine's FOA law, why requests are filed and how to deal with them appropriately. The workshop will be held on April 9 at the Lucerne Inn in Dedham. 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, and Jay Feyler, Manager in the Town of Union. Cost for the workshop is \$30 to MMA members.

ROLES OF ELECTED OFFICIALS & MANAGERS

One of MMA's most popular workshops, which explores the Roles of Elected Municipal Officials & Municipal Managers, will be held at the Pittsfield Town Hall on April 11, from 4 p.m. to 8:30 p.m. The workshop addresses differing responsibilities, legal requirements, open communication and personnel decisions, among other topics.

Presenters are: Pam Plumb of GreatMeetings! Inc. and former Mayor of the City of Portland; Don Gerrish of Eaton Peabody Consulting, former Manager in Gorham and Brunswick; and, David Barrett, Director of Personnel & Labor Relations at MMA. Cost to attend is \$50 for MMA members and \$100 for non-members.

LEADERSHIP IN PUBLIC WORKS

The Maine Chapter of the American Public Works Association, along with instructor Michael Schulde, will host a six-day workshop on Supervisory Leadership that starts on April 16 at the Municipal Offices in Gorham. The six-day program is designed for supervisors and focuses on communication skills, setting performance expectations and other issues.

Cost for the program is \$395, for Parts I and II of the program. Each part is being offered only as a full three-day workshop. MCAPWA will not accept partial registrations. Parts I and II are limited to 25 new participants.

ELECTED OFFICIALS: SANFORD

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on April 24 at the Elks Lodge in Sanford. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

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

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All of the upcoming workshops can be found on the MMA website. Use the following link:

<http://www.memun.org/public/MMA/svc/training.htm>

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CONCEALED HANDGUN INFO IS CONFIDENTIAL – FOR NOW

On February 19, 2013 the Maine Legislature enacted a temporary moratorium on public access to information contained in concealed handgun permits, including the names, addresses and birthdates of permit holders. The moratorium was enacted as an emergency and was signed into law by the Governor on the same day, making it effective immediately. It remains in place until April 30, 2013.

The moratorium was prompted by a controversial public records request made the week before by the *Bangor Daily News*. Although since withdrawn, the request for names, addresses and birthdates of concealed handgun permit holders was sent to virtually all State and local law enforcement agencies. At the time the request was made, this information was a public record under 25 M.R.S.A. § 2006 and was subject to public inspection and dissemination under Maine’s Freedom of Access Act (“Right to Know” law). The moratorium now suspends public access to this information pending the Legislature’s consideration of a bill that would make it permanently confidential. (All other records relating to concealed handgun permits, including applications, denials and information collected by the issuing authority in order to determine the applicant’s eligibility, already are and remain confidential.)

Under the moratorium, any request for this information which was pending on February 19 or which is made thereafter and until April 30 must be denied. The denial must be given in writing, stating the reason, within five business days of the request (see 1 M.R.S.A. § 408-A(4)). The moratorium expressly authorizes disclosure of this information to law enforcement officers and issuing authorities for criminal justice and permitting purposes, however.

Also, the moratorium does not prohibit anyone from applying for a concealed handgun permit, nor does it prevent the issuing authority from granting or denying one. The infor-

mation in any permit granted during the moratorium will be governed by whatever law is in effect after the moratorium expires.

For much more on concealed weapons, see MMA Legal Services’ “Information Packet” on the subject, available free to members at www.memun.org. (By R.P.F.)

NEW TAX EXEMPTION CASE IS NOT EXACTLY BIG ‘NEWS’

Contrary to the press coverage it received, the latest property tax exemption decision from the Maine Supreme Court was not especially noteworthy. Instead, it simply affirmed the longstanding principle that the incidental use of tax-exempt property for non-exempt purposes does not defeat the exemption.

In *Hebron Academy, Inc. v. Town of Hebron*, 2013 ME 15, the Town claimed that since the Academy generated about \$130,000 annually by renting some of its facilities on a short-term basis to outside groups, for weddings, parties and other social events, these properties were not occupied or used “solely” for the Academy’s tax-exempt purposes as required by law (see 36 M.R.S.A. § 652(1)(B)), and thus, they did not qualify for property tax exemption.

The Academy argued, however, and the Law Court agreed, that these uses were merely incidental to the Academy’s tax-exempt purposes be-

cause the rental fees were only about 1 percent of the Academy’s operating budget, and the rentals did not interfere with the Academy’s use of the properties for its own purposes. This “incidental use” exception to the requirement that property be used solely for tax-exempt purposes has been recognized by the Court in several prior cases and is nothing new.

For the first time, though, the Court did determine whether a preparatory school such as the Academy qualifies as a “literary and scientific institution” (it does), which was the statutory category under which the Academy claimed exemption. But this was not what excited the press about this case.

The incidental use exception is also applicable, as the Court noted, to “benevolent and charitable institutions,” which is another major category under which many organizations claim property tax exemption.

For much more on property tax exemptions, including detailed statutory qualifications and citations to applicable case law, see MMA’s *Municipal Assessment Manual*, available free to members at www.memun.org. (By R.P.F.)

AIRCRAFT EXCISE TAXES NOW A LOCAL FUNCTION

Up until last August, most aircraft owners in Maine had to annually register their aircraft with and pay an



DURING APRIL — Municipal officers of municipalities over 2,000 population, and of any other town so voting at town meeting, shall appoint an inspector of buildings (25 MRSA §2351).

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

— Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General

Assistance Unit, DHS #11, Augusta, ME 04333 (22 MRSA §4311).

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

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



Legal Notes

aircraft excise tax to the Maine Department of Transportation (MDOT). The tax paid to MDOT was then forwarded to the appropriate municipality or county. However, with the passage of PL 2011, c. 610 (eff. Aug. 30, 2012) the registration requirement was eliminated and the responsibility for collecting aircraft excise taxes was passed to municipalities and counties.

The excise tax applies to aircraft that are owned or controlled by residents of Maine and to aircraft that are operated for compensation or hire in Maine by nonresidents (a fractional rate applies to the latter, payable for each month the aircraft remains in Maine).

The tax is payable annually to the municipality where the aircraft is based, except for aircraft that are based at a county-owned airport or at the Augusta State Airport, in which case the tax is payable to the county or State, respectively.

The responsibility for collecting aircraft excise taxes payable to a municipality rests with the municipal tax collector or designated excise tax collector, who must deposit collections with the municipal treasurer monthly and report to the municipal officers at the end of each fiscal year (see 36 M.R.S.A. § 1487).

For much more on aircraft excise taxes, including how to locate and identify aircraft that may be based in your municipality and how to calculate the tax, see MMA Legal Services' new "Information Packet" on the subject, available free to members at www.memun.org. (By R.P.F.)

DISORDERLY HOUSING

Question: A few apartment buildings in town generate most of the complaints we receive about loud noise, rowdy parties, fighting and criminal activity. Isn't there some way we can hold landlords accountable for this?

Answer: Possibly. A small but growing number of municipalities in Maine have enacted or are considering ordinances that enlist landlords

in a cooperative effort with local officials and law enforcement to deal with tenant-caused neighborhood disturbances. These measures, usually called "disorderly housing" or "disruptive property" ordinances, tend to share common elements.

For instance, after the first disorderly or disruptive event (a defined term), the landlord is notified and warned. The same may hold true for a second and a third event. But a fourth event within a certain period of time (six months, for example) triggers designation of the property as a disorderly house or disruptive property, subject to municipal prosecution for monetary fines and potential closure unless the landlord meets with local officials and agrees to take effective steps to address the issues, such as stricter house rules and possible eviction.

Some landlords reportedly resisted these ordinances at first, but many are now accepting of them because local officials generally do not prosecute as long as landlords make a good faith effort to deal with problem tenants, which most do because it's in their own best interests.

We're told that Bar Harbor, Biddeford, Orono, Rockland, South Portland and Westbrook have already enacted an ordinance and that Bangor is considering one. Most should be

available in MMA's online ordinance collection, free to members at www.memun.org. (By R.P.F.)

DRIVER'S LICENSE PRIVACY

The ongoing controversy concerning confidentiality and concealed handgun permits (see above) may pique some curiosity about the public or private status of other government licenses and permits, including perhaps the most ubiquitous of them all – a driver's license.

Both State and federal law prohibit disclosure of personal information contained in motor vehicle records, including driver's licenses, to sales and marketing organizations and the general public. Personal information includes a person's name, address, social security number, license number and photo. It does *not* include information about a person's driving or accident record, driving violations, or driver's license and vehicle registration status, all of which is available to the public. Even personal information is available to certain agencies and entities if obtained in connection with motor vehicle safety, theft or emissions; driver safety, product recalls; and court proceedings.

For more details, see the Maine Secretary of State's Q & A on driver privacy available at <http://www.maine.gov/sos/bmv/privacy.htm>. (By R.P.F.)



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