

LOCAL GOVERNMENT IN MAINE



“GOVERNMENT IS PEOPLE”

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PREFACE

Politics is the practical exercise of the art of self-government, and somebody must attend to it if we are to have self-government; somebody must study it, and learn the art, and exercise patience and sympathy and skill to bring the multitude of opinions and wishes of self-governing people into such order that some prevailing opinion may be expressed and peaceably accepted. Otherwise, confusion will result either in dictatorship or anarchy. The principal ground of reproach against any American citizen should be that he is not a politician. Everyone ought to be, as Lincoln was.

Elihu Root, Speech presenting statue of Lincoln to the British people July 28, 1920



ACKNOWLEDGMENTS

The original “Local Government in Maine” book was published in 1979. Kenneth Roberts, a staff writer for Maine Municipal Association at the time, was the principal author, with several other contributors playing supporting roles. Tim Sample, the noted Maine humorist, did artwork for the original book.

The book was updated and revised in 2005, under the direction of MMA’s then-Director of Communication and Educational Services, Michael Starn. Professor G. Thomas Taylor of the University of Maine and David Kinney, who then was a graduate assistant and who later was the Town Manager in Lincolnville, did the first draft of revisions. Freelance writer and editor Douglas Rooks played a key role.

This year, we determined that another update is in order. New legal requirements for towns and cities are handed down, population figures never stand still – even the number of municipalities in Maine (currently 491) changes from time to time. Geoffrey Herman, Director of State & Federal Relations at MMA, took on the updating project and led the process. He was assisted by: Kate Dufour, Senior Legislative Advocate; Garrett Corbin, Legislative Advocate; Laura Ellis, also of the SFR staff; Valerie Pomerleau, Membership Database Specialist; and, Jaime Clark, Graphic Designer.

Thanks to everyone who has played a role in producing and updating this book, now and over the years.

Eric Conrad
Director of Communication & Educational Services
Maine Municipal Association

Aug. 1, 2016

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Government is people. It is people deciding the rules they will live by, the services they need, and the representatives they will elect or appoint to carry out their wishes. Municipal or local government is the unit of government closest to the people it serves.

Often people in a community will say, “Nobody cares or no one can make a difference.” They think that their government is not working to identify and solve difficult problems. The history of local government of Maine, however, shows that, over time, it has proven to be both responsive and adaptive to needs identified by citizens, needs that have grown and changed over the years.

In the 1970s, people in the northern community of Ashland thought their town needed a recreation center, a place that would benefit people of all ages and provide a gathering place that was lacking as the town moved away from its agricultural past. The town had the chance to buy an abandoned church for the recreation center, but there was opposition. It was a significant expense in a small community and opinion seemed to be running against the center.

Some seventh grade students, however, believed strongly that the recreation center would provide wide and lasting benefits for townspeople of all ages. With the help of their social studies teacher, they wrote a paper detailing what the recreation center would accomplish, touching on themes that had not yet been considered. After broad distribution of their paper, the town meeting called to consider the recreation center project supported it overwhelmingly.

In the 1970s and '80s, China Lake – the geographic and economic center of the town of China – was visibly deteriorating. With a relatively shallow lake typical of central Maine, deforestation of its shoreline and intensive agriculture in the watershed had made the lake eutrophic, leading to spectacular algae blooms that generated news coverage and tarnished China Lake’s image as a vacation resort. While federal legislation was already making a major difference in cleaning up and restoring Maine’s rivers, there was much less funding for, and knowledge about, lake water quality.

In cooperation with neighboring towns, citizens proved that they could make a difference, forming the China Lake Association and working with town and state governments to identify and then address the lake’s water quality problems, which included some farmland management issues and inadequate septic systems. After years of unmanaged growth within the China Lake watershed, people banded together to make changes.

Although the work to improve China Lake has been expensive and time-consuming, the common effort to improve the lake’s water quality and attractiveness has yielded striking results and continues to motivate community participation.

In the 1980s and '90s, Gorham was among a number of fast-growing towns in Cumberland County feeling the strain as new citizens began demanding services but taxpayers resisted the budget increases necessary to provide those services. Building on an idea introduced several decades earlier, the local fire chief decided that Gorham should explore cooperating with neighboring towns to provide fire protection, all of which were also experiencing heavy population growth.

While Gorham maintained its central fire station as before, it built substations near the boundaries of

its neighbors, and now jointly owns fire stations with the towns of Windham, Scarborough and Standish. Fire equipment belonging to each town is housed in the stations, and professional and volunteer firefighters turn out together to fight fires. The town where the fire occurred reimburses the others for hourly wages and workers' compensation payments.

In 2005, Windham and Gorham jointly purchased a ladder fire truck, sharing a significant capital expense. This vehicle was more expensive than a regular fire engine but it provided an opportunity for both towns to do away with two regular fire engines, avoiding significant future expenses. In addition, Windham and Gorham share an employee devoted to maintaining their fire vehicles. Doing this work "in-house" provides a significant savings over what it used to cost when this maintenance work was done by an outside business.

Arrangements such as these show that cooperation across town boundaries can improve services while also satisfying taxpayers.

Beginning in 2007, four municipalities in the Greater Portland area initiated an innovative approach to addressing the negative environmental impacts of "nonpoint source" stormwater pollution.

The Long Creek watershed is located in Portland, South Portland, Scarborough and Westbrook, and the streams within the watershed were becoming unhealthy as a result of an incrementally deteriorating riparian habitat and the accumulated runoff from the parking lots, vast rooftop areas and other "impervious" areas in the urban setting.

The core of the innovative approach was an abundance of inclusion. Working in concert with the federal Environmental Protection Agency, Maine's Department of Environmental Protection, experts in the development of interlocal agreements and nearly all the business and nonprofit entities in the watershed that own an acre or more of impervious area, the Long Creek Watershed Management District was created and capitalized. Administered by the Cumberland County Soil and Water Conservation District, the results of this collaboration were remarkable. In relatively short order, the water quality greatly improved, there has occurred a conspicuous restoration of stream habitat, and the community-wide education effort has led to the implementation of creative property redesign improvements and day-to-day property management practices that will pay unlimited watershed protection dividends over time.

These and other examples show that municipal government is capable of responding to new demands, and thinking creatively about the challenges of providing services in a new century.

The Need for Local Government

From the beginning of recorded time, groups of people have had to set rules for everyday living. Native Americans had local governments, with chiefs and Indian tribal councils chosen by the various tribes. Four tribal governments, the Penobscot, Passamaquoddy, Aroostook Band of Micmacs, and Houlton Band of Maliseets exercise a degree of autonomy within Maine's geographic boundaries and govern tribal lands.

The Pilgrims made plans for local government even before they landed at Plymouth. While anchored in the harbor on November 11, 1620, they wrote the Mayflower Compact. The men who signed the Compact agreed to make "such just and equal laws . . . for the general good of the colony." Those who signed the Compact promised to obey these laws. The Mayflower Compact was important because, for the first time, a group of ordinary people had set rules to guide them in everyday life.

After landing on the shores of what is now Massachusetts, the Pilgrims established settlements. People in each of the settlements realized they needed rules as well as services to meet their needs, so they agreed upon certain laws. Among the first needs faced by these early settlements was fire protection and public safety, and

the education of children.

The colonists were a group of people who had left their homelands to seek a better life outside the boundaries of monarchy, which still dominated Europe. In signing the Mayflower Compact, they formed the first local government in the European settlement of North America. It was, as Abraham Lincoln later described it in his Gettysburg Address, “government of the people, by the people and for the people.” The idea that people can govern themselves without rulers established by heredity is the basis for local government. It is also the idea behind state government, and the United States Constitution, which established the federal government. The traditions of local government are not specifically recognized by the U.S. Constitution, which doesn’t mention city and town government, but are recognized in the Maine Constitution.

New England Local Government

Town Meeting was the new form of government established in the early New England settlements, including the territory that became Maine. On town meeting day in March the male citizens of a community met in the town hall to discuss local problems, set taxes, and elect officers.

The principal officers elected at the town meeting were called the “select-men.” Usually three in number, the selectmen carried out the laws and decisions voted by town meeting. Since every eligible citizen had a right to speak at the town meeting, it represented direct democracy in a form not widely seen since the days of ancient Greece. By our contemporary standards, even town meetings were not completely democratic since women were not allowed to vote until much later. Some communities also required membership in the established church or property ownership. All these restrictions on the right to vote have long since been abolished.

As Maine communities have grown, their residents have adopted other forms of local government in place of town meetings. Some larger communities have replaced the town meeting with town or city councils. Many communities have turned to professional administrators, town or city managers, who carry out municipal policy under direction of the elected officials. Of the 491 municipalities in Maine today, over 425 still conduct business at the annual town meeting, in a form that has survived well over 300 years. Unique to New England, town meeting is still seen by Mainers as a highly appropriate way to govern themselves.



Evolution of Local Government in Maine

The interest in local control of government seen today has been present since the times of the earliest settlers. That interest in local control was among the reasons the emigrants boarded sailing ships for the long and dangerous voyage to an unknown land thousands of miles away. The people who came in the 1600s and 1700s to the New World were mostly from England, France, Spain and Holland. In New England, most of the early settlers came from England and France.

Kings ruled both England and France throughout the Colonial period. Local government, as we know it today, did not exist, and the right of people to represent themselves was unrecognized. People were called “subjects” and many aspects of their lives were controlled by the monarch. Those who emigrated sought religious and political freedom, and wanted to be masters of their own destiny.

Before 1639, settlers in what we now know as Maine managed their own affairs as best they could. This tacit freedom to rule themselves was not to last long. The King of England began asserting control of the land being settled along the Atlantic coast as colonies of the British Empire. As these areas were brought under crown control, the king appointed royal governors and other officials to oversee each colony, whose right to rule was established by charter.

King Charles I of England established the Massachusetts Bay Colony. The King selected men from that colony to become Lord Proprietors or overseers. In 1639, the king named Sir Fernando Gorges as overseer of the “Province or Countie of Maine.” It included all of the territory between the Kennebec and Piscataqua rivers. In 1652, the Colony of Massachusetts Bay claimed the land as its own colony, the only case of such an annexation of non-contiguous territory in the English settlements. The Province of Maine then became a county of Massachusetts called Yorkshire. Most residents gave their allegiance to the new colony. It was the beginning of organized government in Maine.

Colonial Town Government

The governing body of the Massachusetts Bay Colony was known as the General Court, a name still preserved at a ceremonial level in some New England states. The General Court functioned similarly to what we know as our State Legislature. The General Court had the authority to grant charters to towns. The charters were a local constitution giving townspeople the right to manage local affairs. They could elect officials, make laws and assess taxes. Each charter required that any local law be consistent with the laws of the General Court. This provision required townspeople to give up a measure of control, but they also gained the right to elect representatives to the General Court, giving them a voice in the shaping of laws affecting their towns.

The General Court of the Massachusetts Bay Colony let each chartered plantation or town send two or three deputies (or representatives) to the General Court. The number was based on the population of the town. Townspeople still elect their representatives to the Legislature, though in much stricter proportion to population thanks to the legal concept of “one person, one vote.”

In the early town charters, the General Court required two town officers to be chosen: a constable and a highway surveyor, who was in charge of town roads. Towns were permitted to choose other officials necessary to improve the effectiveness of local government. Later in the Colonial Period, the General Court permitted



towns to elect not less than three, and not more than nine, selectmen to oversee all daily operations. Later, town clerks were added to maintain official records.

The Massachusetts General Court passed a number of laws relating to town government. A 1691 statute provided that “town meetings be held annually in the month of March *[and]* that warrants be issued by constables ...” The General Court in 1715 required that a moderator be selected for every town meeting “with power to impose fines for speaking without permission.” Ten or more freeholders or citizens were permitted to include questions to be decided at town meetings. No vote could be taken on subjects not included in the warrant. It was Thomas Jefferson who called Town Meeting government “the wisest invention ever devised by the wit of man for the perfect exercise of self government and for its preservation.”

In its early days, town meeting was far more than a device for making decisions about government. Coming near the end of a long Maine winter, it was a time for socializing, renewing acquaintances and indulging in a number of indoor sports. An account of one such meeting, in 1908 in Stockton Springs, was penned by perhaps the longest serving town clerk in the nation. When he died at the age of 98 in 1978, Walter Trundy had served as town clerk for 69 years. Here’s his account of that gathering in March, over 100 years ago: “The meeting was held in what we called the Old Meeting House. Everyone stood because there were no seats; wooden boxes filled with sawdust were scattered among the townspeople for the tobacco chewers; the men wore buffalo coats, the cheapest available at the time; the meeting house was filled with smoke from men’s pipes; and there were no women. Buffalo coats, tobacco spit, smoke...it was a pretty tough meeting.”

In 1820, Maine entered the Union as a free state under terms of the Missouri Compromise, after earlier receiving the assent of Massachusetts to a separation, thanks to an agreement brokered by William King, who briefly served as Maine’s first governor. The Compromise, considered a landmark in the national struggle over slavery, allowed Maine to join the Union as a free state that did not permit slavery. Missouri, though north of the Mason-Dixon line previously used to demarcate slave-holding territory, was allowed to join as a slave state. This maintained the equal numbers in the Senate between senators from free and slave states.

When Maine entered the Union as its 23rd state in 1820, it consisted of 240 towns and no cities. The new Maine Constitution permitted all of the towns incorporated under the General Court of Massachusetts to be recognized as incorporated towns by the new state. With relatively few changes, the Constitution of Maine was derived from the body of laws that had been passed by the General Court. Thus, most of Maine’s municipal government originates from the government of Massachusetts, and the early records of Maine towns and counties continue to be kept by its southern neighbor.

Government Begins to Grow

The period of fighting with Indian tribes that followed the outbreak in 1670 known as “King Philip’s War,” named after a powerful tribal chieftain, set back the course of settlement in Maine for almost 100 years, abetted by frequent conflict between France and England over the region. As other colonies began producing larger villages and cities, Maine remained isolated and largely undeveloped. By the pre-Revolutionary period, though, Maine had again become desirable for farmers and traders from southern New England, and the population began to grow. As it did, local governments also grew and became more complex.

The earliest settlers built many churches, and they also valued education. It is not surprising that after providing for the common defense by building forts, the settlers turned to building schoolhouses.

New England was the pioneering region in the movement that led to today's public school systems in all 50 states. In 1635, the first system of formal education was started in Boston. In 1647, the General Court of Massachusetts passed a law calling for a common school system throughout the colony. Education today still reflects this law's basic principles. All children were required to go to school, and settlements that did not offer schooling were fined. Basic education law remained almost unchanged until after the Revolutionary War, when the colonies separated from England and became the United States of America.

From earliest settlers teaching their children to read from the family Bible to the roving teachers who found their students in distant settlements, education has been a priority for Maine's citizens, and the first record of a schoolhouse in Maine comes from York in 1724. Since then, education has come to be a complex and expensive service people demand of their government. In Maine, unlike many states, the responsibility for public education is vested in the municipality, with the Constitution providing that, "the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools." At the same time, the Legislature has long provided direct state support for schools, with specific appropriations coming as early as the 1840s.

The earliest town meetings had brief warrants (the document that has the articles – or issues – to be voted on by the town meeting). The colonists elected selectmen to govern between town meetings. They voted for fence viewers to settle disputes about boundaries and constables to maintain law and order. They hired ministers and teachers. As settlements grew, still other needs arose. Settlements needed to control free roaming sheep, hogs, and dogs and lumber had to be cut and removed. Hog reeves and surveyors of lumber were added, and a few towns retain these positions, at least on paper, to this day. Plots of land were subdivided, particularly those along the shores of the fast moving rivers and streams, where saw and grist mills harnessed Maine's abundant water power.

In the 1770s, roads became a major local concern. Timber needed to be transported to sawmills and corn to gristmills, and finished products needed to be brought to market. Farmers also wanted to get their products to the settlements. Many of today's roads and highways can be traced to this period.

Private citizens usually built the first roads and bridges after receiving permission from the town meeting. Farmers would use their own equipment and time to build a road from farms to settlements. They were often permitted to charge tolls for anyone else using the road. Other citizens would work off their taxes by helping to build and maintain town roads. Public thoroughways, sometimes called rangeways, were provided almost as soon as towns were organized. These rights of way helped prevent the large accumulations of landholdings that were common in Europe, and which the democratic citizenry of the new nation were determined to prevent in their organized towns.

Over the years, as the needs of the poor and the sick became a higher societal priority and the need for fire and police protection became clear, greater responsibility accrued to towns. Local government began to grow.

Government Becomes More Professional

In the 19th Century, towns became subject to various demands placed on them by state government, including school curriculum, health regulations, road construction standards, election procedures, tax assessments, town clerk duties, and care of the old and needy. It was not until the 20th Century that the federal government began to make similar demands.

Over the decades, people came to believe that the business of local government was becoming too big and too expensive to be operated solely by elected officials. They felt that professional help was needed to

help municipal governments deliver services. By the mid-20th Century, many Maine communities had hired professional managers to supervise daily operations.

A town or city manager, defined by statute and appointed by the Board of Selectmen or Council, has the following responsibilities:

- Supervise the activities of local government.
- Appoint personnel working for the government who are not elected, such as police and fire chiefs and director of public works, among others.
- Prepare the budget for the selectmen.
- And, provide the selectmen with advice on the needs of the community.

A community that adopts a local charter can define its own roles and relationships for the town or city manager.

Auburn was the first municipality to employ a professionally trained manager, adopting that form of government in 1917. Portland followed in 1923, Belfast in 1929, and Bangor and Brewer in 1931. During the 1930s, the towns of Camden, Fort Fairfield, Mt. Desert, and Washburn all began employing managers.

Maine municipalities, despite their often small size, have taken to the town manager form of government in large numbers. Of Maine's 491 incorporated units of local government, 206, (42%) employ managers, and an additional 75 have professional administrators or administrative assistants to the board of selectmen.

Some very small towns, such as Masardis (pop. 249) and Amity (pop. 238) employ town managers, but the form is not universally accepted. Some larger towns in southern Maine, including Buxton (8,034), Lebanon (6,031) and Hollis (4,281) have not established the town manager position and rely on the board of selectmen for administration, along with either a board secretary or administrative assistant. All of Maine's 23 cities have a representative form of government (city council) where the citizens elect a legislative body as opposed to a town meeting where all the residents constitute the legislative body. All of these cities also employ city managers or administrators.

The motivation to adopt the manager form is often financial. With professional administration, communities found that local services could be provided more efficiently and less expensively. In financial terms, the manager functions as a chief financial officer, coordinating the purchases and activities of the various municipal departments and scrutinizing them through the budget process.

The growing professionalism in municipal government in Maine that began in the 1930s and continued, in various forms, through the 1970s is an outgrowth of the national progressive movement that sought to bring "good government" to the local level, replacing the "spoils system" of patronage developed in the 19th century. This reform movement ushered in such changes as nonpartisan ballots, at-large elections of council members, and the council-manager form of government. Only three municipalities in Maine, all of them cities, still have partisan local elections. The town manager form of government is still democratic, since the manager serves at the pleasure of the selectmen or council, who are in turn elected by the people.

Following World War II, many professional organizations have been created at the national and state level to assist and represent municipalities and the various officials who serve in local government. The Maine Municipal Association, Maine Town, City and County Management Association, Maine Chapter of the American Public Works Association, and the Maine Chiefs of Police Association are examples of such Maine organizations. They often sponsor professional training and may give technical and legal advice on numerous issues and problems that relate to the specific municipality or department's mission and responsibilities.

Governments Work Together

Until the 20th Century, Maine local governments were relatively unaffected by mandates from the state and federal government beyond the basic charges to operate schools, care for the poor and elderly, and maintain roads. The change from a rural-agricultural society to an urban-industrial nation had profound effects on government, however. New industries were started, businesses grew, and trade with the other states flourished. The federal government began to pass new laws to protect the health and welfare of all citizens in the United States. These federal laws often required state governments in turn to provide for the common good of its people. State laws often translated these requirements down to the level of local government.

It was no longer a matter of people in a community deciding what they wanted for themselves at town meeting. They were also being required to take part in state and even national efforts aimed at improving the lives of all citizens. Probably the best examples of these regional or national aims concern public health and the environment.

To help protect the health and environment of the region and nation, the old system of garbage pits, open-burning dumps, and use of rivers as conduits for sewer systems had to be overhauled and systematized. Until the 1960s and the beginning of the contemporary environmental movement, these responsibilities were almost entirely the concern of local government.

Americans reached a consensus that waste disposal was more than a local problem. One town's sewage pouring into a river polluted the stream as it passed through all the towns downstream and on into the ocean. One town's burning dump polluted the air breathed by people for miles around. Water seeping through the dump was polluting drinking water supplies many miles away.

And because polluted air, rivers and coastlines often affected more than one state, pollution became a national issue. As in the development of professional municipal administration, Maine was a pioneer in influencing national solutions to the problems of solid waste and pollution. Edmund Muskie grew up in Rumford, a paper mill town where, like dozens of others, the river stank and turned various colors whenever the mills discharged. In 1954, he was elected governor as a Democrat at a time when state government was dominated by the Republican Party. After two terms, he decided he could do more to clean up Maine's air and water in Washington, and won a seat in the U.S. Senate, where he served from 1958-80. Working with both Republican and Democratic administrations, Muskie used his chairmanship of the Energy and Commerce Committee to centralize federal environmental programs. His efforts bore fruit through creation of the Environmental Protection Agency shortly after the first Earth Day in 1970. The same year saw passage of the Clean Air and Clean Water Acts that made cleanup of rivers, streams and air important national priorities. By the late 1970s, the construction of massive sewage treatment plants by municipalities and paper mills had such dramatic results that Maine rivers were declared fit for swimming, and native fish began to return in large numbers. Air quality improved, though inputs to the atmosphere have provided much more complex challenges that are still being dealt with today. Muskie's work was carried on by his successor, Sen. George Mitchell, who authored the 1990 Clean Air Act, the last major revision of federal environmental policy up to the present.

Nudged by federal law, Maine took on solid waste disposal as a state priority, centralizing requirements through mandates on municipalities. Over a 15-year period beginning in the early 1980s, all the municipal open-burning dumps were closed and capped-over to prevent leaching, and most communities now operate transfer stations or contract with trash haulers to transport waste to a small number of large landfills and incinerators. The state also adopted a goal of recycling 50 percent of its solid waste, which has not yet been

achieved.

In the area of environmental protection there is rarely time to rest because there is always an upcoming challenge.

Local governments, whether municipalities directly or special local districts, manage the utility of water. Until recently, the two major water management obligations on local government were to deliver potable drinking water and remove wastewater so that it can be properly treated. To those obligations a third has emerged, which is the management and separate treatment of stormwater.

The old “combined” model of wastewater management directed to a single treatment facility all the wastewater generated in the community as well as all the water coursing through stormwater drains. Systems following this model worked well almost all the time but failed to work properly during extraordinary rain events, when the combined wastewater and stormwater would overflow, discharging polluted water into the environment. Separated storm sewer systems were created to prevent the combined sewer overflows, but a new consciousness emerged regarding the harmful effects of concentrated and channelized stormwater on the waterbodies that receive it. The health of those brooks, streams and rivers can become impaired if the stormwater is not buffered or otherwise filtered, and if care is not taken to remove common stormwater constituents such as salt, chlorine, solvents, oils, fertilizers, and eroded soils.

There are now 30 “MS4” municipalities in Maine, which is the term given to one or more local governments located in urbanized areas operating a “municipal separate storm sewer system.” Those towns and cities are required by both state and federal law to specially manage the flow of stormwater and implement programs to educate their citizens about stormwater pollution and how to prevent it.

These are just a few examples of actions taken by different levels of government working together to solve problems for the common good. No single family, neighborhood, town or state, by itself, could possibly afford to achieve these goals, but success can be accomplished by working together.

Home Rule Rebounds

The strong trend toward centralization of government authority eventually created a counter-movement at both the national and state levels. “Big government” began to be seen as a problem, and some federal responsibilities – such as housing programs – were terminated and turned over to the states. The federal government had “intruded” into local decision-making by requiring Special Education programs for students outside the mainstream, in an effort to provide equal educational opportunity for all.

The burdens and expenses created by this approach to government galvanized local authorities to champion “home rule” as an antidote to excessive federal and state mandates. While not specifically mentioned in the original Maine Constitution, home rule protection became a reality through a 1969 constitutional amendment and a number of other key constitutional provisions adopted around this time.

The “home rule” amendment was advanced by the Legislature in 1969, ratified by the voters that November, and went into effect in February 1970. Municipalities were given the right to adopt and to amend their city or town charters and ordinances (local laws) without specific legislative authorization, and the right to govern themselves in any area unless it is prohibited, directly or by clear implication, by state or federal law. Municipalities still must seek legislative authorization to incorporate, deorganize or change their boundaries.

Home rule recognized that some concerns of government are strictly local and have no impact outside the community. It also recognized that municipal charters should be tailored to meet the needs of a specific community, and decisions to adopt or to amend them are best made locally. The home rule movement

rekindled civic pride, citizen interest and participation in local affairs. Another significant amendment to the Maine Constitution, passed in 1977, provides that if the Legislature reduces property tax revenues by providing new or expanded property tax exemptions, it must reimburse the affected municipalities by at least 50 percent of this lost revenue. This requirement plays a role in ongoing debates over such levies as the personal property tax on business equipment and the growth of tax exempt institutions.

The home rule movement is an example of what President Abraham Lincoln expressed by saying, “Let government do for the people only that which they cannot best possibly do for themselves.” Home rule recognizes a continuing balancing act between the duties and responsibilities of federal, state, regional and local government.



How Municipalities Are Organized

Maine's geography includes great variety and is one of its trademarks as a state. From rocky coast to vast interior valleys and mountain ranges, Maine's landscape has impressed visitors from the time of the earliest explorers. Maine's municipalities exhibit equal variety. Its largest city, Portland, is one of New England's major statistical metropolitan areas, as defined by the U.S. Census Bureau, yet Maine also has incorporated towns with fewer than 100 residents. It has cities of less than 1,500 people and towns of more than 20,000. In municipal terms, the population remains highly dispersed. Nearly half of Maine's people live in communities with a population of less than 5,000.

The state's 1.3 million people live in 491 organized municipalities, but Maine is unique among eastern states in having almost half its land mass, nearly 10 million acres, in unorganized territory, most of it in the northern and easternmost counties. For the 8,000 people who live in the unorganized townships, property taxes are paid to the state. The state Land Use Planning Commission (LUPC) establishes basic rules for development, and services are provided by the state and counties and by contract with nearby towns and school districts. Diversity extends even to the geographic size of municipalities. The largest, the City of Ellsworth, covers 93 square miles, while the Town of Randolph, Maine's smallest organized community, is contained within just two square miles.

The early European settlement of Maine followed the coastline and major rivers, and water access still plays a key role in population growth, along with major highways such as Interstate 95. Portland and Searsport prospered as commercial centers because of their deep and safe harbors, and in fact most of Maine's cities are located on major rivers. In the early days these waterways provided the only source of power for industry and were the primary transportation link with the sea and the outside world.

The availability of other natural resources was another important factor in determining where settlements were established and how they prospered. Some had rich soils for farmland; others were near vast forests for logging and the manufacturing of forest products. Communities located near mountains, lakes and ocean beaches have thrived as vacation and tourist centers, first with the railroads in the 19th Century and then with major highways in the 20th Century. The rapid construction of the Maine Turnpike after World War II, completed to Portland by 1947, is credited with launching a new boom in summer and all-season recreation that continues to this day.

The dominance of transportation in the location and growth of settlement is striking. Using the 2010 U.S. Census data, the Maine Department of Transportation calculates that 95% of the state's 1.3 million residents lives within the 40-mile corridor running along I-95 from Kittery to Houlton. Just 7,913 (less than 1% of the state's total population) inhabit Maine's 524 unorganized territories. Although small in population, the unorganized territory encompasses 9.3 million acres, accounting for 40 percent of the state's 22.6 million acre total.

A new way of looking at municipalities is the "service center" community, which goes beyond government organization to consider economic function. Service center communities, unlike suburbs or "bedroom communities," are those that combine government, commerce and transportation to serve as hubs of their regions. A system of identifying service center communities on the basis of objective criteria,

including housing availability, retail sales activity, overall employment levels and the nature of employment opportunities has been codified into a state regulation. That system lists 71 communities as service centers. In Maine, well over 70 percent of all employment, retail sales and all services, such as hospitals, social services, education institutions, cultural activities, and government occur within these 71 cities and towns. The service centers are thus the state's "engines of growth," where people work, shop and seek a wide variety of services. On a day-to-day and year-round basis, many of these communities support daytime populations twice the size of their Census numbers.

The State of Maine is divided into minor civil divisions, which include organized units of local government and unorganized territories. The organized units of local government – often referred to as the municipalities – come in just four types: cities, towns, plantations, and Indian Nations. At the beginning of 2016, there were 491 municipalities in Maine. Of the 491 municipalities, 431 are towns, 34 are plantations, 23 are cities, and there are three Indian Nations that also exercise municipal powers, two on the Passamaquoddy reservations and one for the Penobscots.

The number of organized units of local government has remained remarkably stable over time. A handful of towns have been created and a handful deorganized over the last half century. Nearly 100 years ago, the two towns of Dover and Foxcroft in Piscataquis County merged into one. In the early 1980s, a village corporation within the Town of Wells was formed as the Town of Ogunquit. In the 1990s, Long Island seceded from the City of Portland and Frye Island seceded from the Town of Standish, and each became a new town. In 2006, Chebeague Island seceded from the Town of Cumberland and became a town. Over the last 20 years, the towns of Madrid, Centerville and Bancroft deorganized, as did Oxbow Plantation. Overall, there has been far more continuity than change.

Cities

Maine is not known as a state with big cities. There are only three – Portland, Lewiston and Bangor – with as many as 30,000 people, yet during the 19th Century acquisition of a city charter was a popular way of asserting civic pride, and the state now has 23 cities. Twenty of them were created during a relatively brief portion of the state's history, from 1833-1893.

The difficulty of creating sustained growth leading to cities is illustrated by the very first attempt within Maine's borders. The City of Georgeana, first in all of America, was located in what is now York, but it did not prosper and its legal status was changed to a town, renamed York, when the province of Maine became part of Massachusetts in 1652.

Portland was the first to gain a city charter from the Legislature in 1833, followed quickly by Bangor in 1834. A flurry of incorporations took place in the pre-Civil War period that marked the period of Maine's fastest economic growth. From 1847-1855, Bath, Augusta, Gardiner, Belfast, Calais, Hallowell, Rockland and Biddeford all became cities. Lewiston was a relative latecomer, gaining a charter in 1861. With the incorporation of Eastport in 1893, the 19th Century growth of cities came to a halt.

In the 20th Century, two more towns became cities. Reflecting Aroostook County's growth in agriculture and, after World War II, expansion of military bases, Presque Isle became a city in 1940 and Caribou in 1968. In 2013, as a result of a new charter adopted by the towns' voters the year before, Sanford was incorporated as the state's 23rd city. The population of the largest city, Portland, is over 66,000, while the smallest, Eastport, has about 1,300 residents. By comparison, the largest town, Brunswick, has a population exceeding 20,000, while Scarborough is next at nearly 19,000. In 2016, 374,849 Mainers, 28 percent of the state's population, lived in cities.

All cities in Maine have local charters that provide for a representative form of government – meaning they have a city council that serves as the legislative body. Twenty-four towns also have charters granting legislative authority to a town council. Most of the 400-plus remaining towns do not have charters, and therefore have the town meeting as their legislative body. A charter is the written, legal body of principles by which a community will govern itself, comparable to the Constitution for the nation and its states. Municipal ordinances are local laws passed within the framework of the charter to meet new situations and concerns. At one time, some cities even had a bicameral arrangement similar to the Legislature, which included a board of aldermen. Now, single-chamber councils prevail and most are chosen through non-partisan elections. The office of mayor varies considerably from city to city, with very few authorized to act as chief executive officer. Some mayors are popularly elected by the vote of the people while others are elected by a vote of their fellow councilors.

The city or town council, as a representative form of government, replaces, at least in part, the direct democracy of town meeting. The residents in those communities elect the council that establishes policies and oversees day-to-day operations of government. Some cities have an initiative-and-referendum process similar to that of state government, while a few have recall provisions for councilors. The larger size and management challenges of the urban community convinces the citizens to sacrifice some degree of direct control for the efficiency and effectiveness of council government.

Towns

Towns remain the cornerstone of Maine local government. As of 2016 there are 431 towns in Maine of which 172 have fewer than 1,000 residents.

A Maine community becomes a town when it is incorporated by a special act of the Legislature. At that time, it is given certain privileges and responsibilities, and obligations to perform certain duties like all other towns. Under Home Rule, towns may take any action or change their form of government in any way not denied or precluded by state or federal law.

Within Maine towns, village corporations can also be authorized by special acts of the State Legislature. These corporations are commonly established to provide a specific service, such as fire protection or water supply. In this manner, those who use a service pay for it, and rural families who do not benefit from the service are not taxed for it. From the 1830s to the 1930s, more than 124 such village corporations were created by the Legislature. As transportation and construction techniques improved, such isolated systems were seen as less necessary or desirable. Many village corporations have ceased operating. In the early 1980s, Ogunquit became a town in its own right by separating from Wells; and in 1997, Frye Island separated from Standish. In 2000, there were still at least five active village corporations, mostly in small towns along the coast that had to provide services to numerous summer residents.

Governance of towns has expanded from the original board of selectmen to include, in some cases, town managers, town councils, budget committees, municipal departments and various professional managers. In a small number of mostly larger towns, the council exerts legislative control without a town meeting. In others, a ballot vote is used to approve the budget rather than the open town meeting. Within the same legal structure as existed through most of Maine's history, towns have changed and evolved to reflect greater demands and responsibilities.

With the exception of the 19th Century's move toward cities, few towns have changed their boundaries or their status in recent years. Long Island separated from Portland to become a separate town in the late 1990s. Frye Island, as has been noted, separated from Standish in 1997 and Chebeague Island seceded from

the Town of Cumberland in 2006. Although during the past few decades several towns have started the deorganization process, only a few have seen it to completion. In Franklin County, Madrid, which had 178 residents, deorganized in 1999; Washington County's Centerville, with just 19 citizens, deorganized in 2004; and the Town of Bancroft in Aroostook County deorganized in 2013. In the late 1980s and early 1990s, the towns of Benedicta and Greenfield completed the deorganization process. The statutory and procedural requirements for deorganization have become more involved in recent years, effectively limiting the number of communities that complete the process.

Plantations

Plantations are a type of local government unique to Maine. They originated with the Massachusetts Bay Colony, and were at first intended to be a temporary government to help guide a community in changing from an unincorporated township to an incorporated town. In Maine, they have continued as a basic governmental unit in rural areas. In 2016, there were 34 plantations in the state, one of which (Oxbow Plantation) was granted legislative authority to deorganize in the same year. Three decades earlier, the number of plantations was closer to 60. Plantations are typically rural, heavily forested, and sparsely populated. There is little demand in them for the full menu of public services provided in larger communities.

Plantations are similar to towns in that voters at the annual meeting are the legislative body. During the meeting, assessors are elected to carry on the daily operation of government and function much as the selectmen in towns, though without that title. Taxes are raised and appropriated and voters are registered.

But plantations are different from towns in two major ways. First, they can be organized merely by a vote of the residents at a meeting called by county commissioners; towns are incorporated by vote of the Legislature. Second, plantations do not have the "Home Rule" powers granted to municipalities by Constitution and statute. For example, the voters in a plantation do not have the authority to adopt a purely discretionary land use regulation, such as a noise control ordinance.

Plantations seem likely to continue as long as they retain their especially rural nature. In 2016, only 3,530 citizens resided in the 34 plantations in Maine, and two-thirds of the plantations had populations less than 100.

The primary purpose of local government is to provide public services. Each unit of government must balance what the citizens of a community want for services with how much they are willing to pay for them. Once the legislative body of a community determines the level of services to be provided, the local officials then have the responsibility for providing those services and collecting the taxes and revenues necessary to pay for them. Citizen participation is needed so that municipal officials understand just what citizens want, and what form of government is best suited for the community to enable those officials to accomplish their responsibility.

Maine's 491 plantations, towns, and cities have created a variety of forms of government that continue to evolve to meet the changing needs and demands of citizens. Since the creation of Home Rule by constitutional amendment in 1969, municipal government has become more diverse and varied. Citizens have been empowered to build their local governments from the bottom up. An example is "referendum government" that is being used in approximately 12 Maine municipalities, including the towns of Bradley, Dixfield, Eliot, Hollis, Jay, Mexico, Monmouth, Ogunquit, Readfield, Rumford, Wiscasset and York, where citizens vote on their warrant items in the voting booth, rather than at the traditional town meeting. The budget approval system for school systems is established in state law. For many years, legislation created similar opportunities for school districts, and "referendum voting" on school budgets was exercised in a number of multi-municipal school districts, now called "Regional School Units" or RSUs. Beginning in 2005, state law has required that all school budgets, after being adopted through the traditional open meeting process, be subsequently ratified by the voters by means of the "school budget validation referendum."

Municipal government, like its federal and state counterparts, must be structured to carry out legislative, executive and judicial functions. Its legislative function is to determine what the laws (ordinances) will be and annually adopt the municipality's budget; the executive function is to carry out, enforce, and administer the budget and those local laws; and the judicial function is to settle disputes that arise as laws are enforced. The judicial function does not involve courts and judges but instead "quasi-judicial" boards or committees, such as the Board of Appeals and the Board of Assessment Review.

To carry on these functions, and meet the needs of its citizens, municipal government in Maine operates under several basic forms of government. What follows are descriptions of the five basic municipal governance structures that cover all Maine communities, although there are numerous variations or hybrids within and among these five forms.

In the descriptions below, there will be many references to the office of "selectman" and the "board of selectmen." There is a range of opinion about whether these historically used terms, which specify gender, are still applicable in a time when gender-neutrality is expected in written discourse. It is certainly the case that women have been elected to serve as the municipal officers of their communities on an equal basis with men throughout modern times. The gender-neutral terms for these offices are "selectperson" and "select board." All of these uses – selectwoman, select board, selectman or selectperson – are perfectly acceptable according to preference. For the purpose of providing an overview of local government in Maine, this

The five basic forms of local government in Maine are:

- Town Meeting – Selectmen
- Town Meeting – Selectmen – Manager
- Town Meeting – Council – Manager
- Council – Manager
- Mayor – Council

Town Meeting - Selectmen

During the more than 300 years it has endured and served towns in New England and throughout Maine, the Town Meeting-Selectmen form of government has often been called the purest form of democracy.

The key to this traditional form of local government is the annual town meeting. It is typically held one day each year, historically in March but now as likely in April, May or June, when the citizens gather in one place to decide the important issues facing the town. Towns that have adopted a July-June fiscal year usually meet in May or June. The issues to be brought before the voters are listed as articles on the warrant, which also announces the time and place of the meeting. At the meeting, votes may be taken only on warrant articles. The first article calls for the election of a moderator, a person chosen to chair the meeting. The moderator has broad powers to regulate the meeting and may even have unruly persons who disrupt the meeting removed.

The town meeting performs the legislative function of local government and every citizen who is a registered voter may directly participate in this “peoples’ assembly.” The town meeting passes laws (ordinances) needed for orderly governance, approves a budget, effectively decides the amount of property taxes to be raised, and elects various town officers.

Among the town officers elected at the town meeting, often by ballot preceding the business session, is the board of selectmen, which performs the executive function by administering, enforcing, and carrying out decisions made at the meeting. The selectmen usually number three, five or, in a few cases, seven. Under state law, they have specific duties relating to town meetings and elections, finances, personnel, streets and highways, public safety, human services, public works and planning. State law grants boards of selectmen some legislative powers as well. These include enacting laws or ordinances regulating vehicles, public ways, cable television, and the local welfare program (general assistance).

Other officials often elected by the town meeting include town clerk, tax collector, road commissioner, and treasurer, although in some towns these positions are appointed by the selectmen or town manager. The duties and responsibilities of all these officials are also specified in state law. Particularly in small towns, the board of selectmen often assumes multiple responsibilities. Duties assumed by a board of selectmen might include road commissioner, assessor and overseer of the poor. Where applicable, state law also requires the voters to elect a school board, which appoints a superintendent of schools to supervise public education. Regional and community school districts operate separately from the town meeting.

Special town meetings also may be held during the year when the need arises. They are called by the board of selectmen, or by a sufficient number of qualified voters signing a petition.

One of the most important values of the town meeting form of government is that it provides citizens an opportunity to participate directly in governing their community. They truly become “citizen legislators.” In recent decades, there has been concern over lack of attendance at, and participation in, town meetings. Wider use of elections to approve town and school budgets has been one response. However, in 2016, Town

Meeting-Selectmen remained the form of government in 170 Maine towns, and the vast majority of the 140-plus towns employing managers still conduct town meetings as well. The town meeting will probably remain popular in Maine's municipalities for years to come and will likely remain the rule for towns with populations under 2,000.

Town Meeting - Selectmen - Manager

As towns grew, it became increasingly difficult for their part-time, elected officials to effectively run town government. To help carry out the daily operations, the board of selectmen hire a town manager, usually a professional trained in public administration.

Even before the statutory Town Manager Plan was authorized by the Legislature in 1939, many Maine communities had already seen the need for professional help and had obtained special legislative approval to hire a manager. By 1932, 11 Maine cities and towns employed managers. The City of Auburn became the first municipality to appoint a manager, in 1917. In 1925, Camden became the first Maine town to adopt this form of government, followed by Fort Fairfield, Mt. Desert, Washburn, Rumford and Dexter.

The Town Manager Plan clearly defines the duties, responsibilities, and powers of the manager. As administrator of local government, the manager appoints some municipal employees directly and some with the approval of the board of selectmen or council. Towns are also permitted to discontinue some traditionally elected officials, such as clerk, treasurer or tax collector, and give the manager some or all of these responsibilities.

The law gives the manager authority over much of the town's operations. The manager prepares the budget for the selectmen to submit to town meeting, and the manager administers the budget, with the oversight of the selectmen, following town meeting approval. The manager reports to the board of selectmen and may be removed by the board according to provisions of the state law and any contractual agreement. The manager administers all municipal operations, but not the public schools, which are separately controlled by a school board and superintendent.

With the passage of Home Rule, Maine's cities and towns gained the authority to adopt by local charter any form of government employing a town/city manager. Thus, a town also has the option of choosing the statutory Town Manager Plan or of setting forth its own list of duties and responsibilities for the manager in the local charter.

In the Town Meeting-Selectmen-Manager form of government, the legislative and executive functions of government remain fully separated. The town meeting continues as the legislative body, determining what laws should govern the town and where the money is to be spent. The board of selectmen is the executive body, but it now has a single chief administrator, the manager, to supervise daily operations.

There are many variations of this form of government within Maine communities. Towns have considerable flexibility in determining which offices will be under the town manager, which departments the manager will head, which departments have a separate person in charge reporting to the manager, and which offices will be elected at town meeting.

A few communities share a town manager. Sometimes called a "circuit-riding" manager, this person administers the operations of government in more than one community. This variation is usually found in smaller towns that cannot afford a professional administrator on their own. By joining together and paying the manager collectively, the towns can obtain the professional assistance they need.

A single professional manager has served the towns of Castle Hill, Mapleton and Chapman for many years; another serves the towns of Merrill and Smyrna. The largest of these towns is Mapleton with a

population of 1,948 and the smallest is Merrill with 273. Other communities have considered adopting this variation of the town manager system. Small communities also seek professional help on their own. Towns as small as Amity (pop. 238) and Carrabassett Valley (781) employ managers, some of them part time. Other, larger towns, continue to rely on selectmen, although often the “first” selectmen or an assistant to the board carries out administrative duties. These include Buxton (pop. 8,034) Hollis (4,281) and Lebanon (6,031).

Another variation of the manager form of government is in effect in towns where the selectmen have hired a full or part-time administrative assistant (AA). These assistants are generally hired by the selectmen to advise them on specific matters, often finances. There is no state law providing for an administrative assistant, and the responsibilities and duties of administrative assistants vary from town to town, depending on what authority is given to them by the board of selectmen. This variation has proved to be a popular alternative to the manager form. Nearly 60 communities are currently using the Town Meeting-Selectmen-Administrative Assistant option.

In all, 216 towns – 50 percent – were using managers, town administrators or administrative assistants in 2016.

Town Meeting - Council - Manager

This form of government differs from Town Meeting-Selectmen-Manager in that some legislative functions are exercised by the town meeting and some by the council. In communities with this variation, most legislative functions regarding the budget are reserved for the town meeting. For this reason, it is sometimes referred to as the Financial Town Meeting-Council-Manager system. The council exercises legislative functions regarding ordinances. In this form, the council serves the executive function as well as exercising certain legislative responsibilities. In 2016, 18 Maine communities were operating under this form of government.

All of these forms of local government retain the town meeting and entrust at least part of the legislative function to citizens who participate and vote at town meeting. The limits on the pure town meeting form are usually made so decisions can be made more efficiently and economically. Citizens in mostly larger communities have been willing to give up direct control through the representative form of government familiar at the state and national level. Citizens still retain a measure of local control through the ballot box, and continue to employ a mix of direct and representative democracy.

Council - Manager

The Council-Manager form is the most popular municipal government option used in the United States, and is used in Maine in those communities that have dropped the town meeting system, including all of Maine’s cities and several towns. Unlike town meeting government, which existed at statehood, the council form must be adopted through a local charter.

In this form, the council is the elected body of government and serves both legislative and executive functions. The number of council members varies, but most communities elect five, seven or nine. The method of election also varies. Most communities elect councilors “at-large,” meaning citizens vote for candidates regardless of where they live in the community. In some communities, councilors are elected from wards – electoral subdivisions of the city or town – and only the voters in that ward elect the person to represent them on the council. Some have a mixture of councilors elected by wards and at-large.

In some of the Council-Manager communities in Maine, the mayor is elected directly by the voters to be the council’s presiding officer. More commonly, the mayor is a council member elected to the position by

the other councilors. However chosen, the mayor serves as the presiding officer and represents the council on ceremonial occasions. Most mayors in the Council-Manager communities have neither special administrative duties nor appointive powers. In a few Maine cities, the mayor does have appointive powers, although appointments are often subject to council approval.

In performing its legislative and executive functions, the council sets policies that govern the community and hires a manager to carry them out. The councilors are answerable to the people who elect them. Citizens unhappy with the decisions of the council may replace councilors at the next election, or, in a few instances, recall sitting councilors. The appointed manager is answerable to the council. If the council becomes dissatisfied with the manager's performance, there are legal procedures that must be followed for the manager's removal, similar to those governing managers under boards of selectmen.

By 2016, 20 Maine cities and 24 towns had adopted the Council-Manager form of government.

Mayor - Council

The Mayor-Council form of government, where the mayor is the chief elected and chief administrative official, is quite common outside of Maine but rare in this state. Several Maine communities elect mayors, but only the City of Westbrook has a "strong mayor" in the classic sense. Although the city employs a professional administrator who works for the mayor, the city government's administrative authority is granted entirely to the mayor by charter. Until a charter change voted in November 2005, the City of Waterville also had administrative authority vested in the elected mayor. The term "strong mayor," however, is not defined in stone. In a city or town council municipality, it is often used to distinguish a chief elected official who is granted significant administrative responsibilities or special authority by local charter, from chief elected officials who have little or no administrative authority. There is at least one other variation of a "strong mayor" system.

In 2010, Portland's voters approved changes to the charter that transformed the position of mayor from a more-or-less ceremonial office, elected on an annual basis by the city council, to a full-time position. Portland's mayor is now elected to a four-year term by the voters at large, provided an annual salary of 1.5 times the median income of the residents of the city, and charged with providing community leadership and developing, with the city council, strategic goals and priorities for Portland. The city also employs a city manager, and the division of labor between the two positions is that the manager oversees operations and the mayor oversees policy.

Lewiston is another example of the changing structures that can develop within the forms of local government in Maine. Lewiston's initial system was unique in Maine, and perhaps the nation. It was once described "as a government of 37 legs and no head," by the late Dr. Edward Dow of the Political Science Department at the University of Maine. Government administration and finance rested with six boards and commissions with five members each, a seven-member council, and a mayor.

Since 1980, Lewiston's city government has been a Mayor-Council-City Administrator form of government. The new charter passed in 1979 by Lewiston voters brought in a Council-Administrator government, superceding most of the mayor's previous responsibilities. As in other cities, a professional administrator is now responsible for supervising departments and producing and executing the budget. The administrator, who does not have the title of manager, reports to the city council, whose members are elected to two-year terms.

Lewiston's changing governmental structure illustrates that after Home Rule was instituted, more and more communities acted as architects, designing organizational structures to meet varying needs. Revisions

of city charters have become more common. Augusta has made two major revisions to its charter, in the first instance replacing an all-ward system of electing councilors with four ward representatives and three at-large members. A second charter commission further revised election districts. Augusta's mayor is separately elected by the voters and also may vote to break ties.

In other larger cities, such as Bangor and Rockland, the mayor is elected among the membership of the council. In these cities, the city manager performs a larger executive role, and the council performs a primarily legislative function. Eastport is unique among Maine cities in not designating a mayor, while Pittsfield is a town that nonetheless does choose a mayor. In Eastport, the highest elected official is the city council chairman.

Partisan elections have become a rarity in Maine's local contests, but they continue in the three of the four cities that began with "strong" mayors – Biddeford, Waterville and Westbrook.

The term "hybrid" can certainly be used to describe the various forms of city and town government due in no small part to the freedom at the community level to design unique adaptations of familiar local government forms. Such experiments will no doubt continue in the future as the competing needs of citizens and taxpayers find new expression.

Many of the things people need are too expensive or complicated to be provided individually. Most parents, on their own, could not provide an adequate education for their children. Individuals typically could not build and maintain a road from their home to their workplace. And to ensure the safety and protection of families against crime or fire, professional help is needed. By combining their resources and working together, people in a community can obtain these important services.

Of all levels of government, municipal government has the most direct role in providing visible services within a community. But in some instances, even the resources pooled within the community are insufficient to meet a particular need. Cooperation within a larger context than one community is necessary. Such cooperation may take place with county, state, or federal governments or by communities forming a regional school district or other special purpose districts, such as sewer or water districts. This chapter focuses on the specific services provided by municipalities, and how the major tasks are accomplished.

Although providing services is not the whole of what local government does, it is its most important and recognizable function. Local government provides services demanded by citizens at a cost they believe they can afford. Since citizens are the beneficiaries of municipal services, their participation is vital in deciding what the community's wants and needs are for the present and future. Government services change depending on location, population and changes in the community itself. Whether a community has 100 residents or several thousand, is located on the coast or in the mountains, it will only get the services from the local government that its citizens want and for which they are willing to pay, except those required by state or federal law.

Population and employment have a major impact on what services a community can afford, and a declining job base will ultimately affect what municipalities can offer in services. The 2000 Census found a continued migration of people from northern and eastern Maine toward the coastal and southern coastal counties. While Maine as a whole has shown slow growth, some counties have lost population, and the state's population has become older. There has been widespread concern about the loss of young people and families to other states. According to the U.S. Census, between 1990 and 2000 the counties of Aroostook, Penobscot, Piscataquis and Washington collectively lost 6 percent of their population, while the two southernmost counties, Cumberland and York, grew by 11 percent. However, these region-based changes are moderating. Between 2000 and 2010 the U.S. Census reported that only Aroostook and Washington counties experienced losses in population of 3 percent. Over that same decade, the fastest growing communities were located in Cumberland, Penobscot and Waldo counties, all of which experienced 6 percent increases in population. Population losses and demographic shifts can stimulate an interest in regional cooperation to offer services, with discussion of school district organization, public safety services, and other municipal functions continuing in many parts of the state.

Assessing and Taxing Property

The most basic function of local government may also be its least popular — assessing property and collecting taxes. While no one likes paying taxes, without revenue government could provide no services, and

its ability to provide services is limited by the amount of money it receives from taxes.

All governments rely on a number of different taxes for their revenues, but in Maine, the property tax and the motor vehicle excise tax (which originated as a property tax) generate by far the most significant “own source” revenue for local government. These two tax systems supply 60 percent of the revenue needed to operate local government in Maine. Various state aid programs including the state’s financial contribution toward K-12 education, make up most of the balance. Property taxes make up more than 80 percent of the revenue municipalities collect themselves.

The legislative body of the community — the town meeting or the council — determines annually what amount of money will be needed to operate the local government. It is then the assessors’ duty to set the tax rate, or the “mill” rate (Latin for “one thousandth”) needed to raise the amount the legislative body has determined. At a mill rate of one, a property owner would have to pay one dollar in taxes for every thousand dollars of property valuation. If the mill rate is 20, and a property is valued at \$120,000, the owner would owe \$2,400 (\$20 per \$1,000 in value). Since municipal appropriations and the amount of taxable property change annually, the mill rate often does too. There can be significant differences in tax bills for similar properties in different communities across the state.

All organized communities in Maine have their own tax assessors. If they are elected, there will be a board of three, five or seven. In many communities, selectmen also serve as assessors. Some communities, however, prefer to have a single assessor appointed by the selectmen or council. The appointed municipal assessor is not an advisor to the board of municipal officers but is, instead, entirely in charge of the assessing function. Many communities are now hiring certified Maine assessors, from the private sector or as town employees, to work as assessor’s agents under the direction of the board of assessors. The State Tax Assessor, through the Property Tax Division of Maine Revenue Services, assesses property in the unorganized territory, and the State Treasurer’s Office collects the taxes.

The property taxed to provide local revenues includes “real property,” which is land and buildings, and “personal property,” such as business machinery and equipment. Since 2008, most categories of newly installed business machinery and equipment are exempt from property taxation, but the value of that property still needs to be determined for municipal reimbursement purposes.

Before property can be taxed, it must be assessed to determine fair market value. If a fair price to sell an acre of land is \$1,000, it will be assessed at that value. Municipal assessments may be based on 100 percent of the property’s value or based on a fraction of full value as long as all property in the municipality is being assessed equally at this percentage of market value. For example, if a town’s “assessment ratio” is at 80 percent of fair market value, then a \$10,000 lot would be taxed on a value of \$8,000. According to state law, local assessments are supposed to be maintained at no less than 70 percent of full value.

Maine Revenue Services (MRS) is the state agency that monitors each municipality’s assessment practices and compares municipal assessed values with actual sales prices. Through this sales analysis process, MRS is able to determine each municipality’s total taxable value if it were assessing all property at 100% of market value. The municipality’s “equalized” State Valuation is used to determine the distribution of state aid to each municipality and the amount of county taxes a community pays. State valuations also serve as a guideline for local assessors to see where the municipal valuation is relative to market value.

State valuations are deployed through formulas to determine General Purpose Aid to Education, municipal revenue sharing, and each municipality’s financial obligation to support county government. For the 2015-2016 school year, the Legislature appropriated \$983 million for “General Purpose Aid for Local

Schools.” \$63 million was distributed in revenue sharing among Maine’s 491 municipalities.

Additional municipal revenue sources include the excise taxes collected on registered vehicles, including trucks, cars, watercraft and airplanes; fee collections, such as marriage licenses; and other state and federal funds.

Property Tax Exemptions

Property tax exemptions relieve their owners from the necessity of paying taxes on a given parcel of land and its buildings. Exemptions are granted to properties owned by the federal, state, county and municipal governments, public airports, sewage and water facilities, charitable corporations, churches, colleges (literary and scientific institutions), veteran service clubs, and other designated properties. With the exception of the property owned by the federal government, all of these exemptions are the result of state laws.

According to the Maine Revenue Services’ 2014 Municipal Valuation Return Statistical Summary, \$17.9 billion worth of property in Maine was exempt from taxation. Of that \$17.9 billion figure, \$9.9 billion was property owned by government. The federal government exemption totaled \$2.3 billion, the state \$2.3 billion and local governments \$5.3 billion. The remaining \$8 billion, or 45 percent of the exempt total, was owned by private corporations and institutions. The total taxable property in Maine in 2014 was \$154.5 billion, so nearly 12 percent of all property is tax-exempt and over 5 percent of all property in Maine is owned by private, non-governmental corporations and institutions that have been granted tax exempt status by the Legislature.

Municipalities now enjoy some protection against further loss of revenue should the state grant additional property tax exemptions. According to a state constitutional amendment adopted by voters in November 1978, state government must fund through non-property tax sources 50 percent of any future exemptions granted by the Legislature.

While the state does supply substantial aid to municipalities, its laws also mandate significant local expenditures for education and other programs that directly contribute to rising property taxes. The Legislature has both created and substantially modified additional property tax relief programs. In the mid-1980s, the “Circuit Breaker” property tax and rent rebate program was created, formally known as the Maine Resident Property Tax Program. Circuit Breaker cash benefits were provided to qualifying individuals whose property taxes (or a portion of their rent) exceed 4 percent of their income. In 2013, the Circuit Breaker program was converted into the refundable “Property Tax Fairness Credit” within the state’s income tax code, designed on the same principles as the Circuit Breaker system. In 1998, the Legislature created a property tax “homestead exemption” which exempts a portion of the value of Maine residents’ primary residence.

Mandated services are those that one level of government requires another to provide. Examples of federal mandates on states and municipalities include the conduct of elections (Help America Vote Act), special education services, and the No Child Left Behind Act, which requires states and local schools districts to conduct educational tests and set graduation requirements. Extensive water, stormwater and wastewater environmental mandates are also established by the federal government. State mandates require municipalities to provide adequate K-12 public education, facilities for solid waste disposal, general assistance for people in need, road maintenance, shoreland zoning, subdivision review and other forms of land use regulation, building inspections, animal control services and health protection services. Although the state requires these services, and may set a minimum level, each community determines the methods used to provide them.

In most Maine communities, education is by far the largest municipal expense, followed by public works, police and fire protection.

Administrative Services

The board of selectmen, and in many communities town or city managers, provide the administration that makes possible the delivery of municipal government services. Other municipal officials are engaged in primarily administrative services. Clerks record vital statistics and supervise elections, while assessors, tax collectors and treasurers levy, collect and enforce the collection of various taxes.

Each municipality must also furnish an annual report. The report includes a list of all financial transactions, a statement of assets and liabilities, and a report by an auditor of the municipality's finances. The annual report also contains a list of delinquent taxpayers and the amount of taxes they owe. Copies of the report must be made available at least three days before the town meeting. Communities without a town meeting have no deadline for publication. Most communities now include much more information than state law requires. Typically included are reports by selectmen or councilors, department heads and other officials. Photographs and historical notes may also be featured.

Functional Services

Functional services provided by local government are those directly affecting individuals, and go beyond administration and record keeping. Clearing snow from the streets is an important functional service in most municipalities, for instance. While each municipality decides what services it provides, most such services can be categorized under public safety, public works, social services, and recreation.

Public Safety

Police and fire departments provide for the safety of the citizens of a community, but the type and extent of services varies widely from one Maine community to another. Despite these differences, each community tries to respond to the particular needs identified by its citizens.

At one end of the scale, Portland, Maine's largest city with 66,194 people, has a fire department consisting of no fewer than eight divisions: administration, fire prevention, firefighting, fireboat, signal system, apparatus maintenance, building maintenance, and hydrants. Portland has nine fire stations and a staff of 232. The 2015 municipal fire budget was \$14.2 million.

Maine's small towns face a different situation. The Town of Wallagrass, in Aroostook County, with a population of 546, does not have the same types of buildings or concentration of facilities to protect from fire as does Portland. The northern Maine town may not be as challenged as a big city by complicated hazardous materials incidents, bomb scares or utility-level natural gas leaks. Nonetheless, the protection of the residential, business and agricultural properties in Wallagrass is as vital a concern there as anywhere else. Wallagrass does not have a fire department of its own. It contracts for coverage with two neighboring towns, Fort Kent and Eagle Lake. The budget in 2015 for fire protection services was \$20,940.

Citizens in Portland and Wallagrass decided that they needed fire protection and have provided the necessary money for services that vary greatly according to the make up and nature of the community. In 2015, Portland paid \$215 per capita for fire protection, and Wallagrass paid \$38.

The importance of local police and fire services is illustrated most prominently during local disasters and periods of crisis that develop regionally or nationally. The January 1998 ice storm demonstrated the importance of local emergency services. Events such as the September 11 terrorist attacks in 2001 made

the case for preparedness even more vividly. Despite whatever state, national and international responses are required, local police and fire departments provide front line protection from natural or human-caused disasters, and must work effectively with their counterparts at other levels of government. Although it often goes unnoticed, Maine's local fire departments have integrated into a large network through hundreds of "mutual aid" agreements to ensure that public emergencies requiring a combined response will be addressed, without relying solely on a centrally organized public safety response system.

Public Works/Solid Waste

All organized Maine communities provide road and street construction, repair and maintenance. Municipalities also have the responsibility of ensuring that their residents have a way of disposing solid waste. The combined costs for maintaining and improving roads and bridges and providing solid waste services represent the third largest category of municipal expenditure. These infrastructure investments are surpassed only by local spending on K-12 education and general administration services. "General administration" is a catch-all category covering front office functions that includes employee benefits, the costs of operating elected offices and boards, legal services, the maintenance of governmental buildings, etc.

Winter and summer road maintenance and solid waste operations typically are provided through the local public works department. Additionally, larger municipal public works crews often take care of sewers, drains, sidewalks, and trees.

Building and maintaining adequate roads is a year-round activity. In the warm months, roads must be swept and tarred, old culverts replaced, potholes repaired, signs and posts installed, lines painted, roadsides mowed and gravel roads graded. Sometimes, roads need to be completely reconstructed or new roads built. In the winter, roads must be plowed, treated and sanded, snow fences erected, and snow removed in densely developed areas. Throughout the year, trucks, loaders and graders must be maintained, and salt and sand collected and stored.

In Maine, local governments take care of some 13,800 miles of roads and streets, greater than the 8,000 miles maintained by the state; towns and cities also plow some state roads in winter. End to end, these roads and streets would provide a four-lane highway from Maine to California. Maintaining and improving roads and streets costs Maine's local government more than \$247 million annually.

Again, municipalities have different approaches to meeting local needs. The City of Lewiston maintains 188 center-line miles of roads (394 lane miles), employs 102 people in its public works department (which is also responsible for the city's sewer and water systems), operates and maintains 217 vehicles and specialty equipment, and maintains 115 additional vehicles for other departments (including some for the Androscoggin Sheriff's Department). In 2015, the department's annual budget was \$5.88 million.

By contrast, the Town of Randolph, geographically the smallest community in Maine with just two square miles, needs only one part-time employee, one vehicle and a budget of \$112,000 to maintain seven miles of roads.

Solid waste management services also vary depending on the size of the municipality, the attitudes of the citizenry concerning recycling and the availability of private sector involvement in providing such services. No other public service delivery system in Maine has been so substantially transformed over the last 30 years, and the inherent adaptability of municipal governments played a key role in that transformation.

Maine's approach to solid waste management has evolved from burning the garbage at open dump sites up until the late 1950s, then burying the trash in landfills during the 60s, 70s and early 80s, and finally closing down and capping-over approximately 500 unlined landfills during the 1980s and 1990s in response

to federal and state environmental mandates. Today, both the private and the public sectors are heavily involved in solid waste management in Maine.

Redesigning the solid waste management system began with the construction of four waste-to-energy incinerators as the landfills were closed. One of those incinerators was privately owned, another was privately owned but included a coalition of 187 municipalities as a very large minority shareholder. The remaining two incinerators were established through the creation of “quasi-municipal corporations.” In each separate region, the towns and cities joined together to build and operate the facilities. During this period of time there was also a strong push from state government to set up recycling programs to reduce the amount of waste that needed to be incinerated or buried in the two commercial landfills and handful of lined and licensed municipal landfills that remained. Hundreds of municipalities established transfer stations to collect the trash that is generated and transport it to the large disposal facilities.

The solid waste management landscape in Maine continues to evolve. If plotted on a map, there are effectively a half dozen solid waste regions, each with an “anchor” solid waste disposal facility that is either publicly or privately owned and operated. One of the waste-to-energy incinerators has been closed but the remaining three continue to function. There is one privately owned commercial landfill and another large state-owned landfill that is leased and operated by a private waste management company. There are five operating municipal landfills, most of which serve a number of communities in their immediate region. A large group of municipalities in Aroostook County cooperatively own and operate a regional landfill serving dozens of municipalities in northern Maine. At this writing there is an effort underway to introduce into Maine a new type of disposal facility which utilizes technology that aggressively sorts the raw solid waste upon delivery. As well as segregating out all the recyclable products, the biodegradable material is separately managed to produce methane gas through the process of anaerobic digestion.

Since 1989, the goal established in state law has been to recycle or compost 50 percent of all the “municipal solid waste” that is generated. That goal has never been achieved, and there is a little confusion about how compliance with that goal should be measured. The last accounting was done with respect to the municipal solid waste generated in 2014. If the term “municipal solid waste” is defined as all the normal residential and commercial trash as well as all “construction and demolition debris” and land clearing debris, a 45 percent recycling and composting rate was achieved. If the construction and land clearing debris is excluded from the calculation, a 36 percent recycling rate was achieved.

Public Transportation

Public transportation in Maine, relative to other states, is limited but growing. This limitation may be most directly linked to Maine’s rural and wide open geography and the significant distances between many of the state’s metropolitan centers. Established programs exist within the larger communities and the more densely populated areas and as is the case with other local government services, multi-municipal collaboration is at play with respect to public transportation services in this state. Public bus programs include The Metro and South Portland Bus Service in Greater Portland, The Bus or BAT in six communities around Bangor, Aroostook Regional Transportation in five northern Maine communities, the Brunswick Explorer, CityBus and Trolley in Bath, ShuttleBus serving five communities between South Portland and Biddeford, Coastal Trans in Sagadahoc County, Downeast Transportation in Hancock County, Kennebec Valley Transit serving six communities in the Augusta area, CityLink in Lewiston-Auburn, the Lynx in parts of Penobscot and Piscataquis counties, Sanford Transit and York Wave serving the Sanford area, Waldo County CAP serving the Belfast area, Western Maine Transportation Services serving parts of Franklin and

Oxford counties, and the Lisbon Connection linking the Lisbon area and Lewiston. Since 2001, the publicly supported Downeaster, with Amtrak train service to New Hampshire and Boston, has left Portland four times daily, with stops in Brunswick, Saco, Old Orchard Beach and Wells.

A variety of seasonal shuttle programs have also been successful especially in areas frequented by tourists. Mount Desert Island's (MDI) the Island Explorer operates 30 propane-powered buses on eight bus routes linking destinations in the vicinity of Acadia National Park from late spring until early fall. The bus service is free and use has grown from 193,000 passengers in the 2000 season to over 533,000 in 2015, the fourth consecutive year with new ridership records. It is considered a model program for reduction of air pollution and vehicle congestion around national parks, and is supported by the U.S. Department of Transportation, National Park Service, Maine DOT, and also receives annual support from each town on MDI, Friends of Acadia, and local businesses. Other seasonal programs include the Shoreline Explorer serving Maine's southernmost coastal municipalities, as well as the Mountain Explorer and Sugarloaf Explorer which transport downhill ski enthusiasts from nearby residences to the slopes during wintertime at Sunday River and Sugarloaf ski areas, respectively.

Maine DOT also operates the Maine State Ferry Service, which has long provided access to the island towns of Vinalhaven, North Haven, Matinicus, Islesboro, Swans Island, and Frenchboro. The ferry service has been described as the "water highway" of Maine, transporting roughly 600,000 passengers annually. In Cumberland County, the Casco Bay Island Transit district transports 900,000 passengers annually between Portland and Chebeague, Cliff, Great Diamond, Little Diamond, Long, and Peaks islands.

Social Services

Municipal governments are required by state law to provide a type of public aid called General Assistance to citizens of their communities who are in need, with state reimbursement for a portion of the benefits issued. While the state law sets minimum standards, it is up to the various local governments to raise the money and to establish methods for providing services. General assistance is intended to ensure that all needy persons and families have at least the essentials for adequate health and decency, including shelter, food, heating fuel, clothing, and medicine.

Another "social service" provided by local government is appointment of a health officer. This person is responsible for assuring that the community maintains a healthy environment for its citizens.

The needs of elderly citizens have provided the impetus for greater local efforts, as advances in science, medicine and health have enabled more people to live longer than ever before. Local governments have been faced with a new challenge of providing for the special needs of older citizens, including enhanced emergency medical services, recreation programs, housing, health, transportation and safety.

Recreation

Recreation services vary significantly from one community to another. Communities decide for themselves what type of recreational services they want to offer.

In the cities and larger towns, a recreation department, sometimes with a full-time director, takes charge of recreation programs, independently and in conjunction with local schools. In addition, department personnel maintain recreational buildings, playgrounds and parks.

Some recreational programs have become quite extensive. In 2016, Biddeford, population 21,277, had five full-time employees in the city's recreation program, three part-time employees and over 40 seasonal staff, with a budget of approximately \$1.3 million. The budget covers youth programs and summer camp

operations, the Community/Teen center and other facilities, park and public beach operations, fitness classes, adult excursions and senior activities, capital improvements, staff safety training and community-centered holiday events. Many sports are offered, including, basketball, baseball, golf, tennis, softball, soccer and volleyball.

Small towns find ways to provide recreation, too. In Rome, population 1,010, the town spent \$725 on recreation in 2016, with no paid staff. Instead, as in many small towns, volunteers and local organizations, provide public recreation and enrichment opportunities without relying heavily on taxes. In addition to traditional infrastructure improvements such as reconditioning the ball fields, Rome officials open their municipal buildings to trick-or-treaters on Halloween and along with individual and organizational volunteers undertake annual winter clothing drives for children, fundraising drives for summer camp scholarships, and organize holiday basket distributions and community suppers for the town's elderly residents.

Community Planning and Sustainable Growth

Municipal government is more than a provider of a wide variety of specific services; it also performs important functions in planning and development review. Local governments fulfill their responsibilities in a variety of ways as they attempt to preserve their historical heritage and plan for the future. As development becomes larger and more sophisticated, it is increasingly important for communities to establish a vision of their future and an orderly process to cope with and manage growth.

Comprehensive Planning

Community planning is not an easy task, but it is an important one. The goal of planning is to create a better community, one that is a healthier, more attractive, more convenient, and a safer place in which to live and work. Comprehensive planning in a community ideally includes human, physical, social and economic factors. Without such broad discussion, a plan may be too limited or one-sided.

Most municipalities have a planning board whose major duty is to ensure the appropriate regulation of development and otherwise help plan and regulate the growth of a community. The planning board or another appointed committee works to devise a comprehensive plan, sometimes called a master plan, for the community. This comprehensive plan is a public document that includes a review of physical, economic and human resources. It also sets forth goals that will guide the community long-term. The plan attempts to balance concern for the environment with concern for the community's economic and cultural well-being.

Developing an effective plan, requires three steps:

- 1) An inventory is taken of all items a community has going for it (assets) and against it (liabilities).
- 2) The needs and desires of the community are assessed, based on existing conditions and the community's potential, and the resulting plan assesses what is necessary for sound growth.
- 3) Finally, a good plan provides for implementation, along with suggestions on how to design and pay for new initiatives.

In developing a comprehensive community plan, many factors have to be considered by the planning board or comprehensive planning committee.

One factor is population. How fast is the population growing, or declining, and are such trends likely to continue? Who makes up the population? Are they mostly young or elderly? Are the workers unskilled or skilled?

Another important factor is how the land in the community should be used. Plans generally designate

lands within five categories: residential, agricultural, industrial, commercial, and shoreland.

Towns with an industrial and commercial base have different growth needs than primarily residential or “bedroom” communities. Housing will take different forms in densely developed towns and cities than in dispersed rural communities. Commercial areas will vary widely in size and extent, depending on work, shopping and commuting patterns.

Transportation is another key driving force behind planning. Are the streets safely planned and are there enough of them? Is there enough parking and is it located where it is needed? Local government plays a lead role in determining the need, and providing for community infrastructure.

Consideration should be given to the community’s history. Comprehensive plans provide an ideal forum to discuss how the community’s heritage can be preserved for future generations. Parks and open space should also be considered.

By focusing on existing commercial and industrial property, and its possible future reuse and expansion, a community can be in the position of planning for and shaping future development, rather than merely reacting to proposals brought before the planning board. Transitions from a primarily industrial to a service economy can be effectively dealt with through planning. Towns can discover whether they want to welcome certain types of development and seek it out by consulting the community as a whole. Creating a healthy and diversified tax base is one of the goals of a well-designed plan.

In 1988, the Maine Legislature enacted the Growth Management Act, which established a new state agency to oversee the implementation of a slate of municipal mandates to develop and adopt comprehensive land use management plans and to establish, at a minimum, growth zones and rural zones in every municipality for the purpose of guiding the location of development and protecting communities from poorly planned development. As a result of the economic recession in the early 1990s, the state oversight agency was closed, state grants to assist in the required municipal actions dried up, and the mandates themselves were converted to purely optional municipal activities. For about 15 years, a certain level of planning assistance from the state was still provided by the State Planning Office until 2010, when the Planning Office itself was eliminated. Today, the towns and cities in Maine largely undertake the tasks of comprehensive planning and land use management on their own initiative and with their own resources, or through the assistance of the Regional Planning Commissions or Councils of Governments, which are themselves organized and largely funded by the participating municipal governments.

Zoning

While theories of planning and land use have changed over the generations, zoning ordinances are still frequently a part of how comprehensive planning is translated in specific building and development regulations in a community. Zoning came relatively late to Maine. The municipal zoning of Maine’s shoreland areas has been required as a state mandate since the early 1970s. As of 1983, when Augusta passed its first zoning ordinance, all major cities and most larger towns have used townwide zoning to regulate development. The link of zoning to comprehensive planning has been required as a matter of case law (court decisions) since the early 1900s. The link between zoning and planning was made explicit by the Legislature in 1973, when it required any municipality considering zoning to first adopt a comprehensive plan.

Comprehensive planning and zoning are ideas that took time to win acceptance in Maine. Some saw land use regulations as taking away their freedom to do what they wished with private property. But as towns grew, it became increasingly clear that what one person did with property could have a serious impact on neighbors and on the whole community. Careful planning and zoning, developed through a

democratic process, can protect property owners against incompatible uses. A community with zoning offers homeowners in a residential neighborhood assurance that they won't wake up one morning to find a chemical plant being built next door. Planning and zoning can maintain property values and solidify neighborhoods.

A zoning ordinance establishes zones, or areas of the community, where specific activities are either permitted or prohibited. These typically include residential, commercial, agricultural, industrial and other purposes.

Zoning ordinances, along with building codes, also mandate standards for construction, height, width, number of stories, area and bulk of structures. They may also deal with lot sizes and open space, population density and the setback of structures from rights-of-way and other property.

After a community has been divided into zoning districts, the ordinance must define permitted and prohibited uses. Zoning applications typically go to the planning board for an initial decision. If applicants don't agree with the planning board's decision, they may appeal to a local board of appeals, whose decisions may also be reviewed by the court system. Landowners are permitted reasonable use of their property within the regulatory system established by state and local governments.

Zoning was adopted first in larger communities, and by 2001, all municipalities in Maine with populations of 10,000 or more had municipal-wide zoning ordinances. Smaller towns can also suffer adverse consequences from unplanned development, particularly if their open space proves attractive to a large developer. Only 15 percent of municipalities with populations under 500 had adopted town-wide zoning by 2001.

If properly designed, a zoning ordinance can prevent incompatible development, preserve a community's unique character and heritage, and help maintain its overall well-being.

Community/Economic Development

Deciding how fast and to what extent a community will grow is an important consideration for municipal leaders. Two key factors must be weighed before determining a community's potential for economic development. First, the citizens' desire for economic growth must be measured; second, the community's ability to support growth and development with its infrastructure and municipal services should be analyzed. These two factors are likely to change over time; therefore, periodic reassessment is necessary.

Perhaps the best evidence of changes in economic development patterns can be found in farming. In 1880 there were 64,300 farms in Maine. By 1950, there were only 30,300 farms and in 1960 there were 18,900. By 2000, only 5,810 farms were left. The activity of farming, however, appears to be on the rise. The most recent count identifies 8,200 active farms in Maine. In the past century, the number of acres in farmland has been reduced by more than 80 percent, although we may now be witnessing the beginning of a movement in the other direction.

More recently, the industries that largely replaced farming in employing large numbers of workers have themselves begun to decline, and the state, like most of its neighbors, has been developing a "service economy" (as opposed to a manufacturing or agricultural economy) as its primary means of employment. While siting of major new industries still occurs, a proposed manufacturing facility is less likely to be presented to a municipal planning board than a retail or office complex or residential subdivision. Such planning decisions can affect a community's makeup, tax base, and way of life for years to come.

Communities that experience unplanned rapid growth provide another example of the need for

planning. Spiking residential development several decades ago in previously rural communities in York and Cumberland counties forced them to provide new services. Building streets, sewers, water lines, schools and public safety systems costs a great deal of money, and municipal tax rates increased as a result. A number of those towns adopted growth controls in the form of limits on building permits. The courts have found such controls acceptable, but only in conjunction with a comprehensive plan that provides for fair access to building permits and a diversified housing stock.

Community planning can often prevent sudden and expensive demands for services. It allows a community to grow in an orderly manner and better afford increased services.

State and Federal Laws

Local boards do not work in isolation when planning for their communities. Numerous federal and state laws affect and in some cases limit the ability of a community to make decisions about the future. Conversely, federal and state grants can also help communities plan for their future. Environmental protection, solid waste disposal, shoreland zoning and subdivision rules are the primary focus of such state and federal laws.

Maine has a statewide site plan review law that regulates major development proposals, such as those covering 20 acres or more, or involving structures covering more than three acres. It also has a law that requires zoning control over all shoreland areas, even in towns without any other zoning regulations or even a local planning board. All municipalities in Maine are also required to regulate subdivision activity.

To assist local planning boards in complying with these and other laws, a few communities hire professional planners for technical advice, and most seek help from their regional planning commissions or councils of government, which also receive state or federal funding.

Regional planning commissions were established in 1969, as part of a federal initiative from the Economic Development Administration. By 1977, 80 percent of communities had joined a regional commission, some of which are known as councils of governments. The establishment of state and federal assistance also coincided with the growth of local planning boards. In 1968, only 47 percent of Maine municipalities had a planning board, but by 1977 more than 90 percent did.

Ultimately, plans for the future development of communities need to come from the citizens. Broad public participation is essential not only for comprehensive plans to be properly devised, but to work well over time in each community.



Interlocal and Regional Cooperation

No single municipal government on its own could ever provide its citizens with all the services and programs they need and want. Solutions to such problems as crime, air and water pollution, and inadequate transportation require resources that are beyond the capacity of any single community. Since these types of problems affect everyone, governments work together in attempting to solve them.

Sometimes problems are big enough that it takes all levels of government — municipal, regional, county, state, and federal — to craft solutions. Any time two or more governments join in a common effort, they are engaged in intergovernmental activity, using cooperative arrangements to achieve a specific goal.

Interlocal Agreements

Agreements between communities are the most common way municipal governments join together to provide various services too costly for them to provide individually. Informal agreements can be created quickly since they do not require approval of the voters, or change the structure of the governments involved.

Local governments contracting with other towns, counties, or the private sector to provide services is a voluntary arrangement that has seen increasing use. Municipalities contract with each other for the joint provision of services. In some instances, these arrangements grow out of informal mutual aid pacts, especially for police and fire protection, into a more formal written contract between two or more local governments. To gain efficiencies, small towns may elect to cooperate with larger communities, councils of government, and counties for certain services. A chapter of state law expressly authorizes and, in its simplicity, even encourages the development and execution of “interlocal agreements” between any number of municipalities, and between municipalities, counties and state government agencies, as well.

Most interlocal cooperation involves one of two types of arrangements: joint agreements or service contracts. In a joint agreement, the participating governments divide the services to be provided amongst themselves. Under a service contract, one governmental entity agrees to buy a service from another government for a given amount of money or other consideration. Typical service contracts are in public safety and solid waste disposal.

Local governments often take advantage of interlocal agreements. In 2011, the Maine Municipal Association (MMA) surveyed its member towns and cities regarding collaborative undertakings with other municipalities, partnerships with other governmental entities and regional approaches to service delivery utilizing private sector businesses. The results were published in MMA’s “2011 Municipal Collaboration Report.” There were 90 municipal respondents to the survey who collectively detailed 550 examples of collaborative service arrangements.

According to the report, the service delivery systems most subject to a collaborative or regionalized approach were in the area of public safety (e.g., mutual aid and shared facilities/equipment agreements for fire protection); public works (e.g. joint purchasing of road salt, asphalt, etc, and shared equipment agreements); general administration (e.g., sharing assessors, General Assistance administrators, code enforcement services, etc.); and Library/Parks and Recreation.

The largest municipal collaboration identified in the survey in terms of sheer numbers was a consortium of 71 municipalities in Franklin, Oxford and Somerset Counties supporting a regional ambulance service. The most multi-dimensional and far-reaching interlocal cooperation is probably found in the many cooperative arrangements between the cities of Lewiston and Auburn, including a shared airport, airport industrial park, water pollution control facility, railroad company, public transit committee, cable t.v. advisory committee, 911 call center, economic development protocol, tax increment financing policy, public safety mutual aid...the list goes on and on.

Special Purpose Districts

Sometimes community needs are so specialized that the local government cannot meet them. In such cases, a special district government can be established. These governments are called “special purpose districts” because they are created to deliver a specific service. Special purpose districts are created by law as separate governmental entities, with the legal authority to levy taxes or fees, sign contracts for services, and buy and sell property. They also have their own administrators. Most special purpose districts in Maine are created to provide sanitation, water, solid waste disposal and education.

Water districts are established by a special act of the Legislature, which must approve any changes in their charters. Sanitary districts may be created by a special legislative act or under a procedure set out in general law. The governing body of these districts may be elected by the people within the district or appointed by the relevant municipal officials.

Light and power districts are established by special acts of the Legislature, but such districts must also be approved by vote of the citizens within the district. The administrative body of these special districts is an elected board of trustees. While many years ago this was a common service provided by the public sector in Maine, the number of municipal light and power districts has been declining. There are currently 10 municipal or member-owned electrical companies located in the communities of Calais, Houlton, Kennebunk, Madison, Van Buren and on the islands of Vinalhaven and North Haven, Isle Au Haut, Matinicus, Monhegan and Swan’s Island.

Special purpose districts often work together with other districts and levels of government to achieve broader goals and provide better services in a wider area. The Augusta area offers a successful example. The Augusta Sanitary District, now known as the Greater Augusta Utility District (GAUD), was supervising a big and expensive sewage treatment plant capable of handling much more sewage than collectively generated by the residents, businesses and visitors of Augusta. Working with the Winthrop, Manchester and Monmouth Sanitary Districts, a trunk line was built to pump more than two million gallons of sewage per day from those communities to the GAUD treatment plant located in Augusta. As a result of these efforts, the Augusta utility district became more efficient and gained new revenue because it was working closer to plant capacity. And it was a great help to the other communities, which gained sewage treatment capacity without having to build their own plants. Since its creation, the regional utility district now provides collection and treatment services to the residents of Hallowell as well.

Another good example is in the Rockport area. In the early 1990s, Rockport did not have its own municipal sewer service. In the more populated areas of Rockport, waste was handled by private septic systems, many of which were malfunctioning, or by untreated discharges into Penobscot Bay. Meanwhile, Rockland and Camden had excess capacity at their wastewater treatment facilities. Rather than constructing its own treatment plant, Rockport, with federal and state grants, constructed a new collection system that pumps wastewater from various parts of town to either Rockland or Camden. Rockport solved a troubling

environmental problem economically, while Rockland and Camden benefited from additional users who helped pay for the system.

School Districts

As the most expensive and perhaps most important service provided by local government, K-12 education has a unique status among governmental functions provided at the local level.

Local school systems come in many types. Prior to several waves of state-level efforts to regionalize the delivery of educational services in the middle of the 20th Century and again in 2007, the school facilities and the administration of the school system were an integral part of each town and city's municipal operations. Although overseen by a separately elected school board, the school budget was typically a component of, and adopted along with, the entire municipal budget. Managing the public schools, it should be noted, is the only municipal service specifically provided for in Maine's Constitution, which charges the Legislature to require "the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools."

Over the decades, both the state and the federal government have come to play major roles in determining the organization and curricula of school systems, providing rules for what is taught, and in funding their operations. Under terms of a 2004 referendum vote in Maine, the state is required each year to provide 55 percent of the total cost of kindergarten through grade 12 public education, but in spite of the voters' directive, the state's financial contribution still hovers in the 46% range. The state administers standardized tests known as the Maine Educational Assessment (MEAs), outlines curriculum standards according to the "Learning Results" system adopted by the Legislature in 1996, fingerprints and conducts background checks on teachers as a condition of employment, and sets standards for local funding utilizing the "Essential Programs and Services" (EPS) school funding model. The EPS system annually calculates the total amount of money necessary to fund an adequate K-12 educational system in Maine, both on a statewide basis and for each individual school system. State law then determines how much of the calculated total must be provided locally and how much is to be provided with state resources. If a school system decides to expend more resources for education purposes than identified by the EPS model, it may do so, but on its own nickel.

Like the other municipal services provided in Maine, schools have changed greatly over the years. Large school systems have employed their own superintendents for many years. In the 1930s, the state required all towns to seek the services of professional administrators. For many of the small town school systems, this requirement led to the formation of school unions – towns that operate their own independent school systems, but share a superintendent in common. The school union system still exists in some rural areas, although they are now referred to as "Alternative Organizational Structures."

Starting in the 1950s, the state authorized and incentivized the creation of regional school districts under the Sinclair Act, known as School Administrative Districts (SADs). Nearly 80 such districts were formed over the years. Typically comprising two or more municipalities, the SAD had a single school board and budget, and would essentially bill member towns according to a formal cost-sharing agreement developed locally within parameters established in state law.

At the time most SADs were formed – roughly a 10-year period following passing of the Sinclair Act in 1957 – Maine's school enrollment was growing rapidly as a result of the baby boom, there was widespread interest in creating comprehensive high schools in all part of the state, and regionalization was seen as a way to cost effectively improve educational quality.

In the 1960s, the Legislature provided another form of interlocal cooperation for schooling called the Community School District (CSD). Under this form, several towns, often members of an existing school union, jointly operate a regional school – usually a high school or a high school and middle school – while retaining their own elementary school and their own school board. Each town was responsible for its own school budget, with expenses for the joint school apportioned according to a cost-sharing system established in state law. A CSD board, similar to a school union board, is drawn from the membership of each municipality’s school board to oversee the common school.

In 2007, Governor Baldacci and the Legislature attempted to significantly expand the regionalized approach to the delivery of educational services with the enactment of a state budget that included a comprehensive school consolidation law. Under the Governor’s original version, 26 school districts would be created by law to cover the entire state. The version finally adopted by the Legislature was somewhat less “top-down” in nature and required the school and municipal officials in all school systems serving less than 2,500 students to develop a plan to create a “Regional School Unit” (RSU) with neighboring school systems that would serve roughly that number of students or more. Once developed, those plans had to be first approved by the Department of Education for compliance with the standards established by law and then ratified by the voters within the new RSU. Financial penalties were established to be applied to municipalities that failed to conform to the consolidation mandate.

The 2007 school consolidation law generated a considerable amount of turbulence at the local level, which is still being felt today. In the years immediately following the enactment of the law, the system of financial penalties was repealed, frustrating those communities that made unpopular decisions to consolidate on the basis of the threatened penalties that never materialized. An alternative to the RSU, called “Alternative Organizational Structures” (AOS), was created, which is essentially just a new name for the old “school union” model, which allows municipal school systems to remain largely independent as long as they share a single superintendent. Many municipalities financially disadvantaged by their merger into a larger RSU have successfully navigated the elaborate process to withdraw from the RSU to which they were initially assigned.

As we approach the 10-year point after the enactment of the most recent attempt to consolidate schools into larger administrative districts, the results are coming into focus. In 2005, prior to consolidation effort, there were 285 school administrative units serving the state’s 491 municipalities. Today, there are 218 school administrative units.

Regional Councils

As part of efforts in the 1960s and ’70s to expand the federal government’s reach into new policy areas, including housing, public safety, the environment and planning, states were provided funding to create regional councils that in many states were attached to county government or existing regional authorities. In Maine, they were given independent status. After some reorganization, there are now 11 regional councils covering most of the state. Some are called regional planning commissions (RPCs), such as the Southern Maine Regional Planning Commission, serving York County, and others are called councils of governments (COGs), such as the Kennebec Valley Council of Governments, serving central Maine. In all, there are four COGs and five RPCs.

These commissions still rely primarily on federal funding to accomplish their missions, plus dues from member municipalities. The regional councils are strictly advisory and cooperative. They cannot levy taxes or independently establish or enforce land use laws.

Regional planning districts were established around the major river basins to assist communities in

planning orderly growth, coordinating government programs, and promoting economic development. In general, the regional councils hire staff and focus on activities where they find a demand for services.

The planning role is the most extensive. Regional councils can write comprehensive plans for their districts and assist communities in writing applications for federal and state grants to combat air and water pollution and dispose of solid waste. They help their communities with their growth management responsibilities and shoreland zoning. Communities vote on whether or not they wish to participate. If they do, the selectmen or council appoints representatives to the regional council's governing board.

Soil and Water Conservation Districts are similar to the regional councils in that they are advisory. If 25 or more landowners within a given area sign a petition, the State Conservation Commission holds a public hearing to determine whether or not to establish a conservation district. If, after a referendum election, a district is established, it is governed by five supervisors who direct the voluntary programs offered to all levels of government in the district, and to individuals. The programs provide technical assistance in conservation practices, flood prevention, and land use. In addition, districts can offer some financial aid through the U.S. Department of Agriculture to control soil erosion.

County Government

County government in America was adapted from the British system of "shires." It was established in Maine from the county system in Massachusetts. There, counties had been created primarily for operating a system of courts statewide. Maine laws enacted by the first Legislature carried on the county system.

County government in many states, particularly those of the South and West, has extensive legislative and executive powers, operating schools, public safety agencies and other services that in Maine are seen as municipal. In New England, town government developed earlier than county government, and county governments were granted authority only for specific tasks by the Legislature. There are no home rule provisions in the state Constitution for counties similar to those provided for municipalities.

As the state's population grew, the Legislature established new counties until, by the mid-19th Century, there were the 16 counties we know today. The state also designated a community to serve as the county seat or "shire town." Each Maine county has a courthouse, and all but one a jail in the county seat. Sometimes, the county seat is also the largest municipality, as with Portland in Cumberland County. In other cases, it is simply near the geographic center, as with Alfred in York County. In keeping with the model of counties as a subdivision of state government, the Legislature also originally established the positions that would administer counties, salaries that would be paid, and the terms of office for each position.

The citizens in each county typically elect three commissioners (four counties have larger boards of commissioners) to administer the county government. In addition, counties have a treasurer, sheriff, judge of probate, register of probate and a register of deeds, all of them elected. The former county court system and county attorneys have been adapted or replaced by the state. Courts are now a part of an integrated system with District Courts, Superior Courts and a Supreme Judicial Court. District attorneys, also elected, serve a single county, as with York and Cumberland, or up to four smaller counties in a single district. Among the 16 counties in Maine, there are eight district attorneys.

The communities within each county finance their county government through a county tax in proportion to taxable property valuation. Originally, the Legislature had to approve each county's budget, a process that became increasingly cumbersome as county budgets grew in size and complexity. Starting in the 1980s, the Legislature began delegating the budget approval process, and each county now has its own individual budget process, and adopts its own budget. Some counties elect budget committees while

others have appointed finance committees or advisory budget committees. In some instances, the budget committees have substantial influence; in others, they are strictly advisory.

By the 1970s, the growth of both the state and federal governments put the need for county government into question. With the absorption or adaptation of the county court and prosecutor systems, the major services provided by counties were sheriff's patrols and jails. Many municipalities were expanding their police departments and saw less need for services from the sheriff's department. Counties also continue to maintain the traditional registry of deeds and probate courts. Property transfers within each county are recorded at the registry and certain property tax disputes are heard by the county commissioners.

Legislation to make county jails part of the state system was introduced repeatedly in the 1980s. Legislative attempts to abolish county government in Maine also failed over the past few decades. Some New England states, notably Connecticut and Rhode Island, had abolished county government except for its administrative boundaries, and Massachusetts significantly reduced county government functions.

The federal government began cutting back support for direct services, declaring a "new federalism," and the state became preoccupied with filling gaps created by federal withdrawals, notably in housing and urban development programs. Most counties, meanwhile, began rebuilding and expanding their jails to comply with state directives. By the 1990s, discussion of abolishing counties had waned, and the costs of providing services had become a new focal point. Although the counties assess a proportion of property taxes directly, the taxes are actually collected by municipalities.

In part because of the higher operating costs of state prisons, the state began encouraging counties to expand jails rather than turn them over to state supervision. The need to provide policing for growing suburban and rural communities placed greater demands on sheriff's patrols. And programs such as E-911 to electronically identify callers for emergency response prompted discussion of a new dispatching system, with counties playing a larger role and, along with State Police, absorbing municipal dispatch centers. Over 10 years ago, the Legislature directed that Maine's existing 46 centralized 911 answering points be reduced to 24. As of this writing, 26 of these "Public Safety Answering Points" or PSAPs remain and efforts to further consolidate them appear to have stalled. Of those current PSAPs, four are operated by the state, 13 by counties, and nine by municipalities.

In 2008, the Legislature enacted a "jail consolidation" law that was designed to coordinate the operational management of both the jail and state prison system through the establishment of a state Board of Corrections. Plagued by jurisdictional confusion, that effort met stiff resistance from some of the counties, sheriffs and jail corrections officers and was ultimately repealed in 2015.

Partly in response to questions about its financial management, county government also began seeking more professional administration. Fourteen of Maine's 16 counties now have full-time administrators or managers, and five counties (Androscoggin, Aroostook, Cumberland, Knox and Somerset) have adopted charters which clarify commissioners' responsibilities. Whereas the majority of Maine's counties are overseen by three commissioners, the counties of Cumberland, Somerset and York each have five commissioners, and Androscoggin County recently expanded to seven commissioners.

Like municipal government, each county provides a different roster of services. Some are the home for regional non-profit social service providers. Some offer regional public safety dispatching services, while others house agricultural county extension offices. Cumberland County owns a civic center in Portland, home to various sporting events, concerts and other shows.

Penobscot County has been a leader in implementing the enhanced 911 System for dispatching

emergency services. Within Cumberland County, the state's largest by population, nine separate dispatch centers are maintained. Penobscot County, the state's third largest, dispatches all police, fire, and ambulance services for the county except for Bangor, which continues to weigh the reliability of their locally controlled dispatch center against the savings associated with eliminating it. The most recent attempt by Bangor's City Council to consolidate its dispatch services with Penobscot County's, in November of 2011, was rejected by over 75 percent of the city's voters.

Lincoln County became the site for an innovative effort to comply with the federal Clean Air Act of 1970, authored by Maine's Sen. Edmund Muskie and passed by Congress. In addition to regulating pollution by industry, the Clean Air Act provided that all municipal or private open burning dumps be closed. Open burning was particularly common in rural Maine, and most municipalities operated their own dumps.

While regional solutions to ultimate disposal in incinerators or large landfills became common statewide, Lincoln County towns were unique in deciding to join together for recycling and waste collection. Federal grants were instrumental in helping build transfer stations, which elsewhere in Maine supported larger numbers of smaller facilities. The Lincoln regional collection system continues, and provides an example of how municipalities can function together at the county level.

Regionalism

Providing municipal services through regionally based delivery systems is often framed in political rhetoric as an obvious and easy way to increase government efficiency, reduce costs and taxes or improve the scope or quality of the services provided. It is sometimes suggested at the level of state government that local government officials resist efforts to "regionalize" or "consolidate" due to a parochial interest in retaining "local control."

The state-level interest in regionalism and consolidation in Maine ran especially high during the most recent decade, between 2005 and 2015, which is the same period of time the Legislature and two successive administrations systematically cut by 60 percent – over \$100 million a year – the primary state financial support program for local government known as municipal revenue sharing. If the towns would just consolidate, it was suggested in the State House, they wouldn't need any municipal revenue sharing. Alternatively, if revenue sharing is sharply cut, some lawmakers argued, it will force the towns to "consolidate."

Ironically, as described in this and previous chapters, the municipal governments do not shy away in any respect from regional approaches to service delivery. The entire system of solid waste management was converted from a town-by-town system to a regional approach in very short order, with large-scale, multi-municipal consortiums leading the way. The scope and adaptability of multi-municipal interlocal agreements, private-sector partnerships and shared services arrangements is well documented. In fact, the municipal community even advanced a citizen initiative in 2002, adopted by Maine's voters in 2004, that included the creation of a program that would incentivize the exploration and implementation of regionalized service delivery systems. The program's formal title was the Fund for the Efficient Delivery of Local and Regional Services, but it was commonly referred to as the Local Government Efficiency Fund. Even though the program required no additional financial support from state government and even though it was enacted into law by Maine's citizens, the Legislature did not implement the Local Government Efficiency Fund. Instead, it raided the entire Local Government Efficiency Fund in each of its first four years of existence in order to help balance the state budget, and then repealed it in 2009. Not satisfied with

repealing it just once, the Legislature re-established the Local Government Efficiency Fund in 2015 only to repeal it again in 2016, before it could be implemented.

Notwithstanding the Legislature's evident ambivalence toward regionalism, and setting aside the observation that consolidations initiated at the state level have been less than wildly successful, it should be abundantly clear that efforts to rethink and redesign the structure of delivering governmental services are constantly at play at all levels of government in Maine, state, regional and local. Although not all the local collaborations work out as anticipated or pay large dividends, the sheer number and diverse range of interlocal agreements, joint purchasing arrangements and shared services have clearly yielded very positive results for Maine's property taxpayers. While some of the most visible consolidation efforts at the state level, such as the jail-prison unified management program in 2008, end up as failed experiments, much can be learned from those efforts. It is a cheap and easy political rhetoric that laments the alleged intractability and inefficiency of governmental service delivery systems. The reality is that those systems are undergoing constant re-evaluation, redesign and experimentation.

In 2003, the Maine Municipal Association adopted a discussion paper on the topic which openly supports the concepts of regionalism, interlocal cooperation and consolidation, and encourages their use when municipal governments determine that implementation of these concepts makes sense – when they result in cost savings and/or greater effectiveness in the delivery of municipal services, or enhance those services. The discussion paper stresses the importance of fact-based analysis and a service-delivery focus when considering a regional approach, and goes on to identify five factors to consider in any service delivery analysis: (1) analysis should precede policy; (2) cost savings should be documented; (3) service quality should be maintained or improved; (4) citizen access to decision making should be preserved; and (5) volunteerism should not be replaced or discouraged.

State Authority

When the delegates from the original 13 colonies met to draft a constitution for their new nation, two things were foremost in their minds — forming a union and distributing power. They wanted to draft a document that would guarantee the nation’s survival, and that the liberty for which Americans had fought so hard and so long would endure for future generations.

Having experienced the tyranny of monarchs, delegates were careful about granting too much power to the federal government. They delegated to it only those powers they felt could not be exercised by the individual states. Powers delegated to the federal government included establishing a uniform currency, creating a judicial system, providing for the common defense and domestic tranquility, making treaties with other nations, and levying and collecting taxes.

The first Congress of the United States was so concerned with clearly defining the rights of states and individuals that it submitted the first 10 amendments to the Constitution to the states for ratification. These amendments are now called the Bill of Rights, and significant among these rights is Article X: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.”

It was established early in American government and remains so today that the federal government is granted the power to do those things it can best do for all the American people. But individual states kept the right and power to do what they can best do for their citizens.

All states have adopted a constitution that provides for the election of a governor who will be the chief executive officer of the state, and a Legislature, usually consisting of two houses — a House of Representatives and a Senate. The state constitutions also permit establishment of government agencies to carry out the programs and to deliver the services mandated by the Legislature.

State government plays the pivotal role in intergovernmental relations. It often serves as a direct link for municipal and county governments to the federal government in delivery of public services financed by federal funds. Municipal and county governments must maintain close relations with state government so that services and programs required of them by the Legislature are efficiently fulfilled.

For example, Maine law requires that each municipality ensure that people’s basic necessities, such as food and shelter, are met. Municipalities establish basic guidelines for this safety-net program known as General Assistance. The federal government provides aid under many separate welfare programs, including one now known as Temporary Aid to Needy Families (TANF). The TANF program is administered through the State Department of Human Services; however, it is administered according to federal, not state, guidelines. In Maine, state government plays a pivotal role in administering the major federal health and human service programs, including TANF and Medicaid. The role of Maine municipalities in providing or financing health and human service programs is limited.

The expanding role of the federal government that began after World War II and accelerated in the 1960s and 1970s has fundamentally altered the relationships of governments at all levels. State governments have also seen their roles expanded, and work in partnership with federal and municipal governments in

various domains. The federal government has become increasingly involved in new fields, including arts and culture, education, environment, energy, transportation, health and human services, community development, housing, parks and recreation. Included are laws, rules, regulations – and, sometimes, money.

Federal Authority

The federal government assumed a far more expansive role by the mid-20th Century than it had played a hundred years earlier, when its principal revenue source came from tariffs, and most domestic affairs were the concern of state and local authorities. The 10th Amendment notwithstanding, financial aid provided by the federal budget to state and local governments is the “big business” of intergovernmental relations — big in terms of the money provided, in the way this affects state and local spending decisions, and in the delivery of services at all levels.

Today, there are few services provided by state and local governments that are not in some way affected by the federal government, and governments at all levels have become increasingly interdependent.

One key milestone in the expansion of federal authority came in 1913 when the required three-quarters of the states ratified the 16th Amendment to the Constitution, authorizing the Congress to levy and collect income taxes using graduated rates. As federal taxes began to play a larger role in providing government services, it became important for federal programs to be provided fairly among the states, communities, and individual citizens.

When the Great Depression hit the nation in the 1930s, the federal government undertook many programs states could not afford on their own. It was during this period that the federal government began to recognize most clearly that some citizens and institutions required special programs and services designed to provide for the common good of the nation. Known collectively as the New Deal, the measures included legislation to:

- Provide employment in public works, such as building roads and bridges.
- Assist farmers through federal guarantees of bank loans, and price support for various crops and commodities.
- Stabilize the banking system through deposit insurance and federal regulation designed to ensure solvency.
- Provide electricity service throughout rural America, which had not yet benefited from the electric grids set up in cities.
- Create the Social Security system, which originally provided old age pensions and later disability insurance to all qualifying workers and their families, and assisted states in providing a permanent unemployment insurance system.
- Standardize employment practices through the Fair Labor Standards Act, which set a minimum wage and maximum hours for employees in companies engaged in interstate commerce.

Since the Depression, the federal government has continued to identify new social needs and create new programs. Intergovernmental relations have thus become vital to programs and services at all levels.

In the post-World War II period, the federal government assumed major responsibilities in housing, transportation and health care. Housing became a pressing concern with the post-war economic boom, and publicly owned and subsidized apartments became common in all major cities, peaking with the “urban renewal” programs of the 1960s. The first federal motor fuel tax was enacted in 1955 to finance the Interstate Highway System, a nationwide system of free, limited access roads, and federal transportation bills are now a major support for state and local highway, rail, port and transit programs. The 1960s also saw

passage of Medicare for those 65 and older, financed through the federal payroll tax, and Medicaid, for lower income citizens, paid for through a combination of federal and state revenues.

When federal commitments are cut back, this often means just a shift in responsibility and financing to the state or local governments. In the 1980s, federal housing programs were reduced sharply, but this government role has in part been assumed by states, in Maine through creation of the Maine State Housing Authority.

In 2010, direct federal aid to local and state governments totaled \$624 billion, with \$3.4 billion dollars coming into Maine. Between a quarter and a third of all money spent by state government originates with federal sources. That is 30 times more federal aid than local and state governments received in 1960, and three times the federal assistance received in 1978. Despite reports of a “new federalism” and proclaimed limits on federal authority, there is little sign that Washington has actually become less important in the affairs of states and municipalities, and the citizens they serve.

The \$624 billion sent to state and local governments in 2010 by the federal government amounted to nearly 20 percent of federal spending, and represents 20 percent of combined state and local budgets. Federal aid is now distributed through more than 700 programs by 80 federal agencies. Over three-quarters (77%) of the federal aid was distributed under the programs housed within the Departments of Health and Human Services (55%), Education (12%) and Transportation (10%).

Local Concerns

To say that governments are interdependent does not mean that the relationships between them always work smoothly. Municipalities have a different perspective on state programs and offerings than they do on the programs and requirements of the federal government.

The connection of a state law to a local program is usually direct and visible to all concerned. When, for instance, the state banned open burning dumps and, later, required towns to discontinue open salt and sand piles for winter road maintenance, it did so after full discussion, if not full agreement, with municipal representatives. While there are often additional municipal costs involved, it is not unusual for there to be some level of cost-sharing between different levels of government, at least in the initial implementation. In the case of mandatory salt and sand sheds, the state has been willing to go back and review its mandates in a way that focuses on potential environmental harm while removing some of the burden on local budgets.

Many state legislators are former municipal officials themselves, and the Legislature in general is comfortable with the input of municipal officials, both in the form of representation through the statewide municipal association and other municipal groups, and by direct contact between lawmakers and selectmen, councilors and managers. While the Legislature is in session, such contacts are frequent, even daily, and the various parties come to know each other face to face.

Dealing with the federal government is much different for municipalities. Not only are personal contacts much less frequent, but there are not the same effective links between state and national legislators that there are, in Maine, between municipal and state officials. The National Governors Association and the National Conference of State Legislatures have become more prominent in recent years, but they do not provide the kind of immediate contact with Congress that would help shape legislation of interest to state and local governments, and those they represent.

The No Child Left Behind Act (NCLB), enacted by Congress in 2001, is an example of federal legislation that is broad and sweeping, setting new standards of educational accountability, down to the level of classrooms and even individual student performance. It was enacted, however, without significant

participation from the states and local school districts that are supposed to carry out the law. As a result, there have been numerous questions about how to align state and national requirements, how tests are supposed to be designed, and how teachers are supposed to be trained and evaluated. Several states filed lawsuits in order to relax NCLB standards and address funding shortfalls, and few state education departments were comfortable with the implementation of the sweeping federal requirements. The bottom-line deadline in NCLB required virtually all students in public schools to achieve the standard of “proficiency” on state tests by 2014, but that deadline came and went without a single state in compliance. As a result, most states have now obtained waivers from the federal Department of Education which allow each state to be noncompliant with NCLB provided the state undertakes new federally-designed education priorities, the most recent version of which, the Common Core State Standards, have generated their own controversies.

It is difficult to imagine the Legislature in Maine passing a similar law without greater local consultation and involvement.

Grants and Assistance

Federal financial assistance is provided to local and state governments through two different kinds of grants.

Categorical grants, the oldest and largest form of federal assistance, are provided through no less than 800 programs. These grants, defined and apportioned by law, are to be used by local and state governments for specific purposes in transportation, agriculture, education, environmental protection, heating assistance, housing, health care, social welfare, and unemployment. An example of a categorical grant is the federal funding, along with state matching funds, that is made available to build municipal sewage treatment plants.

Block grants provide considerably more discretion to state and local government in how funds can be used. Block grants enable states and communities to determine their own priorities and meet what they consider to be the most pressing needs. In 2000, block grants were available for providing health care, controlling crime, retraining workers, promoting community and economic development, and developing plans to deliver health and human services. With a block grant, for instance, one community might decide federal assistance could best be used for improving the training of police officers, while another community might want to hire personnel for community policing efforts. Such uses of federal funds are appropriate under the Local Law Enforcement Block Grant Program.

Some federal programs involve a mix of categorical and block grants. Under the Medicaid program, for instance, states are required to provide certain services to all citizens enrolled in the program. Other services, such as prescription drug discounts, eye care and dentistry, are discretionary, and may be provided by states which then gain additional federal funding for these purposes. In 2003, Maine began a program called Dirigo Health, which expanded enrollment in the state Medicaid, or MaineCare, program by using state funds to match federal dollars for enrolling low-income parents of Medicaid eligible children. Dirigo Health was designed to change the way health services are provided and generate savings that could be used to expand citizen access to healthcare and lower costs. The program ended on December 31, 2014 as the state transitioned to the provisions of the federal Patient Protection and Affordable Care Act (ACA) enacted by Congress in March 2010. The comprehensive ACA sought to increase enrollment in the Medicaid program by providing federal dollars to states for expanding Medicaid eligibility for individuals and families up to 133 percent of the federal poverty level. In a case taken up by the U.S. Supreme Court in 2012, it was decided that states could not be required to expand Medicaid under the ACA and would not lose preexisting

Medicaid funding if they chose not to expand their state programs. At this writing, Maine has opted not to expand MaineCare eligibility to the 133 percent level, but continues to receive Medicaid matching funds for its existing program.

Competition for federal grants increased among community, county and state governments in the 1960s and became especially fierce in the 1970s. States and municipalities began hiring and contracting for grant writers and specialists. In many cases, state agencies act as an intermediary for municipalities seeking discretionary federal assistance; in others, federal funding is provided directly to the municipality. Federal grants often require state, local or private matching funds, adding additional complexity and sometimes expense to local budgets.

In the heyday of block grants, the federal government provided nearly no-strings-attached funding through revenue sharing. As tax cuts became a popular cause in the 1980s, however, federal revenue sharing ended and block grants became less common. There are still dozens of federal grant programs remaining, and it seems certain that the federal government will continue to play a key role in financing state and some local programs.

Mandates

In the 1960s and 1970s, the federal government showed a lot of interest in both program development and funding in areas that previously had been considered a state or local government responsibility. But with funding, particularly in the case of categorical grants, came rules and regulations, some of which states and local governments have found unwelcome or even onerous.

Two examples come from education, a field long left to the states and local school districts, even after the federal role was expanded in other areas.

In 1970, the federal law providing for equal educational opportunity for all students, which has come to be known as special education, set up a complex series of guidelines and requirements for local school districts. Each student who qualifies must have an individual education plan, and school districts must hire additional personnel to provide these services. The 1970 law envisioned direct federal support amounting to 40 percent of special education costs, but actual funding has been far less – generally no more than half that amount, and frequently below that level.

The No Child Left Behind Act of 2001 mandated an extensive regimen of standardized testing and high school graduation standards. While still being implemented, many states have asserted that the promised federal funding under the law has not been forthcoming.

Maine municipalities concerned about escalating state demands were successful in promoting two state constitutional amendments that to some degree protect their interests. One requires that state government laws or regulations that impose responsibilities on municipalities requiring additional local expenditures must be expressly adopted by two-thirds of both houses of the Legislature, rather than a simple majority, unless the state provides 90 percent of the required funding. Another specifies that municipalities must be reimbursed by the state for at least 50 percent of lost property tax revenues from new or expanded property tax exemptions. To date, there has been no equivalent effort to prevent unfunded mandates at the federal level.

The emerging priorities of the federal government over the past 30 years have tended to distance federal policy from the domestic concerns which are the nearly exclusive focus of state and local government. The recognized federal role in shaping the economy, the long debate over taxes, the federal debt and annual budget deficits, and maintenance of a large national defense establishment that has fought wars in each of

the last eight decades, are all developments that have tended to set Washington apart from state and local government.

Without significant consultation, the federal government has attached various requirements to state and local grants to promote its vision of the general welfare. Among the best known are restrictions on federal transportation funding to promote highway safety through uniform speed limits on interstate highways and the use of seat belts. Requirements under the special education laws and NCLB are other far-reaching mandates.

It is safe to say that over the past half century, the relationship of federal, state and local governments has become more important, complex and, at times, contentious. Access to resources and the politics of taxation are driving factors. Either directly (through mandates) or indirectly (by linking desired actions with the maintenance of federal or state funding) the larger units of government have the power to require the smaller units of government to provide services at significant costs to the smaller governments, which also become the entities held responsible for the spending and taxation consequences.

While voters elect others to represent them at all levels of government – federal, state and local – the system cannot work well without the active participation of an informed citizenry. In many Maine communities, voters also have the responsibility of direct democracy through town meeting, where each vote counts equally and each voice can be heard.

While voting itself is often assumed to be an uncontested right of adulthood, this was not always the case. At the time the federal Constitution was ratified, women could not vote, nor could slaves or most non-European males. In many states, a man had to own property to vote. Over time, and through a series of constitutional amendments, the voting franchise has been expanded to include all but a small number of citizens.

Since 1971, when the voting age was lowered from 21 to 18, the major requirements for voting are that the person be:

- 1) A citizen of the United States.
- 2) 18 years old or older.
- 3) And registered to vote.

While the United States is the oldest democratic nation with a written constitution, worries about the lack of exercise of citizen rights have a long history. In part because of a lack of strong identification with political parties, voting frequency is among the lowest of democracies in the developed world, just over half of those eligible, even in presidential elections – though some of the more recent contests, such as the election in 2008, did show increased participation.

In Maine, concern about participation at town meetings arises from time to time, with a few towns taking steps to diminish the central role of a gathering of citizens, such as approving budgets through a referendum ballot. In some towns, such as those with a rapidly growing or changing population, town meeting participation has dropped markedly, at least as a percentage of the total voting population.

These concerns are based on a simple observation about representative government. Without broad participation in decision-making, there is no guarantee that government can actually carry out the wishes of those it represents. Whatever the causes of non-voting – and they appear to be complex and variable – the burden on those who do serve in government is much greater when they cannot receive a clear verdict on their actions from their constituents.

Maine stands ahead of many states in making it easy to vote, and in encouraging voting and participation. Through such innovations as Election Day registration, easy access to absentee voting, uniform polling hours and numerous polling places, Maine has regularly ranked among the top five states for presidential year turnout. In 2008, when 58.2 percent of the nation's eligible voters cast ballots, 70.2 percent of Maine's voters did, second among the 50 states. However, during the 2012 presidential election voter turnout at both the national and state level dropped. Maine's participation rate fell to 67.2 percent the fifth highest in the nation, while the national rate dropped to 56.5 percent.

In other respects, Maine grants broad access to the ballot. It is one of only two New England states, along with Massachusetts, that allows citizens to enact laws through the initiative and referendum process. If

10 percent of those who voted in the last gubernatorial election sign petitions to change a law or enact a new one, the question appears on the next statewide ballot unless the Legislature adopts the “citizens’ initiative” in the same form as presented.

Town meeting, of course, provides opportunities for citizen action on any issue coming before the meeting as a warrant article. But in larger towns and cities, a charter often provides for an initiative and referendum process similar to the state’s. Voters often can review and reject actions of the city or town council, including decisions to sell municipal property and adopt new ordinances.

Still, local elections, unless they coincide with state and national elections, often draw far fewer voters, raising questions of just how representative they are. When issues or candidates are controversial, turnout is far greater, indicating that voters do see the need to participate in local elections when they believe something important is at stake.

A number of attempts have been made in recent years to encourage voting and participation in government by reaching out to the young people who will be tomorrow’s voters.

At the State House and in several town and city halls, student government days provide opportunities to elect classmates to play the roles of various government positions. In the community versions, elected students spend an entire day with a municipal official, such as the manager, police chief or selectman. They discuss current issues of importance and are invited to ask questions. These may include whether the community should hire another police officer, buy a fire truck, resurface more streets, establish a recycling program, or change the form of government. At the end of the day, those students elected to the legislative body meet and vote on the issues.

Renewed interest in civics education and the lack of specific curriculum standards prompted the Legislature to include new requirements in 1997 as recommended by the Learning Results Task Force. For the first time, Maine’s primary and secondary school students and their teachers have standards based on specific results that guide their progress. The Maine Learning Results standards aim to increase students’ understanding of their civic responsibility and strengthen awareness of local government.

Such understanding is vital but not always sufficient. Voting can be effective in guiding representative government only when there are candidates and this, too, can sometimes be a problem. Several years ago in the town of Sweden, all three selectmen had resigned prior to town meeting. The seven persons nominated to fill those positions at town meeting all declined. The town then had to call a special town meeting a week later, at which three persons were found who agreed to serve, and were quickly nominated and elected. A number of small towns have deorganized or considered doing so in part because of the difficulty in finding enough people willing to serve. Only when qualified citizens accept the responsibility of public office can the people be said to be adequately represented.

Voting alone is not the only ingredient required for effective government. A local government depends on both the elected leadership and appointed administrators and how these people work together as a team. If a municipality is operating under a structure of government that doesn’t fit the community, even the most qualified people may struggle to make it function. If it has the right form, but unqualified people serving, the chances of success are still not good. Effective government requires periodic review of both the form of local government and how those charged with carrying out the will of the people discharge those responsibilities.

Getting Involved

Policymaking is a broad subject in which the details are of critical importance. While town meetings

and, in larger communities, public hearings may be sufficient to establish general direction, only through the working of administrative boards and committees are these policies translated into specific decisions.

This is as true of local government as it is at the state and national levels. If a municipal government is going to meet the needs of its citizens, it is essential that its officials know what those needs are. The need for services in a community is expressed through public discussion. Discussion may take place at public hearings or at regularly scheduled meetings of the selectmen, city council, or school board.

For citizens to have an impact on the decisions made by the people they have elected, they must participate in these public discussions. This requires regular attendance at public hearings and meetings of the governing body and the town meeting. It means stating opinions on matters of concern to others in the community.

The democratic system of government works through majority rule. Citizen participation and involvement is especially important because it is often the majority of those who participate who actually make decisions. For instance, a group of 50 citizens might attend a town council meeting and demand the town government create a new recreation program. It could be that the majority of all citizens would not support such a program, but unless they participate, the council might conclude the program has broad public support.

When citizens in a community join together as a group to petition their government, they are often labeled as a “special interest.” As a descriptive term, this is what they are. Since everyone has special needs, though, special interests are a predictable and legitimate part of the process of policymaking. A family with children will likely be more concerned about a community’s education, recreation and health programs than a family with no children. Similarly, older citizens in a community will be more interested in public transportation and affordable housing than many of the middle-aged citizens. By making their needs known and understood, such groups can help elected officials create the proper balance, making intelligent decisions about which services should be available within limited resources.

Some of the most active groups in community politics represent economic interests, such as chambers of commerce, boards of realtors, merchant associations, and business groups promoting economic development. Civic and social groups, like Kiwanis, Lions, Rotary, Jaycees and the local PTA, can also influence government decisions. In Maine, such groups are numerous, diverse in mission and effectiveness, and provide many opportunities for citizens who want to become involved in improving their community. Working within a group is a significant means of citizen participation.

Volunteering to Serve

Service in government is another important way to participate. There are many appointed and volunteer positions without which local government simply could not function.

Most small communities have local fire departments that provide important fire protection services and generally require some support from the town budget. Firefighters not only undergo training and put out fires, but also equip and maintain vehicles and erect firehouses. Fundraising events often involve the entire community, and the citizen firefighters may be one of the most important groups in town.

Another local government service that thrives on, and depends on, volunteer efforts is community planning. The planning and zoning boards themselves require much volunteer time and effort in reviewing development proposals to ensure their conformity with ordinances and other legal requirements. When a community is designing or updating a comprehensive plan, the circle of volunteers is often much broader.

Some communities have involved literally hundreds of citizens in subcommittees that consider each part

of a comprehensive plan, studying land use, housing, conservation, recreation, public services, transportation and other community needs. Such a process is often lengthy and even tedious, but communities that use this method produce plans that not only promote sound growth and development, but incorporate community needs and goals in a way impossible for a small planning board or single town meeting to accomplish.

Running for office is perhaps the most important way to serve. Some municipalities have many elective offices, others only a few. In some, elected positions are filled by consensus, while others feature lively contests almost every year. Regardless of how much or little competition there is, those elected serve at the pleasure of the people. They hold the key responsibilities of government, and must be the most responsive to public opinion as expressed in meetings, hearings and other forums.

The number of elective offices in each community varies considerably, and is related, in large part, to the availability of professional administrators. Population is a general gauge for the level of administration needed. In small communities, elected town clerks, tax collectors, and selectmen are sometimes the only administrators required. Larger communities, however, have more appointed administrators because their operations are more complex and require more people with knowledge and experience in specific areas. Voters may elect only selectmen or councilors, who appoint or approve the department heads who carry out the workings of municipal government. Good government occurs when citizens actively participate and administrators and elected officials understand and fulfill their roles.

Whatever the size of a community, a lack of candidates for local office can be a serious problem, since elected officials must devote long hours to town business and receive little financial reward. Finding dedicated and capable citizens to seek election is often not easy.

This is why it is important for communities to cultivate public attendance and participation in town and council meetings, and volunteer service on boards and commissions. Citizens who become involved in this way are the most likely to be good candidates for office, and to serve effectively once elected.

Electing good candidates is not enough, though. While most elected officials are conscientious people who want to make decisions they feel are in the best interests of the community, they would like their decisions to be based on discussions with citizens who participate in public meetings. When few persons attend and even fewer speak out, a gap opens between the people and their elected representatives. While helpful, letters to the editor and phone calls from those most directly affected by an issue cannot provide an overall sense of community opinion. Elected officials sometimes feel they are making decisions in a vacuum, acting more as trustees than as true representatives. Only significant citizen participation can close this gap.

Townpeople Assembled

While all forms of municipal government are significant, the one that must be singled out for special attention is town meeting, one of the rare forms of direct democracy still present in contemporary times. Town meetings can justly be called the “purest form of democracy,” because citizens, not their representatives, participate directly in the making of laws and the raising and spending of taxes.

The decline of town meeting is, however, an old subject in Maine. In the *Maine Almanac*, published in 1978, Jim Brunelle summarized prevailing opinion: “To many students of government the town meeting has become obsolete, little more than a ceremonial holdover from older times, kept on more for sentimental reasons than anything else. What was once considered the purest form of participatory democracy, they say, has become only a ritualistic drama... in which the script remains unchanged from year to year.” He goes on to observe that “Voter apathy has been particularly observable in the larger communities. The pressures of the 20th Century are apparently moving against the town meeting. Some believe it will soon disappear

from the Maine scene, the victim of voter neglect and the need to find more efficient methods of conducting municipal affairs.” Yet the writer is not quite convinced. “In more than 300 Maine communities which still cling to this traditional form of local government, the town meeting is a readily available electoral steam valve, where any voter can stand up and call his elected officials on the carpet to explain just how his tax dollars are being spent.”

A pithy explanation of why people should participate in town meetings was included in a Biddeford Journal Tribune editorial from March 23, 1994:

“If you ask why town meetings are so poorly attended, people will tell you they go if there’s something exciting on the warrant. They’ve been watching too much television. When it comes to doing your civic duty (which is the key to accountability in self-government) there’s no room for channel surfing. On town meeting day, town meeting is the only show in town.

“Or they’ll say town meeting is held at the wrong time, or that there’s too many issues decided by secret ballot, or that the selectmen do what they want no matter what people say. Well, the way to get things changed (including town meeting scheduling and secret ballot votes) is to attend town meeting and put up a fuss... The purest form of democracy is participatory democracy, in which you put your butt in the chair and you have your say and cast your vote on every last blessed item on the warrant ... You might slip out for a coffee or a smoke, but you don’t slip out for the whole day. If you do you’re part of the problem and somebody else is going to solve it.”

Writing in 2005, newspaper columnist and former selectman George Smith renewed the theme of obsolescence: “It is the dinosaur of democracy, a dying tradition peculiar to New England. Life without the annual town meeting is unthinkable, but too many people are thinking they can do without it. In central Maine, the virulent anti-meeting virus has spread through the population and no antidote appears available. Some towns are going to secret ballots for budget and other issues, content in the theory that the town’s business is best done in secret, away from the public debate and discourse that is traditionally featured at the town meeting.”

In the majority of Maine towns, the annual town meeting tradition continues. In Strong, voters still recess the meeting for lunch. “For 105 years the menu has not changed: baked beans, brown bread, hot dogs, coleslaw, rolls, pickles and homemade pies.” Writer Smith defends town meeting vigorously, opining, “The issue is community – something we are steadily losing all over Maine. The chance to get off our couches, break out of our cabins and spending a day discoursing with our neighbors is what makes this annual tradition so special.” He concludes, “In the United States, we have never been intimidated from standing up and being counted. And that is what town meetings are all about.”

While the health of the town meeting tradition continues to be debated, town meeting itself is largely intact. Participation is open to every voting citizen in town, and others may observe the proceedings.

What happens at town meeting is sometimes confusing, but there are rules of procedure. A moderator is elected at the outset, and runs the meeting. The moderator is familiar with parliamentary procedures to keep the meeting moving forward until all of the warrant articles, or items of business, have been acted upon. Voters may not talk without being recognized by the moderator. If an item of business is not on the warrant, town meeting cannot act on it.

It is customary for the moderator to read the article aloud and ask if someone will make a motion; usually someone will respond by saying “I move the article;” the moderator then asks, “Is there is a second?” Someone will usually respond, “I second the motion.” This formality sets the stage for discussion. The

moderator then rereads the motion and calls for a vote. The best approach in opposing an article is to move the article, call for a vote, and vote against it.

Sometimes, during the discussion, someone will propose a change. For example, in an open-ended money article, a person may want to increase or decrease the amount of money recommended by the budget committee or selectmen. The amendment must be seconded; there must also be an opportunity to discuss the amendment before voting. If the amendment passes, then the motion, as amended, is voted. If the amendment does not pass, and there are no further amendments, then the original motion is voted on.

Most articles in the warrant are brief and written to comply with legal requirements, and may not be self-explanatory. Some towns include a reader-friendly explanation along with the article. Citizens who want or need more information have a duty to ask for it. Some of the common questions asked are:

- How much did we spend last year on this? How does that compare with this year? Please explain the difference.
- Can we set up a committee to study this? The town doesn't have enough information to vote.
- Should we establish a reserve account over several years instead of borrowing money or raising taxes this year?
- Are we taking too much from surplus? How much will this leave us?
- Is this ordinance necessary? Is there a real problem?
- Why is work being done on a particular road this year?

When asking questions at a town meeting:

- Keep questions short and to the point.
- Ask one question at a time.
- Direct questions to the moderator.
- Don't interrupt the person who is trying to answer.
- Don't get personal.

Everyone should be ready to ask questions, discuss, and vote. All those who participate in the discussion of issues and then by voting can make a difference in the quality of their community and their local government.

Citizen Awareness

Since the 1950s state law has decreed that the conduct of government is the public's business and that the people have the right to know about it. Meetings of elected or appointed governmental bodies are open to the people, who may, in most instances, also participate in the discussion. The results of all votes taken and the relevant records and documents are available to the public; the only business of local government that may be conducted in secret, or documents withheld, are those specified in state and federal law. For example, discussing candidates for municipal employment or a potential land sale price is permitted in "executive session" (outside the public meeting), but any actions taken must be recorded and ultimately made public. The state's Freedom of Access Act, or "Right to Know" law, provides citizens with the means to obtain the information to make judgments regarding the decisions of those who serve them in government and conduct the public's business.

Further Safeguards

In addition to participating in local government and voting, citizens of Maine have other means of governing themselves through the citizen initiative and petition process. Similar to the state level, citizens

initiatives are typically used when a municipal legislative body fails to act on an issue that citizens think is important. Citizen petitions can be circulated to either force a vote on actions taken by the legislative body that citizens disagree with or bring a proposal before the legislative body that the municipal officers were not going to present on their own initiative. Except as provided under a municipal charter, under both “home rule” and other provisions of state law, people generally are allowed to petition for a vote on a number of matters pertaining solely to their community. For instance, a group might want to amend the town charter to change the form of government. If they obtain the required number of signatures from eligible voters, the council would be required to set a date for a referendum vote on the question. If a sufficient number of people vote for the proposal, the citizens have started the process to change their form of government.

In some communities, voters can remove an elected official from office before his or her term expires. Such recall provisions, if included in a town or city charter or local ordinance, allow the citizens, after presenting a valid petition, to vote on whether or not they want to allow an official to continue serving in an office to which he or she was elected.

Actions taken by a municipal government may also be challenged in a court of law. Even if approved by a majority of the municipality’s legislative body, an action cannot stand if it does not conform to state and federal laws and constitutions. The case law that results from such challenges also becomes part of the basis by which future legal decisions are made.

All the People

For government to function effectively in providing people with the services they need — particularly local government — the participation of all the people is ideal. All Maine local governments provide their citizens with ample opportunities to participate in governing themselves. If many citizens fail to participate, the system designed by the founders of the nation and the state, admired around the world, cannot work well. Just as public servants have duties and obligations to serve the people, so do citizens. They have not only the right to participate, but the obligation to involve themselves in the government that serves them.

At its best, all democratic government, and particularly local government, is, as Abraham Lincoln put it in his Gettysburg Address, “of the people, by the people, and for the people.” It is up to the citizens of every town and city to ensure that this remains more than just a promise, but a reality in their community.

