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November, 1979

The Magazine of the Maine Municipal Association

MAINE townsman

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IS THE WIND
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REENACTMENT



Workers' Comp-Safety Program Is The Key!

*** *A Special Report From MMA Group Services* ***

Would you believe that the frequency of injuries to municipal employees is *HIGHER THAN ANY* other category of workers in the United States today. That's right! Higher than Logging, Construction, Mining, or Transit Workers. These figures are true on a national basis as well as right here in Maine.

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Michael L. Starn, Editor

Kenneth L. Roberts, Editorial Assistant

Karen I. Thorne, Circulation Manager

Chris Lockwood, Executive Director

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*Review of most critical
federal aid program
to local governments*

Revenue Sharing's Uncertain Future

By Alan Beals
*Executive Director
National League of Cities*

For the third time in nine years, approval of the general revenue sharing program will be NLC's highest priority in 1980. In 1980, as in 1972 when GRS was initially enacted, and in 1976 when it was reauthorized, the legislative battle will be very difficult, and success cannot be taken for granted.

This special report is designed to provide city officials with all the facts they will need for the reenactment battle: facts about the major issues likely to be debated, the congressional timetable for the debate and what municipal officials can do to support the reenactment effort.

There are several major reasons why



Alan Beals

a difficult reenactment effort is likely.

- The first is the very sharp changes in the makeup of this Congress compared with its predecessors. Less than half of the current members of the House, where opposition to GRS is strongest, were members in 1972, when the program was enacted; about one-third were not members when it was reauthorized in 1976. A similar change occurred in the Senate. Thus, for a considerable number of members, the 1980s will be the first real debate on the need for and basic purposes of the program.

Further, today's Congress is much less predictable, much less willing to follow presidential and congressional leadership and much more inclined to take positions independent of both. This means a more extensive and rigorous lobbying effort will need to be directed at all members of Congress rather than relying, as we have done in the past, on the support of a few key senior legislators.

- Second, some of the original reasons for the reenactment of GRS either have disappeared or lost their force. In 1972, for example, there was considerable discussion of sharing the inevitable budget surpluses that would result from a growing national economy and progressive income tax, and the program's contribution to decentralizing federal decision-making to states and local governments.

Today, these arguments go unmentioned by even the strongest supporters of GRS. After several years of extraordinarily high budget deficits, one is more likely to hear the phrase "sharing the deficit"; few people argue that GRS has resulted in a decentralization of federal

power. In fact, quite the opposite has occurred: categorical programs grow and federal regulatory activities expand.

- Finally, the strongest opposition to reenactment results from the efforts of the president and the Congress to balance the federal budget in fiscal year 1981, the first year of a newly reauthorized GRS program. This balanced budget drive comes from several sources: widespread opposition to ever-increasing federal spending; the need to halt, or at least lessen, the inflation rate; and demands by 30 state legislatures for a balanced budget amendment to the Constitution. Barring a major economic decline, which would reduce these pressures, they are likely to be even more intense in 1980.

The determined effort by some members of Congress to cut the state share of GRS this year was a direct result of the balanced budget drive. Many members of the House strongly resented the one-third participation of states in the GRS program (states receive \$2.3 billion out of the \$6.855 billion program) when several states were urging a balanced federal budget and, at the same time, were reporting substantial surpluses and reducing taxes.

Congress finally rejected the attempt to cut the states, but only because the majority was reluctant to reduce state funds that cities already had budgeted for fiscal year 1980. The weak position of the states in GRS was further confirmed when the Senate Budget Committee voted to eliminate \$1.4 billion of the \$2.3 billion state share in fiscal years 1981 through 1984.

On the bright side, the opponents of continuing the states' share made it clear they didn't want to see local

governments affected by their proposed cut; that they think that localities need GRS funding; that GRS is, in their view, a critical program for thousands of communities. In fact, many who opposed reducing GRS funds to states argued that, since states often "passed through" their funds to localities, a reduced state share would mean reduced aid to local governments.

The Carter administration's attitude toward GRS seems to have changed little if at all. In the 1976 presidential campaign, President Carter said only local governments, not states, should receive GRS funds. That appears to be his position today. The administration promises that it will make the major decisions about its reenactment proposal by this December and present it to Congress early in 1980. It is known to be considering increased funding for local governments and restrictions on the state share, such as mandating pass-throughs and requiring set levels of state aid to local governments.

On Capitol Hill, there is very little reenactment activity under way and little chance of important action until early 1980. But Sen. Bill Bradley (D.-N.J.), chairman of the Senate Finance Committee's subcommittee on revenue sharing, intergovernmental revenue impact and economic problems, this summer spelled out his preliminary thinking on GRS reenactment: a three-pronged approach to the general problem of intergovernmental fiscal assistance that incorporates a basic GRS program, a targeted fiscal aid program to assist severely distressed communities and an economic stabilization program to enable communities to withstand the revenue losses that occur during national economic downturns.

In the House, Congress members Frank Horton (R) and John Wydler (R.-C) of New York, ranking minority members of the Government Operations Committee, introduced legislation to extend the existing GRS program for four years. Rep. L. H. Fountain (D.-N.C.), chairman of the Government Operations Committee's subcommittee on intergovernmental relations and human resources and a principal supporter of the 1976 reauthorization, said recently that

the reenactment effort will be a very difficult one, particularly with respect to the state share.

The apparent strength of congressional support for continuing the local share of GRS should not make city officials overconfident. Just as a year ago it was impossible to anticipate the current attack on the state share, it is difficult to predict the precise circumstances in which reenactment will be considered next year. The balanced budget drive, double-digit inflation and economic problems could substantially influence attitudes towards the local share.

Putting aside for the moment the merits of the states' participation, the case for the local share is strong. GRS is the only federal program that helps all communities, large and small, under a distribution formula that is widely regarded as fair to all. It is the only true "no strings" federal program there is in an era when proliferation of federal regulations has produced widespread frustration and opposition, and it is the most important form of federal assistance to cities whose budgets are severely constrained by local tax and spending lids.

The prospects for reenactment of GRS are excellent if city officials demonstrate to members of Congress the need for the program and the harsh impact on local government services that would result from the program's termination.

The Big Issues

The State Role

States receive about one-third of GRS funding (\$2.3 billion out of \$6.855 billion). In 1979 the state share came under sharp attack in both houses of Congress. Members questioned the need for such aid when some states were running substantial surpluses and cutting taxes. Congress finally approved the full state share for fiscal year 1980, but not before the Senate Budget Committee voted to reduce the state share from \$2.3 billion to \$900 million—a reduction of \$1.4 billion—during fiscal years 1981 through 1984, a significant measure of the temper of the Senate on

this issue.

Three major alternatives exist for dealing with the state share. The state share can be retained with or without restrictions, such as requiring pass-through of funds to local governments. The state share can be reduced, again with or without restrictions. Or, the state share can be eliminated completely.

Final decisions will not be made until December, but the administration is thought to be considering either outright elimination of the states or attaching such strings as mandating a pass-through of a set percentage of state funds to localities and requiring certain levels of state aid to local governments. Since many states use GRS funds to help local governments, it is uncertain what the effect on localities would be if the state share were reduced or eliminated.

Funding

From its enactment in 1971 through Sept. 30, 1980, GRS will have provided \$55.7 billion to state and local governments. The original law provided annual increases to the basic level of funding of \$150 million, but the 1976 reauthorization fixed the program's annual funding level at a flat \$6.855 billion.

The result is that GRS provides less real assistance to recipients each year because inflation eats the money up. One estimate says that in terms of a 1972 dollar, today's GRS dollar is worth only forty cents. As a percentage of total federal aid to state and local governments, GRS has declined steadily, from 14 percent in fiscal 1973 to 8 percent in fiscal 1979.

So, a key reenactment issue will be whether an inflation adjustment is to be enacted. Unless the inflation rate subsidies dramatically, however, approval of a full inflation adjustment appears highly unlikely since an annual inflation adjustment of 10 percent, for example, would result in an increase of nearly \$700 million, a substantial sum in a period of spending restraint.

More likely alternatives would be small increases of the kind enacted in 1972, or a continuation of the current \$5.855 billion annual funding level. It is

also possible that savings resulting from the elimination or reduction of the state share would be added to the local share of the program.

Other Issues

Two other issues are likely to be considered: the adequacy of the distribution formula among local governments within each state and the relationship between GRS and a countercyclical assistance program.

Local governments get GRS funds on the basis of a formula that considers population, tax effort and inverse per capita income. If a locality's per capita allocation is more than 145 percent of the statewide per capita income allocation, the locality's allocation is reduced to the 145 percent level. If its allocation is less than 20 percent of the statewide per capita income allocation, it is increased to the 20 percent level.

Although there is widespread support for the current distribution formula,

some changes can be expected. The administration is considering, for example, raising the 145 percent ceiling in order to aid severely distressed communities. In addition, there is a feeling within the administration that very wealthy communities ought not to be eligible for GRS funding.

The administration's countercyclical assistance program, which would provide aid to states and localities with high unemployment whenever national unemployment exceeds 6.5 percent, is pending in Congress. Because of countercyclical's "no strings" nature, the administration and some in Congress are considering combining it with GRS to form a single, comprehensive package of fiscal assistance for states and local governments.

Despite the apparent logic of this approach, considering the two programs together could produce considerable controversy, particularly in the House. Generally, House members have not been sympathetic to countercyclical

assistance. The Senate, however, has passed countercyclical legislation several times since the recent recession began and, according to Sen. Bill Bradley (D-N.J.), may consider it together with GRS next year.

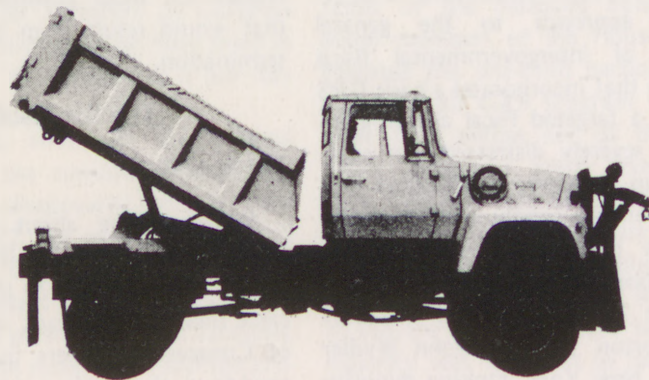
Congressional Timetable

The shape of GRS for fiscal 1981 and years to come will depend in large measure on the four major congressional committees that will deal with the GRS reenactment bill next year—the House and Senate Budget Committees, the House Government Operations Committee and the Senate Finance Committee.

The budget committees will provide the first test for GRS reenactment in 1980. The committees will begin work in early February, shortly after President Carter submits his proposed fiscal 1981 budget, which will include the funding level for GRS. The Budget Committee hearings will in all likelihood include substantial testimony on

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the president's GRS recommendations.

By April 15, both budget committees are required to report their recommendations for the fiscal 1981 budget, including the amount for GRS funding. Funding for GRS will be part of the two committees' recommendations for Function 850 of the budget, which deals with general purpose fiscal assistance. This function includes two other program areas: payments, if any, under the antirecession countercyclical assistance program and federal grants and loans to the District of Columbia.

These recommendations are then debated by the full House and Senate, which may alter the Budget Committee recommendations as they see fit. The First Budget Resolution for fiscal 1981, which will set targets for federal revenue and spending levels, must be approved by May 15, 1980.

Another resolution, passed in the fall, will set a ceiling on spending and a floor under revenues for the fiscal year ahead. After the Second Budget Resolution is adopted, neither the House nor

the Senate will be able to consider any legislation that will, in the opinion of the budget committees, violate the spending ceiling or the revenue floor.

Strongly influencing the timetable for Congress' consideration of a GRS bill will be the type of funding mechanism proposed by the administration and contemplated by the budget committees.

Under the Budget Act, entitlement programs are treated differently from ordinary grant programs. The former are not subject to the annual appropriations process, while the latter are authorized in a basic law and funded separately in an appropriations act.

New entitlement programs, however, cannot be reported by an authorizing committee until funding has been allocated for the program in the First Budget Resolution. Since GRS expires next Sept. 30, it will fall into this category.

Accordingly, if an entitlement program is contemplated, neither the House Government Operations Committee nor

the Senate Finance Committee may report a GRS reenactment bill until after May 15. On the other hand, if a regular authorization bill requiring annual appropriations action is decided upon, such a bill must be reported from the authorizing committees by May 15.

Who will decide whether an entitlement program or a program requiring annual appropriations will be recommended? In the final analysis, it is up to the two authorizing committees, that is, the House Government Operations and Senate Finance Committees. The administration bill will have an important bearing on this decision, however. And the budget committees' action in their April 15 recommendations will provide an important indication as well of the decision the authorizing committees can be expected to make.

The authorizing committees will hold extensive hearings shortly after the administration's reenactment bill is submitted early next year. These hearings will be held by the Government Opera-

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tions subcommittee on intergovernmental relations and human resources and by the Finance subcommittee on revenue sharing, intergovernmental revenue impact, and economic problems.

After hearings—probably in February and March—the subcommittees will report GRS bills to the full committees. The full committees will then consider those recommendations, perhaps hold further hearings and report bills of their own to the House and Senate. The committees will be keeping in mind that, if a bill requiring annual appropriations is recommended, it must be reported by May 15. If an entitlement program is recommended, it must be reported after May 15, the date for adoption of the First Budget Resolution.

After the authorizing committees complete their actions, the bills will be considered by the full House or Senate under rules determined by each body's Rules Committee. After each house has passed its GRS bill, the differing versions will be reconciled by a House-

Senate conference composed of members of the two authorizing committees. The final step for the legislation will be the approval by the House and Senate of a conference report containing the agreement of the conferees.

What You Can Do

Sen. Bill Bradley (D-N.J.) recently observed, astutely, that general revenue sharing is the most popular program throughout the country but the least popular in Washington, D.C.

Ironically, GRS meets many of the requirements that Washington officials and critics of federal assistance often set for a good federal assistance program: assured funding that enables local officials to plan ahead; a minimum of red tape and burdensome regulations; and, most important, discretion to use the funds to meet high-priority local needs.

The NLC General Revenue Sharing Task Force urges all city officials to develop their own programs and activities of support for general revenue sharing.

Here are some steps to consider.

- Make sure that the next time a community facility or service is financed, even in part, with GRS funds, the community's members of Congress are given appropriate credit at formal ceremonies and public meetings and in city publications.

- Inform business, labor, and other community groups of the benefits to them and the community as a result of GRS funds, and encourage them to set up their own reenactment efforts. Be sure that community groups that receive direct city financial support as a result of GRS are made to understand the consequences if funds are terminated and enlist their support for reenactment. Incorporate comments about the city's GRS-funded programs and the status of the legislation in all speeches before community groups by city officials.

- Invite coverage by the community's newspaper and radio and television stations of GRS-funded community projects. (*Reprinted from NATION'S CITIES WEEKLY.*)



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Highlights of '79 Convention

By Michael Starn
Editor

The 43rd Annual Convention of the Maine Municipal Association, October 24, 25 and 26, in Bangor, attracted 730 registered delegates representing 210 Maine municipalities.

The return to Bangor after two years in Portland afforded municipal officials the opportunity to see and use the city's newest attraction, the new wing of the Bangor Civic Center. Plush meeting rooms and a large exhibition hall provided excellent arrangements for this year's MMA convention.

Predictions by convention speakers that the approaching decade would be "difficult" and "an era of budgetary belt-tightening" may have been reflected in the low attendance at the '79 convention. Compared to attendances at MMA conventions during the past few years, the 1979 annual meeting was



1978-79 President Alden Ingraham opened the 43rd Annual MMA Convention Wednesday morning. Keynote speaker John Cole (left) and Bangor Mayor Lloyd Wiley (right) were at the headtable.

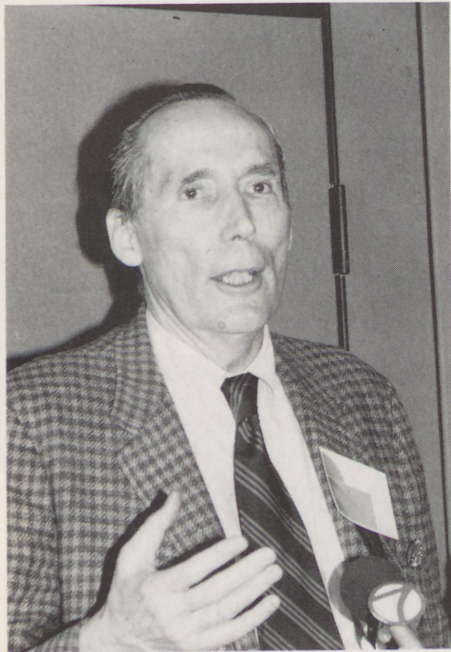
about 200-300 delegates lower. One of the reasons for this low attendance may have been that many communities, which had traditionally sent several municipal officials, this year sent only one.



A special luncheon was sponsored by CONEM (Coalition of Northeast Municipalities) on Thursday.



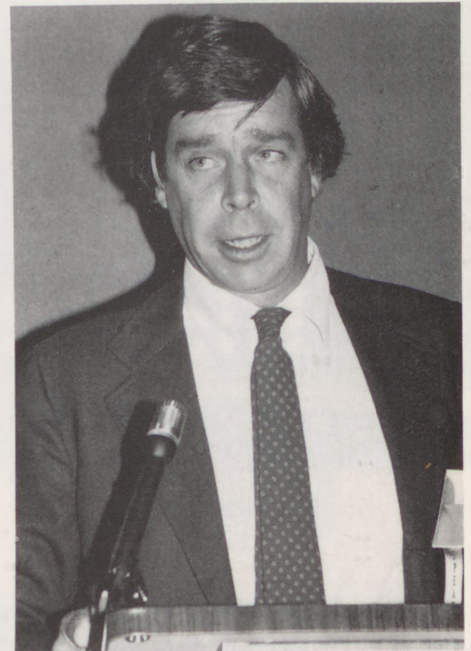
State Senator Barbara Gill spoke to the welfare directors association.



Keynote speaker John Cole.



New MMA President Ronald Stewart.



State Senator David Huber.

Despite the low attendance, the 1979 MMA convention had to be one of the best ever with respect to program content. Knowledgeable municipal officials, state legislators, state department heads, and journalists were on hand to inform and to stimulate thought on the convention theme, "Facing the Challenges of A New Decade."

Keynote speaker John Cole said the 1980s will be "shattering" because people are realizing the "limits of our resources for the first time." He warned that municipal officials must be creative in facing the problems of the 80s and that they "should not apply the solutions that you would have applied

during the fifties, sixties and seventies.

Discussing the question of local government credibility, Paul Reynolds, chief editorial writer for the Bangor Daily News, said, "without any doubt all institutions in the country have lost credibility." He added, however, that of the three levels of government local had the best chance of restoring that credibility.

Also on the credibility issue, John Melrose, MMA director of State & Federal Relations, said that "deferred decision-making" was the real culprit. The habit of putting off the tough decisions, according to Melrose, is the surest way to lose public support. He specifi-

cally cited the reluctance of communities to undertake mandatory revaluations of property as a deferred decision now creating significant problems for some municipalities.

John Forster, chairman of the Augusta School Board, told the conferees that local government was lacking real citizen participation. Citing the well-publicized September 14 tax cap referendum in Augusta, Forster said that most adults in Augusta didn't express an opinion on the ballot on the tax cap and new school; only half the registered voters turned out for the elections. "Actually, no opinion was the winner," he said.



Over 45 exhibitors displayed their products and services at this year's convention. A large exhibit area and canteen were the attractions.



Ronald Stewart was officially sworn in as the new MMA president during the annual banquet festivities.

Municipal officials also heard State Senator David Huber, chairman of the Appropriations Committee, say that the state was in no position to relieve any of the financial burdens of communities. The reasons for this gloomy outlook by the influential state legislator were several, but summarily, he pointed out that the state showed \$18.9 million unappropriated revenues to demands of \$23 million.

Three municipal officials from other New England states gave advice to the convention attendees about coping with municipal financial pressures.

Rose Zoob, selectman in Scituate, Mass., said public participation in the budget process was crucial in order to determine what citizens actually wanted.

Christine Manfredi, finance director of Warwick, R.I., said her city hired trained financial experts to bail the city out of a deficit situation. An \$8 million



Jeanne McGowan, Orono councilwoman, poses a question to one of the General Session speakers.



Stanley Borodko, Orono assessor, passes the gavel to new MAAO President Grace Emmerton, Norway assessor.



Most of the MMA General Sessions on Wednesday were well-attended, like this one.



Commissioner of Human Services, Michael Petit spoke to the welfare directors on Thursday.

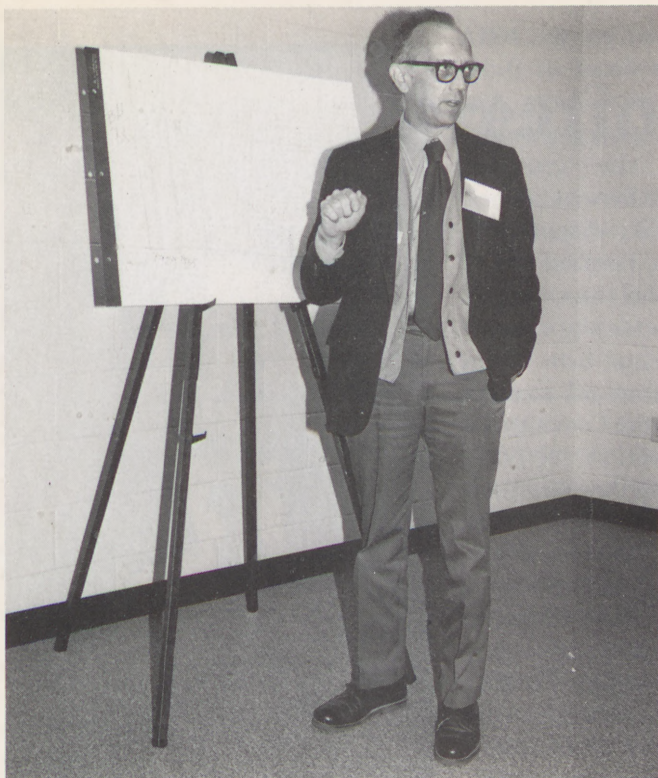
deficit was reduced to \$2 million, and prospects look good for retiring the debt altogether in the near future.

Charles Petrillo, an environmental officer for Windsor, Conn., talked about how his town had taken steps to reduce

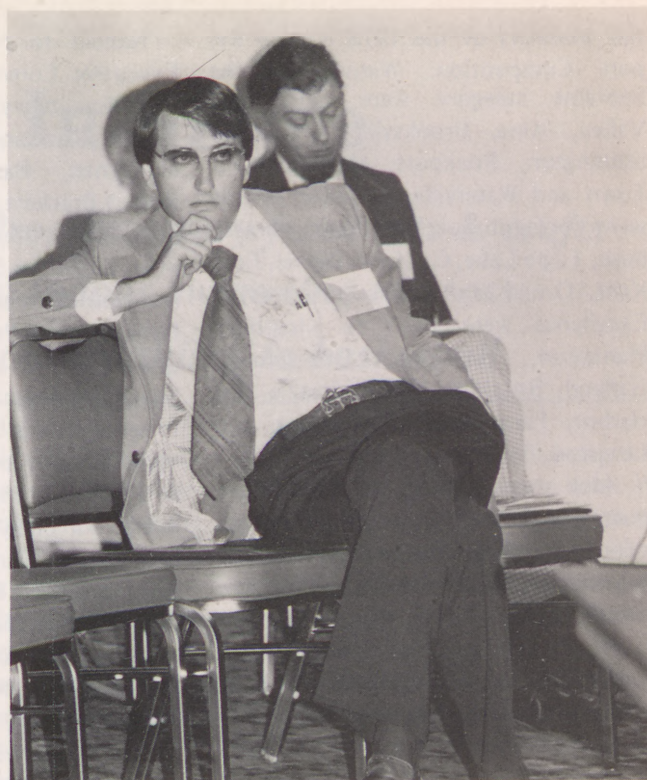
energy costs. Some of these steps toward energy conservation included insulating their municipal building and cutting back on the usage of lights, heating and cooling, moving to smaller sized police cars, switching to higher distillate

heating fuels, and moving to subcompact cars for other city departments.

George Gross, director of Legislative Affairs for the National League of Cities, was cautiously optimistic about the prospects for reenactment of general



Dr. Richard Hill, UMO professor, spoke to the assessors about energy alternatives.



Someone looks interested.

revenue sharing in 1980. "Revenue sharing is clearly the highest priority of the nation's cities and towns in 1980," he said.

Several of the Affiliate Group sessions not only were well-attended but also attracted much media attention. Michael Petit, Commissioner of Human Services, spoke at a Maine Welfare Directors Association meeting October 25 before a packed audience. Petit explained a new law passed in the last legislative session allowing the state Department of Human Services to review local general assistance programs. The commissioner said that this review should be completed in about six months.

In another MWDA session, Senator Barbara Gill of South Portland suggested that welfare directors unite to defend against legal challenges made by Pine Tree Legal Assistance, which some municipal officials contended had a "vendetta against the towns."

UMO Professor Richard Hill spoke to assessors about the realities of alternative energy sources. Following his talk, the group toured Hill's Solar Energy and Wood Heating plant in Orono.



Paula Harris, new Finance Director, (left) and Ruth Noyes, Treasurer (right) from Caribou listen intently.

A special half-day session concerning solid waste management on Friday closed out the convention programing. Arranged by SCS Engineers, Inc. of Augusta, the workshop brought out two salient points: (1) there are too many individual (one community) solid waste

disposal sites in Maine and there needs to be consolidation; and (2) environmental laws relative to solid and hazardous waste disposal are being and will continue to be enforced.

Time was taken at the Annual MMA Banquet on Thursday night to announce

the winners of the 1978 Annual Report Competition. Winners in the Supreme category were Carrabasset Valley, Alna, Brooksville, Shapleigh, Stonington, Rockport, Madison, Old Town and Waterville. Superior awards went to Eastbrook, Southport, Greenbush, Eagle Lake, Guilford, Bethel, Fort Kent, Orono and Caribou. Awards of Excellence were given to Kingsbury Plantation, Sorrento, Georgetown, Garland, Brooklin, Union, Veazie, Bar Harbor, Farmington, Kennebunk and Lewiston.

Also announced at the annual banquet was the winner of the \$600 cash door prize, Peter Beckerman, attorney for the towns of Vassalboro, Winslow and Fairfield.

New officers of the Maine Municipal Association were elected October 25 at the MMA Annual Business Meeting.

Ronald Stewart, South Portland city manager, will serve as MMA president for the coming year. Elected vice president for one year was Nancy Bushell, Naples selectman.

Named to positions on the MMA Executive Committee Board of Directors for two-year terms were Paul Devine, Rockland city manager, Barbara McKernan, Bangor city councilor, Robert Brackett, South Berwick councilman, Archie Stevens, Skowhegan selectman, Llewellyn Smith, Portland mayor, and Norman Ness, Bethel town manager. Dana Connors, Presque Isle city manager, was elected to a one-year term on the board and Alden Ingraham will continue to serve on the Executive Committee as immediate past president.

Elected to the MMA Advisory Committee for one-year terms were Wilfred Bell, mayor, Caribou; Alphonse Dixon, town manager, Fort Fairfield; Edward Gagnon, town manager, Winslow; Lucien Gosselin, finance director, Lewiston; H. Dale Green, town manager, Fairfield; John Henchey, town manager, Cape Elizabeth; Harold Parks, administrative assistant, Westbrook; Ann Peters, councilor, Waterville; Steven Sax, councilman, Calais; and Richard Malone, selectman, Westport.



Yarmouth Town Manager Osmond Bonsey had a question for speaker Paul Reynolds.



Paul Reynolds, chief editorial writer for the Bangor Daily News, was one of three to speak on the question, "Has Local Government Lost Its Credibility?"

Winter Recreation In Maine

*Programs vary from arts & crafts
to indoor swimming to cross
country skiing to basketball*

By Ken Roberts
Editorial Assistant

Municipalities throughout Maine are gearing up their winter recreation programs, very much aware of the higher costs of energy but determined to provide all their citizens with as much opportunity for recreation during the cold season as in past years.

In Presque Isle, where William Haskell has been superintendent of parks and recreation for the past 34 years, there is probably as much opportunity for winter recreation for citizens of all ages as one could hope to find anywhere.

A new indoor swimming pool which meets NCAA and AAUW qualifications for swimming meets will be open for the first time this winter. It will be used for the high school and area vocations technical school physical education programs, and by the lower grade school levels as the winter progresses. It will be open for pleasure swimming for all citizens as well, and already 69 swimming classes have been scheduled. The community also has an outdoor pool for use in the summer months.

Outdoor hockey and pleasure skating rinks with warming huts are also municipally maintained, and there is an indoor skating rink in a multi-purpose building. The city maintains a ski area with four trails which are lighted for night skiing, and a ski club.

A recreation bowling program has been operating for 20 years and now consists of 11 leagues, six for men and five for women. A curling club has been in operation for some time, and Haskell reports that broomball is catching on in the community and becoming popular with all age groups. An arts and crafts

program and an adult education program are offered through the University of Maine at Presque Isle, and the senior citizens club has organized in three units for playing cards.

A Barber Shop Singing organization has been entertaining the community for 29 years, and at the local community center, a former USO building, there are facilities for pool, table tennis, and a square dancing organization conducts regular sessions.

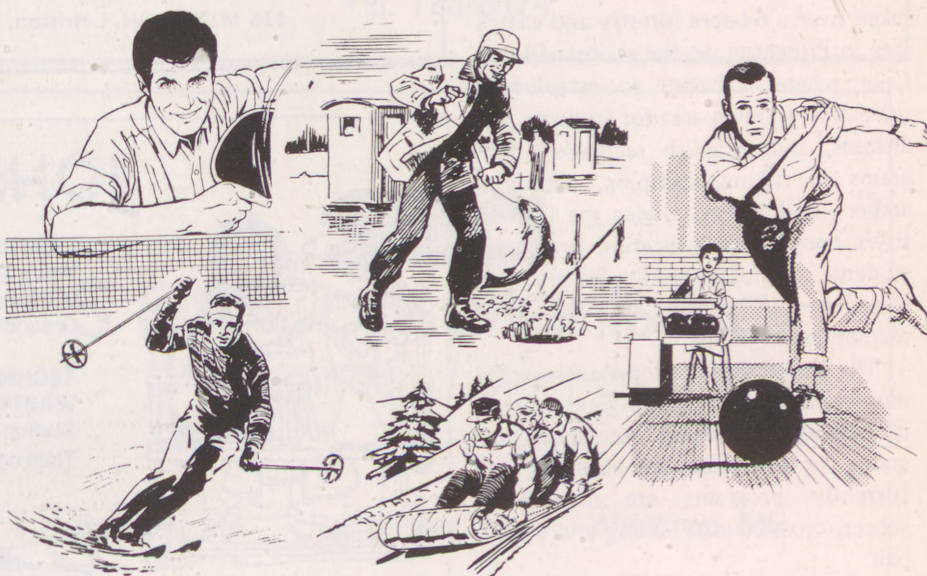
There are cross-country skiing trails for both advanced and beginners; a men's basketball program; a youth hockey league; classes in karate; and a slimnastics program for women.

Haskell reports that the community is able to offer such an extensive recreation program because of the "good attitude in the community toward recreation. Citizens use the community center free and they take care of it. Volunteers for recreation programs are plentiful, if money is needed it is donated, and if

work is needed farmers will bring their tractors in to get the work done. We have excellent communications with the local citizens and the government. When we make our monthly financial reports to the Council, their usual response is 'have you got enough' and that is the attitude throughout the community. Our recreation programs are viewed by our people here as community programs not municipal programs, and everyone cooperates to see that there are programs for everyone."

In Auburn, Director of Parks and Recreation Norris Ingersoll notes a tremendous increase in the use of the city's facilities since it took over the former Armory and made it a recreation center. It is in use seven days and more than 80 hours a week and Ingersoll cites the table tennis program with more than 100 persons involved as just one of the activities which have blossomed at the new facility.

The city maintains five pleasure



skating and five hockey rinks, has a youth hockey program, and a gymnastics program for boys and girls.

The city maintains a cross-county skiing trail and provides clinics and races, and offers skiing instruction and has six adult racing teams. Basketball programs for all age groups are offered, including an adult slow-down basketball league.

There is an ongoing program in drama, a stage band, courses in macrame and cake decorating, an indoor riflery and safety program, a ham radio club, and an aerobics program. An energy conservation program is being offered which includes instruction in safety in wood burning. Volleyball is offered for men and women, and a course is offered in cardio pulmonary resuscitation.

The city maintains snowmobile trails complete with warming huts and grilles. A winter recreation equipment exchange program nets Ingersoll's department about \$2,500 a year which is used for the skiing activities.

In Machias, most of the winter recreation program is centered around the University. One major activity conducted by student volunteers under the leadership of Rick Scribner, associate professor of recreation management, is a Winter Special Olympics program. It is non-competitive, but offers the youngsters a day of fun in the snow, with sliding, skiing, snowshoeing, snowmobile rides, and a parade and an opening ceremony.

The University of Maine-Machias has taken over a 64-acre forestry and camps area in Princeton on the shores of Long Lake where it hopes to establish a recreation training area for students and citizens, and establish recreation programs in hiking, camping, climbing, archery and riflery. Under the University's cooperative education programs, students can obtain credits for practical experience in working in community recreation programs.

The University and the Machias community have established a good rapport in helping to develop recreation programs for all citizens and students, and currently programs are offered in soccer, cross-country skiing and volleyball.

The University and the community have joined to organize a separate board of directors which is now working with an architect to construct a new facility on land which will be leased to the group by the University trustees. The energy efficient solar complex would reclaim its heating and cooling resources, and would include a swimming pool, ice arena, and facilities for concerts, exhibits, and arts and crafts.

Federal grants to assist in funding the project are being pursued, and it is hoped that it will receive countywide financial support and be considered a Washington County complex.

In the Town of Thomaston where Lawrence Terrio is the part-time recreation director, there is a decided lack of facilities for winter recreation programs, but there is a great deal of enthusiasm for what is offered.

There is a pee-wee basketball program for both boys and girls, with an annual tournament and a season climax-



ing banquet attended by 400 persons last year. An adult basketball league plays on Sundays.

There is a pleasure ice-skating rink which is lighted and is flooded by the fire department on land made available



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by the local American Legion. Other local civic and fraternal groups help to provide activities, including an arts and crafts program for youngsters through the eighth grade.

The community also conducts an intramural basketball league for those boys and girls who do not make the high school teams; more than 40 girls and about the same number of boys are involved in that program. Town officials are now working with Masonic Temple members to establish a recreation center in the basement of the lodge.

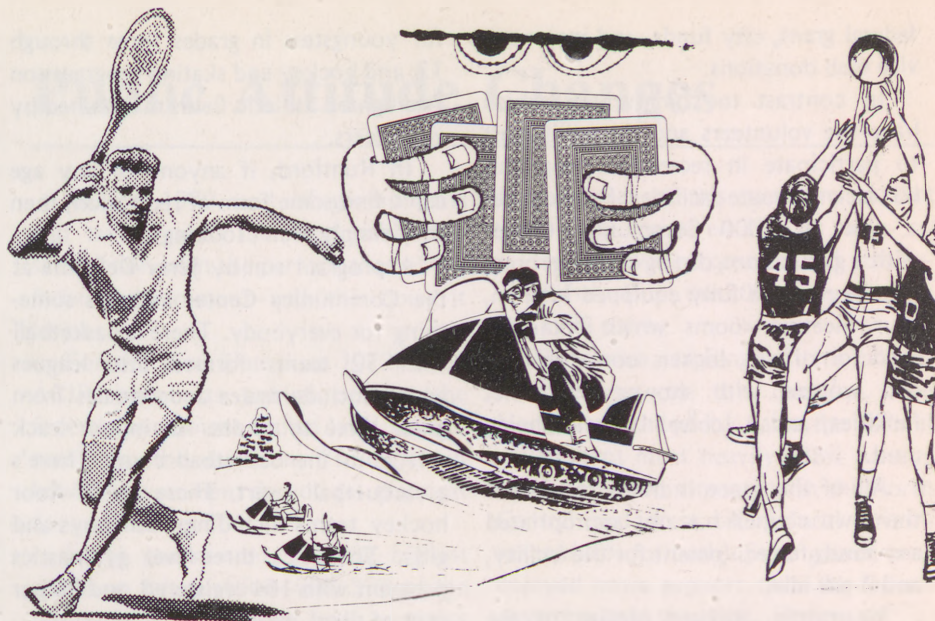
In Bridgton, an area behind the Town Hall will be used for an outdoor skating rink which will be lighted. There is currently interest in the community in raising the funds to enclose the rink. In recent years, the interior of the old town garage had been converted into an ice rink, which was used by large numbers of youths and adults in the community. The garage has since been torn down and the area converted into a parking lot.

The Town Hall is used about 60 hours a week during the winter months for a variety of activities including volleyball, basketball, badminton, and arts and crafts courses.

In an advisory referendum, Biddeford voters by a 3-2 margin indicated they wanted the city to buy the Biddeford Ice Arena, which is York County's only indoor ice rink, but has failed financially and could be purchased by the city from the bank holding the foreclosure mortgage for \$285,000.

That purchase is now being finalized and a new non-profit organization, the York County Arena Association, will operate the facility under a lease from the city, repaying the purchase price through fees paid by groups which use it. The arena is home ice to school hockey teams and community hockey and skating programs from York to Cape Elizabeth.

The city is considering converting the sand floor beneath the 17,000 square-foot ice rink to concrete to permit the arena to serve in the off-winter seasons as a convention and civic center which would be the largest in southern Maine outside the Cumberland County Civic



Center.

The City of South Portland this winter will have a new dimension to its winter recreation programs—a new \$825,000 municipal indoor swimming pool. It is being operated by the city

Parks and Recreation Department headed by Dana Anderson. Funding for the pool, which has long been a dream of the Swimming Pool Committee and the Parks and Recreation Advisory Committee, came from a \$288,000

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federal grant, city funds, and major service club donations.

In contrast to communities which have the volunteers and the willingness to participate in recreation programs, but lack adequate facilities, Fairfield has a new \$625,000 Community Center with a gymnasium, dining-meeting room, a game room, a fully equipped kitchen, four meeting rooms which could be used for offices, locker rooms for men and women with shower and toilet facilities, and a lobby. It is not being used.

All of the space is there, but as yet the town council has not appropriated any funds for equipment for the facility, and it sits idle.

Meanwhile, Richard McGee of the Colby College athletic department, heads up a Police Athletic League which operates the only winter recreation program available to Fairfield residents. It includes a complete basketball program

for youngsters in grades three through 12, and hockey and skating programs on two lighted athletic fields maintained by volunteers.

In Rumford, if anyone of any age can't find some form of recreation, then they simply aren't looking.

A program run by Jerry DePalma at the Community Center includes something for everybody. There is basketball with 52 teams formed into leagues which include males and females from grade three to adults. An indoor track surrounds the basketball court. There's a racquetball court. There are 21 floor hockey teams including both boys and girls. There's a three-level gymnastics program with 164 registered, and 80 per cent of them are girls.

There is a boxing team with 16 boys involved and it competes around the state and in New Hampshire. There is a competitive, contact judo program, and a karate program, and instructors in

both have black belts.

There is a table tennis program for high schoolers and adults, and tap and ballet dancing for girls age 4-17 with 165 girls involved.

More than 60 women participate in a physical fitness and exercise program, which in January will be conducted for senior citizens as well.

Senior citizens have their headquarters in the Community Center and serve daily lunches prepared in the kitchen there. They have an office, card and game rooms, a piano, and the 500 members plan two trips a month for everything from shopping to amusement centers.

An adult education program includes instruction in furniture refinishing with more than 55 persons involved, and a furniture reupholstering class.

There is also an adult arts and crafts program which includes macrame and working with leather. The Boy Scout

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Troop 580 holds its meetings at the Center. There is a competitive wrestling program with about 20 young men involved; a weight-lifting room; a sauna; an exercise bike; there are art classes for adults, high schoolers, and elementary students; and there is a tray painting and stenciling class with about 16 adults involved.

A Teen Council composed of high school students works with the staff in conducting dances, holiday parties and other events which raise considerable sums of money for the Center.

There is skiing provided on Black Mountain's five lighted slopes, complete with a three-story lodge, and 15 miles of cross-county trails are being developed. For the more daring, there are three ski jumps, as well.

Hockey programs include virtually all age levels in several leagues, and public skating time is made available at the lighted rinks.

Public Attitude Changes

ACIR's 1979 poll of governments and taxes reveals increased public dissatisfaction with the performance of the federal government—and the taxes it levies.

For the first time since 1972, when ACIR began its annual polling, the federal government trailed local government on the question, "from which level of government do you get the most for your money?"

Local government got the highest marks on this question—with 33% of the respondents citing that level as giving them the most for their money. The federal government was named by 29%—a considerable drop from the 35% naming it as best in 1978. Only in 1974 had the federal government dropped so low

in responses to this question. In that year, it also registered 29%.

Twenty-two percent named states—up slightly from the 20% citing states in the 1978 survey.

There was a regional pattern evident in responses to this question. The Northeast tended to back the federal government most heavily (38% naming the federal government) with the North Central and West citing local governments (40% for both). State government enjoyed more support than the federal government in the West.

To the question, "Which do you think is the worst tax—that is, the least fair?" The federal income tax was cited by 37% of the respondents—up from 30% in 1978. Some 27% cited the property tax, 15% the sales tax, and 8% the state income tax. In 1978, 32% named the property tax as the worst; 11% cited the state income tax; 18% the state sales tax.

Responses to other questions revealed:

- When asked to choose among options after considering all government services on one hand and taxes on the other, 85% of the respondents wanted to either decrease services and taxes or keep them where they are.

- General revenue sharing continues to enjoy the support of a majority of the American public but a larger percentage of respondents than in previous polls oppose the concept (30%).

- The American public remains about equally divided on whether there should be special federal aid for fiscally distressed central cities; 44% favored the idea; 43% opposed it.

The Advisory Commission on Intergovernmental Relations is a national permanent commission established by the Congress 20 years ago to monitor the intergovernmental system and make recommendations for change. Its membership is made up of federal, state, and local elected and appointed officials and representatives of the general public.



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**Petition drive mounted
to help resolve tree growth,
tax exempt property issues**

Coalition for Property Tax Relief

By John Melrose
Director, State & Federal Relations

The recently established Maine Coalition for Property Tax Relief is leading a drive to resolve the thorny issues presented by the tree growth law and tax exempt property. The Coalition, in circulating an initiative bill, hopes to gather the necessary 37,000 signatures to put the issue to a referendum vote next year. The petition drive began on election day with individuals collecting signatures in over 200 communities. To date, already half of the required signatures have been gathered.

The initiative would, if passed, require the state to reimburse communities for 90 per cent of the tax loss created by the tree growth law and 50 per cent of the tax loss created by all property tax exemptions except those for federal, county, municipal and personal property. Further, the initiative changes a municipality's state valuation by adding in that portion of tree growth or tax exempt value that would be subject to tax loss reimbursement. This is of benefit particularly to communities without tree growth exempt property. These communities are presently subsidizing the communities with tree growth and tax exempt property who benefit in state aid programs by having lower state valuations. For example, a community without tree growth or tax exempt property can, if the initiative passes, expect to pay a smaller share of the county tax, a reduced subsidy index for school funding and receive an increased share of state municipal revenue sharing.

Former state legislator James Wilfong of Stow, one of the leaders of the Coalition, stated at a news conference announcing the formation of the statewide group, that the initiative "promotes the concept of the state sharing in the expense of tax privileges it declares."

Coalition co-chairperson Pamela Plumb, a Portland City Councilor, said "This initiative does not question the propriety of the Legislature in making such exemptions. We simply ask that it take a portion of that burden on itself, rather than passing it along entirely to the local property taxpayers."

If the initiative gathers the necessary signatures, it will go to the Legislature which will have the options of enacting it, sending it to referendum, or sending it and an alternative to referendum. Much concern has been voiced as to how the

funds will be found to finance the proposal. The coalition believes that the Legislature has two years to rearrange its priorities to finance this proposal and to carefully examine the tree growth law and the property tax exemptions for possible modification. The estimated cost of \$20 million is less than the reimbursements communities would presently be receiving if the Legislature had kept its commitment to finance the tax loss created by the inventory tax repeal. Further, it is equivalent in cost to the Governor's proposed homestead tax exemption.

Tax Exempt Property

In 1978 the voters of the State of Maine approved a Constitutional amendment to require the State to reimburse municipalities for 50 per cent of the cost of all *future* property tax exemptions. Also last year, a voter survey indicated that reducing the cost of property tax exemptions was the preferred method for cutting property taxes. That vote and survey established the basis for the Coalition's initiative bill calling for the 50 per cent reimbursement on tax exempt properties.

Included in the classifications of tax exempt properties subject to the reimbursement would be properties of the State of Maine, charitable properties, literary and scientific, veteran service clubs, chambers of commerce, churches, fraternal clubs, hospitals, veterans, blind, private airports, pollution control and solar energy facilities. State valuation return data lists the value of these exempt properties in 1979 at \$1.4 billion.

The Coalition states that reimbursements for tax losses created by tax exemptions will alleviate some of the inequity for one community having to subsidize regional institutions, such as a hospital, or a statewide institution, such as a college. It believes the burden of paying for public services to these institutions should be more equitably distributed among the population served.

In including State of Maine properties for reimbursement, the Coalition believes it should have the effect of slowing down the constant growth of the state government complex. If the state must consider the expense of reimbursements prior to the purchase of additional property, the state should be less anxious to make such decisions and be more aware of the true costs involved. To date, the provision of public ser-

vices to state properties has been a cost largely ignored since the state has not been responsible for financing these services.

The Coalition emphasized the fact that the initiative bill only addresses the issue of requiring State financing of the tax loss created by property tax exemptions and tree growth. It does not modify these exemptions.

Tree Growth

The State of Maine has a public policy of preferential taxation of timberland and woodlands that is designed to prevent excessive taxation and subsequent forfeiture of our forest resource to higher and better uses. This policy states that it is in the public's interest to encourage forest landowners to retain and improve their holdings of forest land and thereby protect this economic and recreational resource.

Preferential tax treatment for timberland and woodlands is allowed by a 1970 Constitutional Amendment which states that valuation may be based upon "current use" as opposed to fair market value or highest and best use. In 1971, the Legislature enacted the Tree Growth Tax Law and chose an income approach for determining current use value. Much of the controversy surrounding the Tree Growth Law stems from the use of an income approach versus a sales approach.

Under present law, tree growth land is valued by county and by type of wood with three classifications: hardwood, mixed and softwood. A determination is made as to how much growth occurs on an acre in a year measured in cords. That growth measurement in cords/acre is multiplied by the value/cord for that type of wood to arrive at a value per acre. This is the so-called income approach.

In contrast, a current use sales approach considers the selling price of forest land being sold for a future use as forest land. This value will range from two to three times the \$45/acre value set by the income approach. Obviously a higher value would reduce the tremendous tax loss the tree growth law creates for many municipalities. The Town of Stow is challenging the Tree Growth Tax Law in court basing its challenge in part on the contention that a current use concept does not allow the income approach to value.

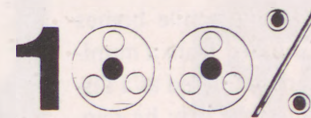
Determining how to set tree growth values based on current use is one part of the debate. A second and critical facet of the debate is whether the state or the municipalities should finance the property tax loss created by tree growth. Even with a sales approach, tax losses for many municipalities are sizable particularly in instances where a highest and best use or fair market value approach would have generated higher values. For example, coastal property in tree growth at an income approach value of \$45/acre or a sales approach value of \$130/acre may have a highest and best use value of \$20,000/acre. Someone must pay for this tax loss. At present, property taxpayers in communities with significant tree growth tax loss bear the burden of financing a state policy of preferential tax treatment for forest landowners.

The Coalition does not question the need to protect

Maine's forest resource through preferential tax treatment. The Coalition does question the lack of State financing for a state policy enacted by the citizens and their legislature. In the words of one selectman, "We think that if the decision-makers want to give special tax treatment to forest landowners, that is alright but, if they want to be generous, they should pay for it." When the Tree Growth Tax Law was first enacted the Legislature agreed to finance 90 percent of the tax loss based on 1972 values. Today the tax loss is still measured against 1972 values in spite of state mandated revaluations which have raised values dramatically and forced a substantial amount of forest land to file for tree growth tax status. The Initiative Bill and the Legislature agree on 90% reimbursement but disagree upon the year to use in calculating tax losses. The Initiative Bill uses the most current year's valuation.

The Coalition reflects a merger of rural and urban interests. It consists of legislators, municipal officials, representatives of labor, business, industry and civic groups. The Coalition is endorsed by the Maine Municipal Association, the Maine Chapter of the Smaller Business Association of New England, the Maine Public Interest Research Group and the Maine Council of Firefighters.

Further information on the Coalition, its initiative bill, and the petition drive may be obtained from John Melrose, director of State and Federal Relations, at MMA.



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Mobile Home Ordinances

By Madge Baker
Staff Attorney
Southern Maine RPC

The remarkable number of mobile home sales in Maine and throughout the country is having a very noticeable impact at the local level. Traditionally municipalities wishing to reduce the visual and financial impact have zoned mobile homes into parks. When the zoning restrictions have been challenged in the courts, judges have almost without exception upheld the zoning restrictions as a reasonable exercise of the municipal zoning powers.

The Maine courts have followed the national trend. The Maine Supreme Court has ruled that a municipal zoning ordinance that requires all mobile homes to locate in parks is constitutional on its face in two instances. *Wright v. Michaud*, 200 A.2d 543 (1964) and *Saco v. Tweedie*, 314 A.2d 135 (1974). These cases reflect the well established rule of law: mobile homes cannot legally be excluded from a municipality; but they can be treated as a distinct type of housing that may be relegated to parks in order to protect property values, promote orderly development, and preserve the aesthetic character of a community.

On the basis of these cases and the case law from other states, Maine municipalities have confidently adopted ordinances restricting mobile homes to parks. Recent developments and the reasoning in *Wright* and *Tweedie* suggest these ordinances may be more vulnerable to attack than municipalities suspect. In the two Maine cases the Court concluded the objecting parties had failed to produce competent evidence to show the ordinances were unreasonable as applied. The Court ruled the ordinances were reasonable on their face and presumptively constitutional; but it left open the possibility of challenging such ordinances as arbitrary, unreasonable, or discriminatory when applied to specific

fact situations. Recent developments may offer just the kind of arguments a mobile home owner could use to attack an ordinance successfully.

For example, in a recent Maine Superior Court case, *Town of Herman v. Hatt*, May 1978, the Court struck down a zoning requirement that each dwelling unit contain 750 square feet. The town maintained the restriction was needed to control population growth, prevent overcrowding and correct substandard housing. The Court agreed with Cynthia Hatt: the square footage requirement was an unreasonable method of accom-

plishing those objectives. The Court also noted, in light of such case law as *Barnard v. ZBA of Yarmouth*, 313 A.2d 741 (1974), it must consider whether the restriction will have "an unacceptable exclusionary impact." It found there was a real need for small housing in Maine. Such a need could not be satisfied if the square footage requirement was upheld. "The Court concludes that (the zoning provision) unnecessarily impedes the satisfaction of this need," and is discriminatory.

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palities may wish to protect their tax base. One obvious method is to relegate mobile homes to parks, since mobile homes generate less property tax revenue than stick built homes. A very important New Jersey case, *Southern Burlington County v. Township of Mount Laurel*, 336 A.2d 713 (1975), rejected this objective flatly. "While we fully recognize the increasingly heavy burden of local taxes for municipal governmental and school costs on homeowners, relief from the consequences of this tax system will have to be furnished by other branches of government. It cannot legitimately be accomplished by restricting types of housing through the zoning process in developing municipalities."

These cases indicate that municipalities will have to regulate mobile homes much more carefully if they wish to avoid court challenges. Municipalities should be able to avoid excluding low income families if their zoning allows parks without imposing such heavy standards on those parks as to in fact exclude them. In short, parks offer the

only really low income single family housing available in Maine, providing lot sizes, sanitation requirements, road standards etc. are reasonable. Mobile home parks can also promote the health, safety, and general welfare of the community if properly located in accordance with a carefully prepared comprehensive plan. For example, if located near the town center, they can be served with water, sewer, health care facilities, waste disposal services, public transportation, stores, and adequate fire and police protection. They can preserve open space through clustering and prevent industrialized housing from adversely impacting historic areas, or expensive suburban developments.

The arguments for parks do not, however, necessarily provide adequate responses to arguments the mobile owner might put forth in a suit. For example, if the municipality is restricting mobile homes to parks to protect property values, the mobile home owner may be able to show that property values in rural areas are not adversely

affected by mobile homes and thereby prove the restriction is unreasonable. Or in a rural community where no mobile home parks have been established, the mobile home owner may be able to show that the prohibition of mobile home on individual lots is exclusionary in effect.

Since mobile homes provide the only readily available low or moderate cost single family housing in most of Maine, regulation of mobile homes will be examined by the courts with increasing scrutiny to see if the effect of the regulation is exclusionary. Municipalities should prepare for court examination by making certain their zoning restrictions enable low cost housing to be located in the community in suitable locations. Mobile home parks may fulfill that need, but only if the town's share of low income housing can be met with parks, and if the restriction to parks continues to be viewed by judges as a reasonable method of protecting the aesthetic character and property values of the community.



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Services To Help Older Persons

Most services for older people in Maine are funded in part by the federal older Americans Act. The Bureau of Maine's Elderly, Department of Human Services, administers this Act by receiving the funds from the federal government and distributing them to five Area Agencies on Aging located throughout the state. These area agencies on aging use these funds and other monies to coordinate a variety of services to older people.

To be eligible for services under the Old Americans Act, a person must be 60 years of age or older. There is no fee for services provided through the Older Americans Act. Services provided through the Older Americans Act include:

- Congregate Meals
- Home Delivered Meals
- Transportation
- Outreach
- Information and Referral
- Legal Services
- Health Screening
- Home Repair Services
- Homemaker Services
- Home Health Services
- Advocacy
- Foster Grandparents
- Retired Senior Volunteer Program

Contact agencies for information on all of the above services are:

Aroostook Regional Task Force (Serves Aroostook County)
Steve Farnham, Executive Director
Box 1288
Presque Isle, Maine 04769
764-3396

Eastern Task Force on Aging (Serves Penobscot, Piscataquis, Washington and Hancock Counties)
Willis Spaulding, Executive Director
153 Illinois Avenue
Bangor, ME 04401
947-0561 1-800-432-7812

Central Senior Citizens Association (Serves Kennebec County)
Bill Inlow, Executive Director
Box 510

Augusta, Maine 04330
622-9344 1-800-452-8703
Western Older Citizens Council (Serves Androscoggin County)
65 Central Avenue
Lewiston, Maine 04240
784-8797 1-800-482-0976
Southern Maine Senior Citizens (Serves Cumberland and York Counties)
142 High Street
Portland, Maine 04101
775-6503 1-800-482-7411
Bureau of Maine's Elderly, Department of Human Services
Irish Riley, Director
State House
Augusta, Maine 04333
289-2461

Other Programs Available for Older People

Supplemental Security Income

SSI is a federal program providing supplemental income checks for people in financial need who are over 65 or people who are in need and are blind or disabled.

Contact: Local area agency on aging or local Social Security Office.

Property Tax and Rent Refund

There is a tax relief program for people who own their own home or rent. To be eligible, people must be 62 years of age or older and have an income which does not exceed \$5000 for an individual and \$6000 for a couple. The Bureau of Taxation administers the program.

Contact: Local area Agencies on Aging or Bureau of Taxation 1-800-452-1924

Low Cost Drug Program for the Elderly

This program allows older people to purchase life sustaining drugs for just \$1. To be eligible, individuals must be 62 years of age or older and meet

certain income criteria.

Contact: Local Area Agencies on Aging or Bureau of Taxation 1-800-452-1924
Nursing and Boarding Home Ombudsman Program

The Nursing and Boarding Home Ombudsman Program investigates complaints made by or on behalf of residents in nursing and boarding homes. If there are any complaints or concerns about nursing or boarding homes, contact:

Nursing & Boarding Home Ombudsman Program
Marjory Blood, Ombudsman
Maine Committee on Aging
State House
Augusta, Maine 04333
289-3658 1-800-452-1912

For any information on elderly services, contact the local area agency on aging, the Bureau of Maine's Elderly or:

Maine Committee on Aging
Ginnie Norman, Staff Director
State House
Augusta, Maine 04333
289-3658

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NEWS

FROM AROUND THE STATE
AND CITY HALL



Statewide: Maine voters approved several issues of importance to all municipalities in voting on November 6. They refused to repeal the so-called "bottle bill" which has reduced litter and landfill space, by an overwhelming margin; passed a bond issue for fish pier, airport and railroad improvements; and passed an energy conservation bond measure for municipal and county buildings.

Saco: The only Maine community to have enacted a rigid tax limitation proposal has reinforced that vote with a decision not to raise the city's tax ceiling. The proposal would have raised the city's \$3 million tax ceiling to \$3.2 million, increased the inflation allowance from two per cent a year to seven per cent, and excluded payments on bond issues from the tax cap. It was defeated by about a 2-1 margin.

Bangor: By better than 2-1, this city has enacted a recall provision that means that any 10 disenchanted voters could force a special recall election by gathering enough petition signatures to replace a councilor or school board member.

Augusta: Combining the police and fire departments into an integrated public safety department is proceeding well, especially in the dispatching system which now links the departments.

Lubec: An open house has been held at the new municipal and public safety building at the top of the hill here. Refreshments from Halloween decorated tables were served by municipal employees who also conducted tours of the facility, which houses town offices, two ambulances, fire trucks and the police car. The building was financed by revenue sharing funds which were set aside each year, and much of the work

was done by CETA employees and the local road crew.

Old Town: This community has opened and dedicated a new 3,600 foot runway to its municipal airport.

Lisbon: Motorists beware. There will be more sand and less salt applied to roadways this winter. The cutback stems from a 10 to 12 per cent increase in the cost of salt over 1978, and in order to stay within its budget, the town will purchase only 750 tons of salt this year, compared to the 1,100 tons of the de-icing agent spread on town roads last year.

Rome: Would that all communities do as the Romans do. The overall tax rate for the Town of Rome has dropped one mil this year, and taxpayers may elect to deduct two per cent of the bill if it is paid by November 26, and one per cent if paid by December 26.

Wiscasset Area: Fourteen towns are

considering accepting an offer from the Maine Yankee Nuclear Power Co. to include them in a free regional evacuation plan to be compiled at the company's expense by the E. C. Jordan Co. of Portland. Such plans have been mandated by the federal Nuclear Power Commission for all communities within a 10-mile radius of nuclear power plants by Mid-January.

Islesboro: This island community has a new doctor with a guaranteed salary of \$25,000 a year from the town, in addition to his fees. He will also enjoy the benefit of a rent and maintenance free seven-bedroom home and a fully equipped professional office. He's Dr. Warren Monson of Minneapolis, Minnesota, who finally was accepted by the town's doctor's search committee after 18 months of looking for a doctor to serve the community's small year-round population.



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Ogunquit: Last month's attempt to report that this former Village Corporation had voted to become a Town, got a bit scrambled and even cut short. Suffice it to say that the issue is resolved, Maine has a new Town of Ogunquit, and our apologies to Mrs. Roberta Brown, manager, for any inconvenience our earlier report might have prompted.

Caribou: An open house has been held to dedicate the newly renovated city offices and police headquarters here. Mayor Wilfred Bell said during ceremonies marking the occasion that with the renovations, the city "will be well housed, hopefully, for the next 50 years." Several energy conservation features have been included in the renovation program, according to City Manager Terry St. Peter.

South Portland: Mayor Terrence W. Christy will soon name a special study committee to take a broad look at the city to complement its comprehensive plan for the future. The special panel of 12 citizens with expertise in the municipal "quality of life" areas in the city will be filled shortly, and have a report prepared by next summer. The 12 areas include arts and culture; energy; finances; urban design; leisure time; elderly; youth; employment; communications; education; government; and commerce and industry.

Detroit: Voters by a wide margin here have decided to accept a three-year lease agreement for the use of a former school as a Town Hall for the town.

Camden: Members of the Penobscot Bikeway Committee are planning to ask municipal officials in area communities to endorse the concept of a regional bikeway which one day may stretch from Warren to Lincolnville.

Brunswick: The town council has voted to purchase two one-man rubbish collection trucks at a total cost of \$133,560.

Madison: A total of 31 voters turned out to make decisions on federal grants of large sums of money for this town, but a total of 90 was required for a quorum, and a new meeting has been scheduled.

Norway: Buses may soon be running from Bridgton to Portland, twice a day, and convenient for shoppers. Isaac


Russell of Norway, operator of an ambulance service in the area, says he is establishing a new organization, Oxford Hills Transportation Inc., and intends to provide bus service between Norway and Portland, that will include North Windham, Naples, South Casco and Raymond.

York: The volunteer firemen here have conducted an open house at their new \$200,000 firehouse, replacing a century-old wooden structure that originally was a schoolhouse. Special arrangements were made to take

youngsters for a ride on a fire truck, and for all citizens to view the modern equipment and tools which are available to the volunteers to protect life and property in the town.

South Berwick: This community has changed 77 mercury street lights to sodium lights, reducing its energy consumption to about 40 per cent, and the lumens have increased on the average of 13 per cent per unit. The cost of buying out the old mercury lights was \$843, which should be made up in about one year, with substantial savings thereafter.

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People

Dalton Gerhauser has resigned as selectman in Georgetown as he has been promoted to a new position by his employer and is moving to Florida.

Wiscasset Police Chief Benjamin Fitzgerald has completed a weeklong Radiological Emergency Response Operations course sponsored by the Nuclear Regulatory Commission in Las Vegas, Nevada. Fitzgerald and Lincoln County Sheriff William Carter were among 22 participants from throughout the country in the program.

Frank E. Stevens, chief of police in Kennebunk since 1958 and a 32-year veteran of the police force, has announced he will be retiring.

William Giguere has been appointed public works director in Lisbon Falls, and selectmen have officially congratulated Rick Vieta, treatment plant operations manager, upon his certification by the State DEP as a Class 5B operator, the highest class granted by the state.

Wells selectmen have appointed Jeffrey C. Beaulieu of Vassalboro as code enforcement officer.

Charles Osgood of Easton has been named town manager of Newport. He has several years of experience in public administration, and replaces Thomas Collins who resigned in August.

Citing "lack of time" Rome's First Selectman Michael Barrett has resigned.

Distant relatives William H. and Richard E. Jordan, both of whom have served as councilors in Cape Elizabeth since the community adopted the council/manager form of government in 1967, have announced they will not seek re-election in December, and both cited the same reason: "I've been there long enough."

First Selectman William Moro has resigned his position in Peru for both personal and philosophical reasons.

Gail S. Staley has been selected by the Brunswick Town Council to succeed Georgette M. Moffett as town clerk.

Second Selectman Mac Burdin of Strong has resigned for health reasons.

Upopposed incumbents William Osborne and Thomas Richards have been re-elected to the Old Town Council.

Part-time code enforcement officer Richard Parker of Rockport has resigned.

Richard Day, a Gray resident and former planning board member, has been named code enforcement officer.

Also in Gray, the town council has named Janice McGrath as its new town manager. She has been acting town manager since last June, and earned plaudits from the council for her work as acting town manager after two managers resigned from the position.

She has worked for the town as bookkeeper, town clerk, tax collector, welfare overseer, and office manager, in addition to her two stints as acting town manager. She has taken MMA sponsored courses to become certified as a tax collector and treasurer, and is continuing work on certification as a town clerk.

Claire Porter, formerly a member of the school board, was the top vote-getter in Bangor races for the city council, and Barbara McKernan and Paul Zendzian, both incumbent councilors, were re-elected.

Brewer voters have placed James Pooler and Thomas A. Mercier, Sr. on the city council, over two challengers for the open seats.

Acting City Manager Stanton

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McGowan, Old Town's engineer the past seven years, has been selected as city manager from a field of 45 applicants for the post. He succeeds George Campbell who left to become the director of the State Development Office at the request of Gov. Joseph Brennan.

After 26 years in municipal government, the last 12 as town manager of Thomaston, John Taylor has told selectmen he will retire next spring. Taylor previously served as manager in Bridgewater and Hermon, and as a selectman in Sumner. "I'm tired" he told the selectman and will continue working on his farm in Sumner following his public service retirement.

Mayor Warren T. Perry, a veteran of six years on the Rockland City Council and who became Rockland's first mayor in 33 years last December on the 14th ballot following a charter revision, has decided "... it's time to make room for somebody else." Perry said in his retirement announcement "It's been very interesting. . . I've enjoyed it; I hope I've done some good for the community."

Assessors are much in the news in Maine this month. Among them is William H. Kirk, CMA, city assessor of Waterville, who received the Inter-

national Association of Assessing Officers award for the 1979 New Idea Award in Office Procedures, which he outlined in an article presented in the November 1978 edition of the MAINE TOWNSMAN. His Computer Ratio Study has since been reprinted in various other publications. The award was presented at the IAAO meeting in Las Vegas in October, and is presented in recognition of the development of the most effective original idea resulting in the improvement of an office procedure. At the same meeting, Michael L. Austin, CMA, Bath assessor, received the Presidential Citation for his work in forming the Maine Chapter of IAAO. And, James A. Phillips, CMA, Rockland assessor, received the professional designation, Residential Evaluation Specialist, the first such designation of an assessor in the State of Maine. "It's something I've been working on for three years," said Phillips, who has been Rockland's assessor for about one year.

Town Manager E. Earle Brown of Winterport has resigned, and announced "that I wish to seek an elective office and get back into the political circle."

Frederick A. Oliver, executive director in charge of the urban renewal pro-

gram in Westbrook, has been named director of Biddeford's downtown redevelopment program.

Gerard P. Savage, chairman of the Board of Selectmen in Sanford, one of the few communities in Maine which attempt to make the post full-time employment has announced his decision not to seek re-election in December. Selectmen in Sanford average about \$12,500 per year, and a recent warrant committee offer of a six per cent increase over two years, was not acceptable to the chairman.

Two incumbent town councilors, Frank R. Kauffmann, and chairman Manuel P. Sousa were re-elected to the Kittery Town Council, and were joined by Robert J. Stacy, in an election which was decided by about 20 per cent of the town's voters.

Paula Harris, a Caribou city employee for 12 years, has been appointed to the newly-created position of city finance director. She was serving as the city's bookkeeper. She has been employed by the city in a variety of posts since 1967, and is a Certified Maine Assessor.

Waterville Mayor Paul R. LaVerdiere won a second term in voting on November 6 by taking all of the city's seven wards. Mayor LaVerdiere's re-election came from the largest turnout for an off-year election in 12 years, and makes

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him the first two-term Republican to serve in the mayor's office since Cyril M. Joly was elected to a second term in 1963. In other Waterville City Council elections, incumbents Anne M. Hill and Daniel L'Heaureux won re-election; Paul Bourdreau was elected; Joey Joseph defeated incumbent Laurent L'Heaureux; Joseph B. Ezhaya defeated Harold Goldrup; and former city councilor and state senator John L. Thomas Jr. defeated Allan D. Larsen.

Incumbents Roger Brawn and Aileen Page were both re-elected to terms on the Dexter Town Council.

Paul Dionne, 35, a former member of Lewiston's Finance Board, swept to election with 85 per cent of the vote for mayor of the city which will implement a new council/manager form of government in January. It was a convincing victory for the political novice who overwhelmed two other candidates. It was also a vote for change in the direction of the state's second largest city.

Municipal Calendar

BEFORE DECEMBER 1—All petitions to the State Department of Transportation affecting snow removal must be submitted (23 M.R.S.A. §1002).

—Municipal officers may initiate process to close certain ways during winter months (23 M.R.S.A. §2953).

ON OR BEFORE DECEMBER 15—Town clerks shall report to Commissioner of Inland Fisheries and Wildlife on hunting and fishing licenses issued in November (12 M.R.S.A. §2401-B(16-D)).

DECEMBER 10—Municipal expenditure statement and claim for reimbursement to be sent to Division of General Assistance, Department of Health and Welfare, Augusta (22 M.R.S.A. §4499).

DECEMBER 10-15—Town and city clerks shall make return of vital statistics to Department of Health and Welfare, Division of Vital Statistics (22 M.R.S.A. §2702(2)), and in cases involving non-residents, to other municipalities (22 M.R.S.A. §2702(3)). Towns over 25,000 population have until December 25 to make return.

DECEMBER 15—Final disbursement by Treasurer of State under formula to reimburse for lost U.C.C. revenues.

Veteran city councilors George Call, Albert Cote and Bert Dutil were defeated, while Laurier Marcotte retained his seat. Roger Phillipon, 23, bested the veteran Cote by a 2-1 margin to become one of the youngest city councilor's in Lewiston's history; Leo Daigle overwhelmed incumbent Dutil by a nearly 3-1 margin; and James Begert defeated Call who had served on the Board of Aldermen for 16 years by about 140 votes.

The Town of Union has been saddened by the death of its Road Commissioner, Melvin Kennedy, first elected 29 years ago to that post. Gideon Winchenbach, who worked with the late Mr. Kennedy for 20 years, has been appointed to the post until the March Town Meeting.

Leo J. Fournier, 88, died October 28 after a brief illness. He had served his community in a variety of capacities, and was a selectman and town clerk of Bingham for more than 25 years.

DECEMBER 1979

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DECEMBER 17 to DECEMBER 24—If collector's tax auction sale is to be used for enforcement of delinquent real estate taxes, notices for resident owners must be posted during this period. First notice for nonresident owners must be published prior to December 24. (36 M.R.S.A. §1071)

DECEMBER 25—Christmas Day — a legal holiday (4 M.R.S.A. §1051, 20 M.R.S.A. §801).

JANUARY 1—Interest starts on the first day of January, following the date on which State taxes are levied, on unpaid State taxes (36 M.R.S.A. §892).

—Permits for automobile junkyards issued during the past year lapse on this date (30 M.R.S.A. §2452). Written notice of junkyard applications should be sent by ordinary mail to State Department of Transportation not less than 7 nor more than 14 days prior to hearing (30 M.R.S.A. §2453).

—New licensing requirements, fees for dogs go into effect (P.L., 1979, ch. 492).

—P.L. 1979, ch. 562 goes into effect revising certain fees and allowing others to be determined locally.

—New fees for fish and game licenses go into effect (P.L. 1979, ch. 543).

Classified

FOR SALE—Town of Brunswick. L.P. Gas generator for emergency power. 30 KVA 208 3-phase unit with automatic transfer switch and Continental, 6-cylinder engine. Radiator cooled. Completely rebuilt six years ago. Very few operating hours on unit. Inquiries may be directed to Fire Chief, Gary Howard, Tel. 725-5542. Sealed bids will be received in the office of the Town Manager, 28 Federal St., Brunswick, ME until 11 a.m., Dec. 10, 1979 at which time they shall be publicly opened and read. Minimum bid \$500. The right is reserved to reject any and all bids should it be deemed in the best interest of the Town. Sealed bids shall be accompanied by a check in the amount of 5% of the bid price in an envelope clearly marked GENERATOR BID.

CITY ENGINEER/DIRECTOR OF PUBLIC WORKS—The City of Lebanon, New Hampshire (population 12,000) is seeking a qualified person for the position of City Engineer/Director of Public Works. Applicants should be a New Hampshire Registered Civil Engineer or eligible for New Hampshire registration within 6 months of appointment. The city is looking for a young engineer ready to tackle the challenges of a fast growing community. Send complete resume to John B. Wheeler, City Manager, with salary requirement (not over \$21,000). An Equal Opportunity/Affirmative Action Employer.

CITY MANAGER—The Eastport City Council is accepting applications for the position of City Manager. Applicants should forward applications stating qualifications, experience and personal data to: President, Eastport City Council, 78 High Street, Eastport, Maine 04631 so as to be received by the City Council no later than 4:00 P.M. on 1 December 1979. Salary is negotiable and interviews, as necessary, may be arranged.

FOR SALE—Two tailgate sanders, 1973 and 1975 Flink. As is condition. Can be seen at Yarmouth Public Works Garage. For more information call: 846-4971. Sealed bids will be received by Town Manager, P.O. Box 455, Yarmouth, ME 04096 until 3 p.m. December 20, 1979.

POLICE CHIEF—Rumford, Maine. Population 8400. Budget \$304,000. Experienced—Academy Trained or Equivalent Required. Strong Leadership — Administrative Abilities Necessary. Send Resume to: Town Manager, Robert L. Noe, Rumford, Maine 04276. An Equal Opportunity Employer.

Legal

Traffic Ordinances

Question: 30 M.R.S.A. §2151(3) grants the municipal officers the exclusive authority to adopt ordinances regulating the operation of vehicles in the public ways and on publicly owned property. What procedures should be followed to adopt such ordinances?

Answer: Assuming your municipality does not have any local charter provision providing a different process, the procedures which must be followed for the municipal officers to adopt traffic ordinances are set forth in 30 M.R.S.A. §2151(3)(C). The following is a suggested format for complying with those requirements:

1) The municipal officers must cause a notice to be posted at least seven days prior to the time of the meeting at which the traffic ordinance is to be considered for adoption and that notice must be posted in the same place as the town meeting warrant. If your town customarily posts in two or more places, the same number of postings would apply to these notices.

2) The notice must give the date, the time, and the place of the municipal officers' meeting.

3) The notice should be directed to the voters of the municipality.

4) The notice must contain in full the text of the proposed ordinance.

5) The notice must be signed by at least a majority of the municipal officers, attested in the manner provided for town meeting warrants, and contain a return executed by the person who posted the notice.

At the time of the meeting the muni-

cipal officers should place the ordinance before the meeting for general discussion and by way of a statement explain the need for the ordinance. After that the public should have the right to ask questions and engage in general discussion concerning the ordinance itself. After a satisfactory discussion period has been completed, the municipal officers should proceed with the consideration of the ordinance.

The enactment is not difficult. It may be accomplished by a motion made

by one of the municipal officers, seconded by another, and voted upon by majority vote. Because there must be a record of the action, it is suggested that the town clerk be present, record the motion, record the second, and poll and record the individual votes of the municipal officers. The minutes of the town clerk plus a certified copy of the ordinance enacted should be recorded in the town's records in the same manner as an action by a town meeting.
(By W.W.L.)

The following format is suggested for the notice required by 30 M.R.S.A. §2151(3)(C):

Public Notice

To _____, a constable of the town of _____,
in the County of _____

Greeting:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the town of _____ that the municipal officers of said town will meet at _____, on _____, the _____ day of _____, 19 _____, at _____ o'clock in the _____ and then and there consider the enactment of the following ordinance:

An Ordinance Relating to Traffic Control

(Here set out text of ordinance)

The public will be given an opportunity to be heard prior to the consideration of the above ordinance by the Board of Selectmen.

Given under our hands this _____ day of _____, 19 _____.

Municipal Officers of _____

Attest:

Return

Town of _____, _____, 19 _____

Pursuant to the within order of notice, I have notified and warned the voters of the town of _____ that the municipal officers will meet at the time and place and for the purpose therein named, by posting this day an attested copy.

The opinions printed above are written with the intent to provide general guidance as to the treatment of issues or problems similar to those stated in the opinion. The reader is cautioned not to rely on the information contained therein as the sole basis for handling individual affairs but he should obtain further counsel and information in solving his own specific problems.

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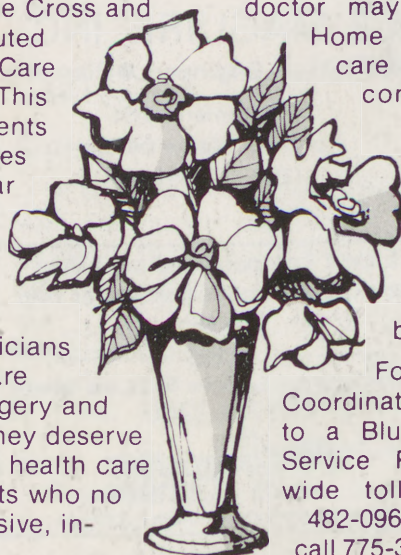
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If you are a Blue Cross and Blue Shield of Maine subscriber and live in an area served by a home health agency, your doctor may recommend Coordinated Home Health Care. As a home-care patient, you would receive continuing treatment under your doctor's supervision. CHHC will pay for all medically necessary equipment, medications, and professional services with no time limitations on the continuance of these benefits.

For more information about Coordinated Home Health Care, talk to a Blue Cross and Blue Shield Service Representative. Our state-wide toll free number is 1-800-482-0966. Or, in the Portland area; call 775-3421.

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