



**SELECT BOARD MEETING  
MONDAY, JUNE 14, 2021  
REGULAR MEETING: 6:00 P.M.**

**IN-PERSON AT 13 VALLEY STREET**

**NEW! LIVE STREAMING AVAILABLE ON THE TOWN WEBSITE OR BY VISITING:  
[https://www.townhallstreams.com/towns/thomaston\\_me](https://www.townhallstreams.com/towns/thomaston_me)**

**SELECT BOARD REGULAR MEETING AT 6 P.M.**

- 1. CALL THE MEETING TO ORDER**
- 2. PUBLIC HEARINGS:**
- 3. APPROVE THE MINUTES OF:**
- 4. APPROVE THE WARRANTS**
- 5. ADJUSTMENTS TO THE AGENDA**
- 6. TOWN MANAGER'S REPORT**
- 7. TOWN BOARDS & COMMITTEES UPDATE**
- 8. PUBLIC COMMENTS**
- 8. OLD BUSINESS**
  - A. Update on the Kiln Parcel land as requested by Sandy Moore.**
  - B. Discuss the proposed pesticide ordinance as requested by Sandy Moore.**
  - C. Discuss the Thomaston Green Task Force & Steering Committee to work on the Parks & Trails Masterplan.**
- 9. NEW BUSINESS**
  - A. Swearing-in of the newly elected officer to the Thomaston Select Board.**

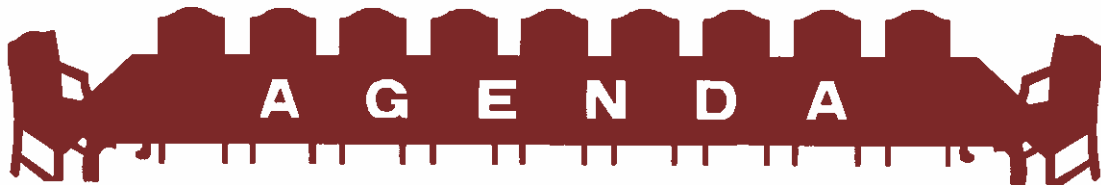
- B. County ARP Funds Presentation from County Commissioner Dorothy Merriweather.**
- C. Set a workshop date to discuss the use of Thomaston’s anticipated ARP Funds.**
- D. Authorize the Town Manager to sign a contract with Dirigo Bridge Company to replace the culvert on Beechwood Street for a sum not to exceed \$250,000.**
- E. Consider the request for a Community Picnic/Music Event at the Thomaston Green on July 4<sup>th</sup> per the request of Peter Lammert.**
- F. Consider the request of Bob Pease to use the Thomaston Green on September 18<sup>th</sup> (rain date September 19<sup>th</sup>) for the Maine State Prison Employee Reunion.**
- G. Review for approval the Ad-Hoc Fire/EMS Building Committee Directive.**
- H. Consider for appointment Dwight Jones (DJ) to the Harbormaster position as recommended by the Harbor Committee, Police Chief, and Town Manager.**
- I. Discuss the Midcoast Internet Development Corporation Interlocal Agreement.**

**11. ADJOURN**

**Upcoming Dates:**

<b>Tuesday, June 15<sup>th</sup> at 5 p.m.</b>	<b>Academy Board of Trustees (In-person/Academy)</b>
<b>Wednesday, June 16<sup>th</sup> at 9 a.m.</b>	<b>Watts Block Trustees (In-person/Watts Hall)</b>
<b>Monday, June 21<sup>st</sup> at 6 p.m.</b>	<b>Pesticide Ordinance Workshop (In-person/Municipal Building)</b>
<b>Tuesday, June 22<sup>nd</sup></b>	<b>Town Office Closed 8 a.m. to 1 p.m. for staff training.</b>
<b>Thursday, June 24<sup>th</sup> at 4 p.m.</b>	<b>Fire/EMS Building Committee (In-person/Municipal Building)</b>
<b>Monday, June 28<sup>th</sup> at 6 p.m.</b>	<b>Select Board Meeting (In-person/Municipal Building)</b>

**Diane Giese – Zel Bowman-Laberge- Sandy Moore- Bill Hahn - Peter Lammert**



**SELECT BOARD MEETING  
MONDAY, MAY 24, 2021  
REGULAR MEETING: 6:00 P.M.**

**IN-PERSON AT 13 VALLEY STREET**

**NEW! LIVE STREAMING AVAILABLE ON THE TOWN WEBSITE OR BY VISITING:  
[https://www.townhallstreams.com/towns/thomaston\\_me](https://www.townhallstreams.com/towns/thomaston_me)**

**AGENDA ADJUSTMENTS**

- 1) Election of the new Chair and Vice-Chair of the Select Board.**
- 2) Select Board members appointments to Boards and Committees. (Please see attached.)**

**PUBLIC HEARING:**

**Review the renewal application of the Port Clyde Seafood Company DBA the Slipway for the consideration of an on-premises license to sell Vinous, Malt Liquor, and Spirits at the property located at 24 Public Landing as required by Title 28-A MRS, Section 653.**

**Select Board Members  
Boards & Committees List  
June 10, 2021**

*Total Boards & Committees in ALL 25*

<b><u>Board of Assessors</u></b>	<b><u>TERM</u></b>
Peter Lammert	2024
<b><u>Academy board of Trustees</u></b>	
Diane Giese	2023
<b><u>Library Board of Trustees</u></b>	
Diane Giese	2022
<b><u>Village Cemetery Board of Trustees</u></b>	
All Select Board Members	NONE
<b><u>Watts Block Trustees</u></b>	
William Hahn, Chair	2021
<b><u>Christmas Lighting Committee</u></b>	
Zel Bowman-Laberge	NONE
<b><u>Comprehensive Plan (Ad-Hoc)</u></b>	
Diane Giese	NONE
<b><u>Conservation Commission</u></b>	
Sandra Moore, Chair	2023
<b><u>Economic Development Committee</u></b>	
William Hahn, Chair	NONE
<b><u>Maine Water Company Advisory</u></b>	
Peter Lammert	NONE
<b><u>Mid-Coast Economic Development</u></b>	
William Hahn	NONE
<b><u>Georges River Inter-local Clam Management</u></b>	
William Hahn	NONE
<b><u>OHSTT Solid Waste Transfer Station</u></b>	
Zel Bowman-Laberge	NONE
<b><u>Municipal Facilities Committee (Ad-Hoc)</u></b>	
William Hahn, Vice Chair	NONE



4. Indicate the type of license applying for: (choose only one)

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant<br>(Class I, II, III, IV)   | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)         | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)   | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)            | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                       | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)  | <input type="checkbox"/> Other: _____                                    |   |
| <input type="checkbox"/> Qualified Caterer   | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) |   |

*Refer to Section V for the License Fee Schedule on page 9*

5. Business records are located at the following address:

10 Camden Street, Rockport, Maine 04856

6. Is the licensee/applicant(s) citizens of the United States?  Yes  No

7. Is the licensee/applicant(s) a resident of the State of Maine?  Yes  No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes  No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes  No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes  No

If yes, please provide details: \_\_\_\_\_  
 \_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License?  Yes  No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Scott William Yakovenko	12/09/1966	Providence RI

Residence address on all the above for previous 5 years	
Name Scott Yakovenko	Address: 14 Water Street, Thomaston Maine 04861
Name	Address:
Name	Address:
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes  No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: Scott Yakovenko Date of Conviction: 10/08/2000

Offense: Filing false report Location: Camden, ME

Disposition: Paid fine

16. Has the licensee/applicant(s) formerly held a Maine liquor license?  Yes  No

17. Does the licensee/applicant(s) own the premises?  Yes  No

If No, please provide the name and address of the owner:

\_\_\_\_\_

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Seasonal restaurant with indoor and outdoor seated dining  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Thomaston Episcopal Church

Distance: \_\_\_\_\_

**Section II: Signature of Applicant(s)**

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

*Please sign and date in blue ink.*

Dated: 06/04/2021

Scott W. Yakovenko  
Signature of Duly Authorized Person

Scott Yakovenko  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Signature of Duly Authorized Person

\_\_\_\_\_  
Printed Name of Duly Authorized Person

**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application?  Municipal Officers of \_\_\_\_\_

County Commissioners of \_\_\_\_\_ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

**B.** The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

**C.** If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

**D.** If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

**A.** Conviction of the applicant of any Class A, Class B or Class C crime;

**B.** Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

**C.** Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

**D.** Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

**D-1.** Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

**E.** A violation of any provision of this Title;

**F.** A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

#### **Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine**

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
  - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

## Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

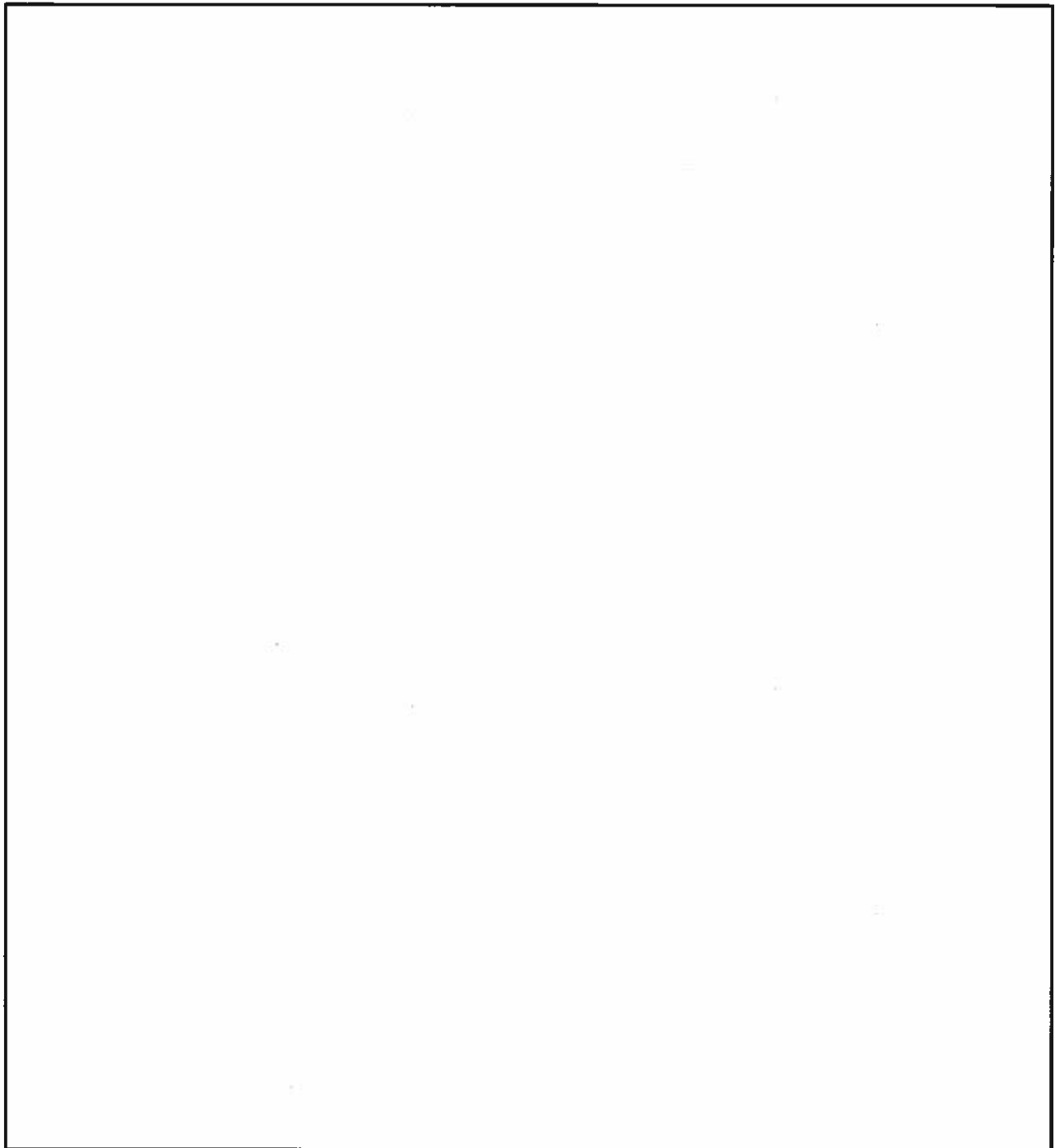
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<b>Class of License</b>	<b>Type of liquor/Establishments included</b>	<b>Fee</b>
<b>Class I</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
<b>Class I-A</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only hotels that do not serve three meals a day.	\$1,100.00
<b>Class II</b>	<b>For the Sale of Spirits Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
<b>Class III</b>	<b>For the Sale of Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class IV</b>	<b>For the Sale of Malt Liquor Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class III and IV</b>	<b>For the Sale of Malt Liquor and Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
<b>Class V</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Club without catering privileges.	\$ 495.00
<b>Class X</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Class A Lounge	\$2,200.00
<b>Class XI</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Restaurant Lounge	\$1,500.00

## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



**PREMISE DIAGRAM**

120' PIE  
→  
WITH 10  
TABLES

KITCHEN

DINING

DINING

DINING

BAR

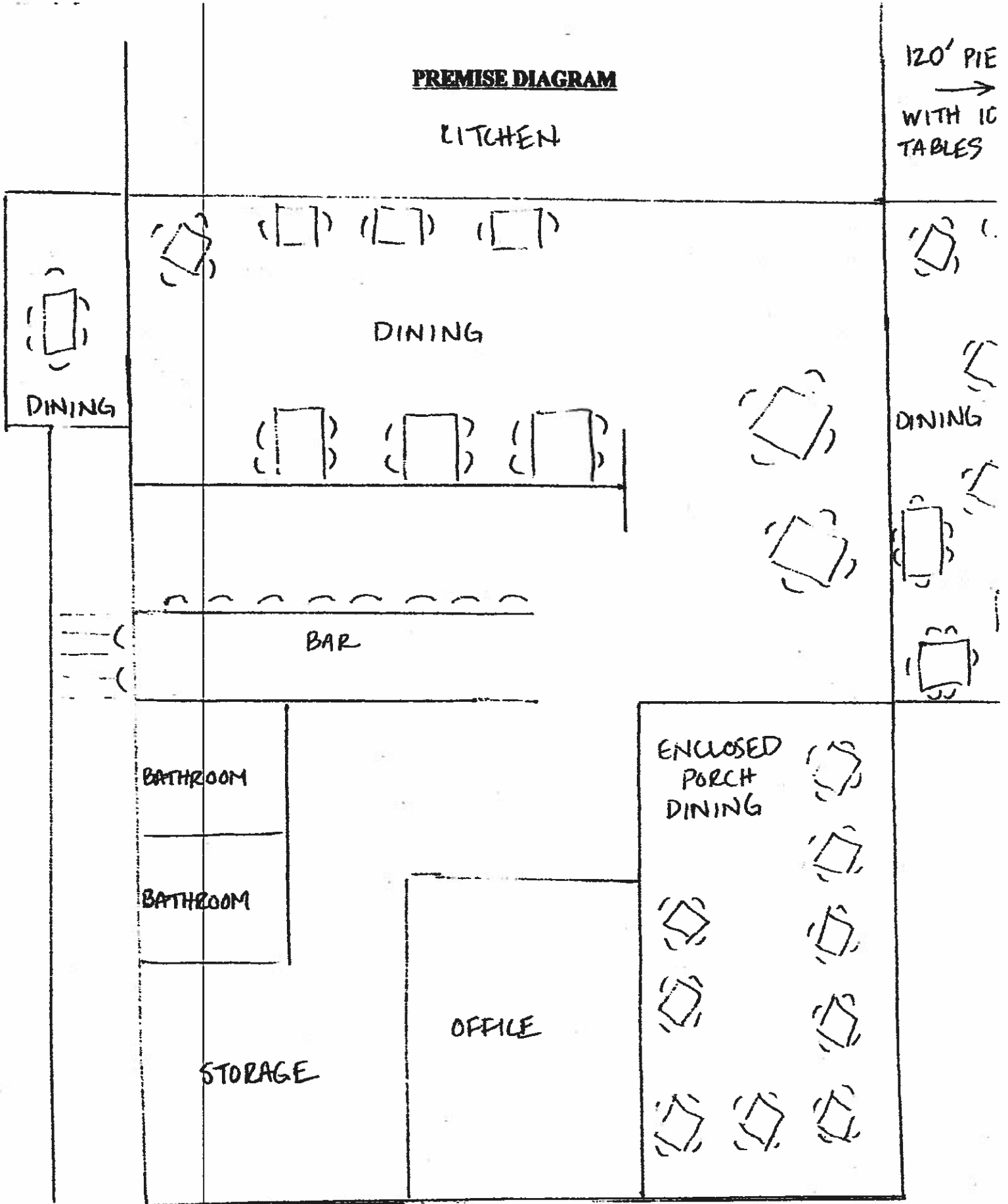
BATHROOM

BATHROOM

STORAGE

OFFICE

ENCLOSED  
PORCH  
DINING



**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: \_\_\_\_\_
2. Doing Business As, if any: \_\_\_\_\_
3. Date of filing with Secretary of State: \_\_\_\_\_ State in which you are formed: \_\_\_\_\_
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership

(Ownership in non-publicly traded companies must add up to 100%.)



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

TELEPHONE: (207) 624-7220

FAX: (207) 287-3434

EMAIL INQUIRIES: [maineliqor@maine.gov](mailto:maineliqor@maine.gov)

Thank you for your interested in becoming a licensed establishment to sell and serve alcoholic beverages in Maine. To avoid any delay in the processing of your application and the subsequent issuance of your liquor license, please use the following checklist to assist you in completing the application. If you are renewing your license, this checklist is useful as well.

- Your application has been completed in its entirety and is legible. For a renewal, please submit your application 30 days prior to the expiration date of your liquor license.
- Your application is signed and dated by a duly authorized person.
- The application is signed and approved by the Town or City Municipal Officers or County Commissioners.
- The license fee submitted is for the correct fee for the license class for which you are applying and includes the \$10.00 filing fee.
  - The check must be made payable to "Treasurer, State of Maine"; both the license and filing fees can be submitted on one check.
  - If the licensee/applicant(s) is in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- For a renewal, the dollar amount of your gross income for food, liquor and guest rooms, if applicable must be completed – see Section I.1
- A diagram of the facility to be licensed must accompany **all** applications whether for a new license or the renewal of an existing license
- If you are a registered business entity with the Maine Secretary of State's office like a corporation or a limited liability company, you must complete Section VII of the application. This does not need to be completed if you are a sole proprietor.
- Have you applied for other required licensing from other state and federal agencies? See attached list.

**Important** – all applications whether for a new license or to renew an existing license for an on-premises liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places to have their application approved and signed prior to submitting it to the Bureau for further consideration.

The address to send your completed application to:

1. Mailing address:

Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
8 State House Station  
Augusta, ME 04333-0008

2. Courier/overnight address:

Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
19 Union Street, Suite 301-B  
Augusta, ME 04330

**The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau**

<b>Obtained ✓</b>	<b>License/Permit</b>	<b>State/Federal Agency to Contact</b>	<b>Telephone Number</b>	<b>Physical Location</b>
	Seller Certificate or Sales Tax Number	Maine Revenue Services <a href="http://www.maine.gov/revenue">www.maine.gov/revenue</a>	(207) 624-9693	51 Commerce Dr, Augusta
	Health License	Health and Human Services <a href="http://www.maine.gov/dhhs">www.maine.gov/dhhs</a>	(207) 287-5671	286 Water St, 3 <sup>rd</sup> floor, Augusta
	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
	Shellfish License	Marine Recourses <a href="http://www.maine.gov/dmr">www.maine.gov/dmr</a>	(207) 624-6550	<ul style="list-style-type: none"> <li>• 32 Blossom Lane, Augusta</li> <li>• 194 McKown Point Rd, West Boothbay Harbor</li> <li>• Lamoine State Park, Lamoine</li> <li>• 650 State St, Bangor</li> <li>• 317 Whitneyville Rd, Jonesboro</li> </ul>
	Dance or Entertainment License	Fire Marshall's Office <a href="http://www.maine.gov/dps/fmo">www.maine.gov/dps/fmo</a>	(207) 626-3882	45 Commerce Drive, Suite 1, Augusta
	Federal I.D. Number	<a href="http://www.irs.gov">www.irs.gov</a>	(800) 829-4933	
	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions <a href="http://www.maine.gov/sos/cec">www.maine.gov/sos/cec</a>	(207) 624-7752	111 Sewall St, 3 <sup>rd</sup> Fl, Augusta
	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) <a href="https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers">https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers</a>	(877) 882-3277	

## **Kara George**

---

**From:** Sandy Moore  
**Sent:** Monday, June 7, 2021 5:40 PM  
**To:** Kara George  
**Subject:** Re: Pesticides

Kara,

My thought is that people can send their legislators a message to let them know they want these and other chemicals banned. Will be more affective at a State level. Maybe they can use the workshop to draft a letter to send to the State Legislators.

This was sent by Maine Conservation Commission:

### **Phasing-Out Toxic "Forever Chemicals"**

Exciting news! On May 12, the Environment and Natural Resources Committee voted **UNANIMOUSLY**, 13-0, on LD 1503, sponsored by Rep. Lori Gramlich, to phase out the use of Per- and Polyfluoroalkyl (PFAS) chemicals. These so-called "forever chemicals" are used in thousands of everyday products and are linked to a whole host of environmental and health issues. This strong show of support means that the bill **SHOULD** pass easily in the full legislature.

### **Banning Aerial Herbicides**

On May 6, the Agriculture, Conservation and Forestry Committee took up LD 125, Senate President Troy Jackson's bill to ban the aerial spraying of certain herbicides, including glyphosate, over Maine's forests. Unfortunately, a majority of the committee sided with industrial forestry corporations and supported an amendment to gut the bill and maintain status quo. Four environmental champions on the committee, Sen. Chloe Maxmin, and Reps. Maggie O'Neil, Laurie Osher, and Bill Pluecker supported the original, stronger language in the bill, and we hope the majority of both legislative chambers support these four members and vote for the minority report.

**Take Action TODAY: *Send your legislators a message to support the ban on aerial herbicide spraying!***

Sandy Moore  
smoore@thomastonmaine.gov  
540.845.0447 cell  
207.200.6229

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**From:** Kara George <kgeorge@thomastonmaine.gov>  
**Sent:** Monday, June 7, 2021 3:14 PM  
**To:** Sandy Moore <smoore@thomastonmaine.gov>  
**Subject:** Pesticides

Hi Sandy,

Do you want Pesticides on the agenda for Monday night? I know you had mentioned sharing what you had found out at the state level. Or do you have any documents you want in the packets?

Thank you for your help,

**Kara George**  
**Town Manager**  
**Town of Thomaston**  
13 Valley St.  
Thomaston, ME 04861  
Ph. (207) 354-6107  
Fax (207) 354-2132



# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1503

H.P. 1113

House of Representatives, April 15, 2021

### **An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution**

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Received by the Clerk of the House on April 13, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.  
Cosponsored by Senator BENNETT of Oxford and  
Representatives: DUNPHY of Old Town, FAY of Raymond, Speaker FECTEAU of Biddeford,  
PLUECKER of Warren, Senator: DAUGHTRY of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1612 is enacted to read:**

3 **§1612. Products containing PFAS**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 **A. "Carpet or rug" means a fabric marketed or intended for use as a floor covering.**

7 **B. "Currently unavoidable use" means a use of PFAS that the department has**  
8 **determined by rule under this section to be essential for health, safety or the functioning**  
9 **of society and for which alternatives are not reasonably available.**

10 **C. "Fabric treatment" means a substance applied to fabric to give the fabric one or**  
11 **more characteristics, including but not limited to stain resistance or water resistance.**

12 **D. "Intentionally added PFAS" means PFAS added to a product or one of its product**  
13 **components to provide a specific characteristic, appearance or quality or to perform a**  
14 **specific function. "Intentionally added PFAS" also includes any degradation by-**  
15 **products of PFAS.**

16 **E. "Manufacturer" means the person that manufactures a product or whose brand name**  
17 **is affixed to the product. In the case of a product imported into the United States,**  
18 **"manufacturer" includes the importer or first domestic distributor of the product if the**  
19 **person that manufactured or assembled the product or whose brand name is affixed to**  
20 **the product does not have a presence in the United States.**

21 **F. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that**  
22 **include any member of the class of fluorinated organic chemicals containing at least**  
23 **one fully fluorinated carbon atom.**

24 **G. "Product" means an item manufactured, assembled, packaged or otherwise prepared**  
25 **for sale to consumers, including its product components, sold or distributed for**  
26 **personal, residential, commercial or industrial use, including for use in making other**  
27 **products.**

28 **H. "Product component" means an identifiable component of a product, regardless of**  
29 **whether the manufacturer of the product is the manufacturer of the component.**

30 **I. "Publicly owned treatment works" has the same meaning as in section 361-A.**

31 **2. Notification.** A manufacturer of a product for sale in the State that contains  
32 **intentionally added PFAS shall comply with the requirements of this subsection.**

33 **A. Beginning January 1, 2023, a manufacturer of a product for sale in the State that**  
34 **contains intentionally added PFAS shall submit to the department a written notification**  
35 **that includes:**

36 **(1) A brief description of the product;**

37 **(2) The purpose for which PFAS are used in the product, including in any product**  
38 **components;**

39 **(3) The amount of each of the PFAS, identified by its chemical abstracts service**  
40 **registry number, in the product, reported as an exact quantity determined using**

1 commercially available analytical methods or as falling within a range approved  
2 for reporting purposes by the department;

3 (4) The name and address of the manufacturer, and the name, address and phone  
4 number of a contact person for the manufacturer; and

5 (5) Any additional information established by the department by rule as necessary  
6 to implement the requirements of this section.

7 B. With the approval of the department, a manufacturer may supply the information  
8 required in paragraph A for a category or type of product rather than for each individual  
9 product.

10 C. In accordance with rules adopted by the department, a manufacturer shall update  
11 and revise the information in the written notification whenever there is significant  
12 change in the information.

13 **3. Waiver of notification; coordination with other states; extension of deadline.**  
14 The department may waive all or part of the notification requirement under subsection 2 if  
15 the department determines that substantially equivalent information is already publicly  
16 available. The department may enter into an agreement with one or more other states or  
17 political subdivisions of a state to collect notifications and may accept notifications to a  
18 shared system as meeting the notification requirement under subsection 2. The department  
19 may extend the deadline for submission by a manufacturer of the information required  
20 under subsection 2 if the department determines that more time is needed by the  
21 manufacturer to comply with the submission requirement.

22 **4. Exemptions. The following are exempt from this section:**

23 A. A product for which federal law governs the presence of PFAS in the product in a  
24 manner that preempts state authority; and

25 B. A product subject to Title 32, chapter 26-A or 26-B.

26 **5. Prohibition on sale of products containing intentionally added PFAS. This**  
27 **subsection governs sales of products containing intentionally added PFAS.**

28 A. Effective January 1, 2023, a person may not sell, offer for sale or distribute for sale  
29 in this State a carpet or rug that contains intentionally added PFAS. This prohibition  
30 does not apply to the sale or resale of a used carpet or rug.

31 B. Effective January 1, 2023, a person may not sell, offer for sale or distribute for sale  
32 in this State a fabric treatment that contains intentionally added PFAS. This prohibition  
33 does not apply to the sale or resale of a used fabric treatment.

34 C. The department may by rule identify products by category or use that may not be  
35 sold, offered for sale or distributed for sale in this State if they contain intentionally  
36 added PFAS. The department shall prioritize the prohibition of the sale of product  
37 categories that, in the department's judgment, are most likely to cause contamination  
38 of the State's land or water resources if they contain intentionally added PFAS.  
39 Products in which the use of PFAS is a currently unavoidable use as determined by the  
40 department may be exempted by the department by rule. The department may not  
41 prohibit the sale or resale of used products.

1 D. Effective January 1, 2030, a person may not sell, offer for sale or distribute for sale  
2 in this State any product that contains intentionally added PFAS, unless the department  
3 has determined by rule that the use of PFAS in the product is a currently unavoidable  
4 use. The department may specify specific products or product categories in which it  
5 has determined the use of PFAS is a currently unavoidable use. This prohibition does  
6 not apply to the sale or resale of used products.

7 6. Fees. The department may establish by rule and assess a fee payable by a  
8 manufacturer upon submission of the notification required under subsection 2 to cover the  
9 department's reasonable costs in developing rules under subsection 5, paragraphs C and D  
10 and administering the requirements of subsections 2 and 9. The department may choose to  
11 set fees based upon the volume of PFAS, volume of sales or type of PFAS.

12 7. Failure to provide notice. A person, other than a retailer, may not sell, offer for  
13 sale or distribute for sale in this State a product containing intentionally added PFAS unless  
14 the manufacturer of that product has provided information required under subsection 2 to  
15 the department or unless the department by rule has determined that the use of PFAS in the  
16 product is a currently unavoidable use. A retailer may not sell, offer for sale or distribute  
17 for sale in this State a product containing intentionally added PFAS if the retailer has  
18 received a notification with respect to that product in accordance with subsection 8,  
19 paragraph B.

20 8. Certificate of compliance. If the department has reason to believe that a product  
21 contains intentionally added PFAS and is being offered for sale in violation of subsection  
22 7, the department may direct the manufacturer of the product to, within 30 days:

23 A. Provide the department with the certificate attesting that the product does not  
24 contain intentionally added PFAS; or

25 B. Notify persons who sell that product in this State that the sale of that product is  
26 prohibited in this State and provide the department with a list of the names and  
27 addresses of those notified.

28 9. PFAS source reduction program. The department shall develop and implement,  
29 in consultation with relevant stakeholders, a program to reduce the presence of PFAS in  
30 discharges to air, water and land. The program must be designed to encourage the  
31 replacement of PFAS with safer alternatives, but may also support the proper management  
32 of PFAS. Elements of the program may be carried out in conjunction with existing  
33 department efforts for pollution prevention or source reduction. The program must include:

34 A. Information resources targeted to industrial or commercial users of PFAS;

35 B. Education of the general public;

36 C. To the extent funds are available, grants to operators of publicly owned treatment  
37 works for the purposes of developing, expanding or implementing pretreatment  
38 standards for PFAS and education of users on sources of PFAS and proper  
39 management;

40 D. To the extent funds are available, grants to municipalities for the purposes of  
41 educating solid waste disposal users on sources of PFAS and proper management; and

42 E. Other efforts determined by the department to be prudent to achieve the program's  
43 purpose.





# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 125

S.P. 58

In Senate, January 21, 2021

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### **An Act To Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture**

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Received by the Secretary of the Senate on January 19, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.  
Cosponsored by Speaker FECTEAU of Biddeford and  
Senators: BENNETT of Oxford, MAXMIN of Lincoln, Representatives: O'NEIL of Saco,  
PLUECKER of Warren.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 7 MRSA §606, sub-§3** is enacted to read:

3 **3. Aerial spraying of glyphosate and other synthetic herbicides.** A person may not  
4 conduct an aerial application of glyphosate or other synthetic herbicides for the purpose of  
5 silviculture, including reforestation, regeneration or vegetation control after any timber  
6 harvest.

7 **Sec. 2. 12 MRSA §8869, sub-§1**, as enacted by PL 1989, c. 555, §10, is amended  
8 to read:

9 **1. Standards for regeneration after harvests.** The commissioner shall adopt rules  
10 to ensure adequate regeneration of commercial tree species on a site within 5 years of  
11 completion of any timber harvest. Rules to implement this requirement ~~shall~~ **must** include  
12 identification of commercial tree species, minimum stocking standards ~~and~~, methods to  
13 mitigate inadequate regeneration and a prohibition on the aerial application of glyphosate  
14 or other synthetic herbicides pursuant to Title 7, section 606, subsection 3. In developing  
15 regeneration standards, the commissioner shall take into consideration regional differences  
16 in forest types, tree species and physiographic conditions.

17 **Sec. 3. 12 MRSA §8869, sub-§7-A**, as amended by PL 2013, c. 542, §5, is further  
18 amended to read:

19 **7-A. Exemption for outcome-based forestry areas.** An outcome-based forestry area  
20 designated under section 8003, subsection 3, paragraph Q is exempt from the requirements  
21 of this section if specifically exempted in the agreement establishing the outcome-based  
22 forestry area. The agreement may not provide an exemption from the prohibition on the  
23 aerial application of glyphosate or other synthetic herbicides pursuant to Title 7, section  
24 606, subsection 3.

25 **SUMMARY**

26 This bill prohibits the aerial application of glyphosate or other synthetic herbicides for  
27 the purpose of silviculture, including reforestation, regeneration or vegetation control after  
28 a timber harvest.

THOMASTON GREEN TASK FORCE (TGTF)

	NAME	ADDRESS	COMMITTEE OR CITIZEN	EMAIL	CONTACTED
1	MARIAN SARGENT	9 SHIP STREET	CONSERVATION COMMISSION	<a href="mailto:MSARGENT123@YAHOO.COM">MSARGENT123@YAHOO.COM</a>	Emailed 05/15
2	CHRIS CROSSMAN	20 HYLER STREET	CITIZEN	<a href="mailto:CHRIS.B.CROSSMAN@GMAIL.COM">CHRIS.B.CROSSMAN@GMAIL.COM</a>	Emailed 05/15
3	AMANDA GAUDET	363 MAIN STREET	CITIZEN	<a href="mailto:GAUDETAMANDA@GMAIL.COM">GAUDETAMANDA@GMAIL.COM</a>	Emailed 05/15
4	NEAL DEYOUNG	363 MAIN STREET	CITIZEN	<a href="mailto:NEAL.DEYOUNG83@GMAIL.COM">NEAL.DEYOUNG83@GMAIL.COM</a>	Emailed 05/15
5	ERIN DESMOND	367 MAIN STREET	CITIZEN	<a href="mailto:EVERYTHINGISMOVEABLE@GMAIL.COM">EVERYTHINGISMOVEABLE@GMAIL.COM</a>	Emailed 05/15
6	RONALD GAMAGE	21 SUNSET	BUDGET COMMITTEE	<a href="mailto:GAMAGE@MIDCOAST.COM">GAMAGE@MIDCOAST.COM</a>	Emailed 05/15
7	VALERIE STONE	14 BOBLINK LANE	CONSERVATION COMMISSION	<a href="mailto:VKZSTONE@GMAIL.COM">VKZSTONE@GMAIL.COM</a>	Emailed 05/15
8	AVI RAGAVEN	5 CONGO STREET	CITIZEN	<a href="mailto:5CONGOAVE@GMAIL.COM">5CONGOAVE@GMAIL.COM</a>	Emailed 05/15
9	SUE HOWARD	15 WADSWORTH	CITIZEN	<a href="mailto:SHOWARD@HOWARDSTUDIO.US">SHOWARD@HOWARDSTUDIO.US</a>	Emailed me 05/15, requested her to submit application
10	JANEY BARTHELETTE	26 BEECHWOOD	CITIZEN	<a href="mailto:JBARTHELETTE@GMAIL.COM">JBARTHELETTE@GMAIL.COM</a>	Emailed 05/15

\* Please see May 24<sup>th</sup> Agenda  
Packets for full applications

## Kara George

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**From:** Zel Bowman-Laberge  
**Sent:** Monday, June 7, 2021 10:17 AM  
**To:** Kara George; Peter Lammert; Bill Hahn (bill@tidalworksthomaston.com); Diane Giese; Sandy Moore  
**Subject:** ARP Funds - County & Town

Hi All -

I met with our country commissioner - Dorothy Merriweather - this morning to discuss the County ARP Funds. She asked if she could come to our next Select Board meeting to discuss the process the County is going through to determine how to spend the \$7.7M County ARP money. I think it would be helpful for us to have an initial discussion with her about those Funds.

Additionally, she encouraged us as a Town to start a discussion about how we might use our ARP money in Thomaston because we will need to assemble a plan that we will have to submit describing how we intend to spend that money in Thomaston.

I would like to request that we have both the County ARP and Town ARP Fund discussions on the agenda for our next Select Board meetings on June 14th.

Thanks!  
Zel

# **FACT SHEET: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs**

**May 10, 2021**

*Aid to state, local, territorial, and Tribal governments will help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery*

Today, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. Treasury also released details on how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding in the coming days to address these needs.

State, local, territorial, and Tribal governments have been on the frontlines of responding to the immense public health and economic needs created by this crisis – from standing up vaccination sites to supporting small businesses – even as these governments confronted revenue shortfalls during the downturn. As a result, these governments have endured unprecedented strains, forcing many to make untenable choices between laying off educators, firefighters, and other frontline workers or failing to provide other services that communities rely on. Faced with these challenges, state and local governments have cut over 1 million jobs since the beginning of the crisis. The experience of prior economic downturns has shown that budget pressures like these often result in prolonged fiscal austerity that can slow an economic recovery.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Today, Treasury is launching this much-needed relief to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. These funds also deliver resources that recipients can invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure.

Starting today, eligible state, territorial, metropolitan city, county, and Tribal governments may request Coronavirus State and Local Fiscal Recovery Funds through the Treasury Submission Portal. Concurrent with this program launch, Treasury has published an Interim Final Rule that implements the provisions of this program.

## **FUNDING AMOUNTS**

The American Rescue Plan provides a total of \$350 billion in Coronavirus State and Local Fiscal Recovery Funds to help eligible state, local, territorial, and Tribal governments meet their present needs and build the foundation for a strong recovery. Congress has allocated this funding to tens of thousands of jurisdictions. These allocations include:

<b>Type</b>	<b>Amount (\$ billions)</b>
States & District of Columbia	\$195.3
Counties	\$65.1
Metropolitan Cites	\$45.6
Tribal Governments	\$20.0
Territories	\$4.5
Non-Entitlement Units of Local Government	\$19.5

Treasury expects to distribute these funds directly to each state, territorial, metropolitan city, county, and Tribal government. Local governments that are classified as non-entitlement units will receive this funding through their applicable state government. Treasury expects to provide further guidance on distributions to non-entitlement units next week.

Local governments should expect to receive funds in two tranches, with 50% provided beginning in May 2021 and the balance delivered 12 months later. States that have experienced a net increase in the unemployment rate of more than 2 percentage points from February 2020 to the latest available data as of the date of certification will receive their full allocation of funds in a single payment; other states will receive funds in two equal tranches. Governments of U.S. territories will receive a single payment. Tribal governments will receive two payments, with the first payment available in May and the second payment, based on employment data, to be delivered in June 2021.

## **USES OF FUNDING**

Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:

- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, Treasury’s Interim Final Rule provides guidelines and principles for determining the types of programs and services that this funding can support, together with examples of allowable uses that recipients may consider. As described below, Treasury has also designed these provisions to take into consideration the disproportionate impacts of the COVID-19 public health emergency on those hardest-hit by the pandemic.

#### 1. Supporting the public health response

Mitigating the impact of COVID-19 continues to require an unprecedented public health response from state, local, territorial, and Tribal governments. Coronavirus State and Local Fiscal Recovery Funds provide resources to meet these needs through the provision of care for those impacted by the virus and through services that address disparities in public health that have been exacerbated by the pandemic. Recipients may use this funding to address a broad range of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources. Among other services, these funds can help support:

- **Services and programs to contain and mitigate the spread of COVID-19, including:**
  - ✓ Vaccination programs
  - ✓ Medical expenses
  - ✓ Testing
  - ✓ Contact tracing
  - ✓ Isolation or quarantine
  - ✓ PPE purchases
  - ✓ Support for vulnerable populations to access medical or public health services
  - ✓ Public health surveillance (e.g., monitoring for variants)
  - ✓ Enforcement of public health orders
  - ✓ Public communication efforts
  - ✓ Enhancement of healthcare capacity, including alternative care facilities
  - ✓ Support for prevention, mitigation, or other services in congregate living facilities and schools
  - ✓ Enhancement of public health data systems
  - ✓ Capital investments in public facilities to meet pandemic operational needs
  - ✓ Ventilation improvements in key settings like healthcare facilities

- **Services to address behavioral healthcare needs exacerbated by the pandemic, including:**
  - ✓ Mental health treatment
  - ✓ Substance misuse treatment
  - ✓ Other behavioral health services
  - ✓ Hotlines or warmlines
  - ✓ Crisis intervention
  - ✓ Services or outreach to promote access to health and social services
- **Payroll and covered benefits expenses** for public health, healthcare, human services, public safety and similar employees, to the extent that they work on the COVID-19 response. For public health and safety workers, recipients can use these funds to cover the full payroll and covered benefits costs for employees or operating units or divisions primarily dedicated to the COVID-19 response.

## 2. Addressing the negative economic impacts caused by the public health emergency

The COVID-19 public health emergency resulted in significant economic hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 20 million jobs were lost between February and April 2020. Although many have since returned to work, as of April 2021, the economy remains more than 8 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether since February 2020.

To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:

- **Delivering assistance to workers and families**, including aid to unemployed workers and job training, as well as aid to households facing food, housing, or other financial insecurity. In addition, these funds can support survivor's benefits for family members of COVID-19 victims.
- **Supporting small businesses**, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
- **Speeding the recovery of the tourism, travel, and hospitality sectors**, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support.
- **Rebuilding public sector capacity**, by rehiring public sector staff and replenishing unemployment insurance (UI) trust funds, in each case up to pre-pandemic levels. Recipients may also use this funding to build their internal capacity to successfully implement economic relief programs, with investments in data analysis, targeted outreach, technology infrastructure, and impact evaluations.

### 3. **Serving the hardest-hit communities and families**

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic health and economic inequities. Low-income and socially vulnerable communities have experienced the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000.

Coronavirus State and Local Fiscal Recovery Funds allow for a broad range of uses to address the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations, and households. Eligible services include:

- **Addressing health disparities and the social determinants of health**, through funding for community health workers, public benefits navigators, remediation of lead hazards, and community violence intervention programs;
- **Investments in housing and neighborhoods**, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
- **Addressing educational disparities** through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs; and,
- **Promoting healthy childhood environments**, including new or expanded high quality childcare, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Governments may use Coronavirus State and Local Fiscal Recovery Funds to support these additional services if they are provided:

- within a Qualified Census Tract (a low-income area as designated by the Department of Housing and Urban Development);
- to families living in Qualified Census Tracts;
- by a Tribal government; or,
- to other populations, households, or geographic areas disproportionately impacted by the pandemic.

### 4. **Replacing lost public sector revenue**

State, local, territorial, and Tribal governments that are facing budget shortfalls may use Coronavirus State and Local Fiscal Recovery Funds to avoid cuts to government services. With these additional resources, recipients can continue to provide valuable public services and ensure that fiscal austerity measures do not hamper the broader economic recovery.

Many state, local, territorial, and Tribal governments have experienced significant budget shortfalls, which can yield a devastating impact on their respective communities. Faced with budget shortfalls and pandemic-related uncertainty, state and local governments cut staff in all 50 states. These budget shortfalls and staff cuts are particularly problematic at present, as these entities are on the front lines of battling the COVID-19 pandemic and helping citizens weather the economic downturn.

Recipients may use these funds to replace lost revenue. Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic. Analysis of this expected trend begins with the last full fiscal year prior to the public health emergency and projects forward at either (a) the recipient's average annual revenue growth over the three full fiscal years prior to the public health emergency or (b) 4.1%, the national average state and local revenue growth rate from 2015-18 (the latest available data).

For administrative convenience, Treasury's Interim Final Rule allows recipients to presume that any diminution in actual revenue relative to the expected trend is due to the COVID-19 public health emergency. Upon receiving Coronavirus State and Local Fiscal Recovery Funds, recipients may immediately calculate the reduction in revenue that occurred in 2020 and deploy funds to address any shortfall. Recipients will have the opportunity to re-calculate revenue loss at several points through the program, supporting those entities that experience a lagged impact of the crisis on revenues.

Importantly, once a shortfall in revenue is identified, recipients will have broad latitude to use this funding to support government services, up to this amount of lost revenue.

## **5. Providing premium pay for essential workers**

Coronavirus State and Local Fiscal Recovery Funds provide resources for eligible state, local, territorial, and Tribal governments to recognize the heroic contributions of essential workers. Since the start of the public health emergency, essential workers have put their physical well-being at risk to meet the daily needs of their communities and to provide care for others.

Many of these essential workers have not received compensation for the heightened risks they have faced and continue to face. Recipients may use this funding to provide premium pay directly, or through grants to private employers, to a broad range of essential workers who must be physically present at their jobs including, among others:

- ✓ Staff at nursing homes, hospitals, and home-care settings
- ✓ Workers at farms, food production facilities, grocery stores, and restaurants
- ✓ Janitors and sanitation workers
- ✓ Public health and safety staff
- ✓ Truck drivers, transit staff, and warehouse workers
- ✓ Childcare workers, educators, and school staff
- ✓ Social service and human services staff

Treasury's Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

In addition, employers are both permitted and encouraged to use Coronavirus State and Local Fiscal Recovery Funds to offer retrospective premium pay, recognizing that many essential workers have not yet received additional compensation for work performed. Staff working for third-party contractors in eligible sectors are also eligible for premium pay.

## **6. Investing in water and sewer infrastructure**

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change.

Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

Recipients may also use this funding to invest in wastewater infrastructure projects, including constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

Treasury's Interim Final Rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions.

## **7. Investing in broadband infrastructure**

The pandemic has underscored the importance of access to universal, high-speed, reliable, and affordable broadband coverage. Over the past year, millions of Americans relied on the internet to participate in remote school, healthcare, and work.

Yet, by at least one measure, 30 million Americans live in areas where there is no broadband service or where existing services do not deliver minimally acceptable speeds. For millions of other Americans, the high cost of broadband access may place it out of reach. The American Rescue Plan aims to help remedy these shortfalls, providing recipients with flexibility to use Coronavirus State and Local Fiscal Recovery Funds to invest in broadband infrastructure.

Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

Using these funds, recipients generally should build broadband infrastructure with modern technologies in mind, specifically those projects that deliver services offering reliable 100 Mbps download and 100

Mbps upload speeds, unless impracticable due to topography, geography, or financial cost. In addition, recipients are encouraged to pursue fiber optic investments.

In view of the wide disparities in broadband access, assistance to households to support internet access or digital literacy is an eligible use to respond to the public health and negative economic impacts of the pandemic, as detailed above.

## 8. Ineligible Uses

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent.** The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury's Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- **No recipient may use this funding to make a deposit to a pension fund.** Treasury's Interim Final Rule defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury's Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.

**AD-HOC FIRE/EMS BUILDING COMMITTEE  
DIRECTIVE 2021**

**BACKGROUND:**

The Thomaston Fire & EMS Station is 65 years old and first opened for service in 1956. It currently houses one (1) ambulance, one (1) ladder fire truck, three (3) other fire apparatus, a Utility/Brush truck, a boat and trailer, and an antique fire engine (the Buffalo.)

The need is evident for a station that meets specifications to appropriately house modern-day Fire and EMS apparatus and to meet the growing service needs of our community into the future.

**MEMBERS:**

Members of the Committee include the Ambulance and Fire Chiefs, five members of the Fire/EMS departments, and the Town Manager.

**OBJECTIVE:**

To develop a recommendation for the Select Board to either renovate and expand the existing station located at 6 Knox Street or to build a new station at a new location. The Committee shall operate until the completion of the Fire/EMS Building project.

**GOALS:**

- 1) Visit and tour other Maine Fire/EMS stations that were recently built.
- 2) Determine list of facility needs and wants and the estimated project cost for each.
- 3) Guide and recommend final project scope of work, including total budget consideration.
- 4) Conduct a feasibility study that includes:
  - Existing conditions of the 6 Knox Street station.
  - Needs analysis for fire and rescue services in the Thomaston area-presently and in the future.
  - Preliminary design options and alternatives for a new Fire/EMS station.
  - Possible sites for a new station.
  - Preliminary cost analysis and funding alternatives.
- 5) Review the feasibility study results.
- 6) Present and report all findings and recommendations to the Select Board.
- 7) Carry through directives of the Select Board through project planning and design.

# Memo

**To:** Selectboard  
**Cc:** Town Manager  
**From:** Brandon Allen & John Fancy  
**Date:** June 9, 2021  
**Re:** BEECHWOOD STREET CULVERT PROJECT

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With overwhelming support from the voters we now have all the funding for this project lined up and are ready to move ahead (see attached funding and expense summary). We are aiming for construction the end of this summer, maybe starting as soon as August.

Working with the engineers we have already investigated the following options:

1. Rehabilitate the existing culverts by Ted Berry Company for \$315,000.
2. Install a 25-foot-wide concrete box culvert by American Concrete for \$390,000.
3. Install a 38-foot bridge by Dirigo Bridge Company for \$245,000.

The bridge is also the most acceptable solution to DEP as it allows the streambed to be restored to its natural state and allows better passage for fish and other water using animals. Dirigo Bridge Company is a Maine company and they have installed over 20 bridges in Maine in the last few years. Brandon and John inspected one that they installed in Washington, Maine last year and were impressed with their work. We recommend contracting with Dirigo Bridge Company for this project.

To move this project ahead the Board could pass the following motion: **Move to authorize Kara George, Town Manager, to sign a contract with Dirigo Bridge Company to replace the culvert on Beechwood Street for a sum not to exceed \$250,000.**

Town of Thomaston  
**BEECHWOOD STREET CULVERT REPLACEMENT PROJECT**  
**Funding & Expense Summary**  
**2020-21**

Date	Name	Item	Cost	Funds	Balance
8/19/2020	Dirigo Engineering	Preliminary engineering	\$1,146.08		
9/15/2020		Voter approval of funds - FY 20/21		\$24,000.00	<b>\$22,853.92</b>
11/24/2020	Dirigo Engineering	Design, DEP application & permits	\$13,200.00		<b>\$9,653.92</b>
2/10/2021	Dirigo Engineering	Design & permits	\$6,000.00		<b>\$3,653.92</b>
3/23/2021	Dirigo Engineering	Preliminary design	\$500.00		<b>\$3,153.92</b>
4/5/2021		Transfer from Drainage Reserve		\$7,144.47	<b>\$10,298.39</b>
4/1/2021	Summit Geoengineering	Subsurface exploration	\$4,500.00		<b>\$5,798.39</b>
		DEP Culvert Replacenment Grant		\$125,000.00	
		Voter approval of funds - FY 21/22		\$24,000.00	
		Voter approved borrowing		\$100,000.00	
		Total to date	\$25,346.08	\$280,144.47	

June 7, 2021

Dear Town of Thomaston.

We are a small group of retired "prison guards" from the old Maine State Prison. Each September we like to hold reunions for us old employees. Last year we held our reunion at the old MSP site, and it was fantastic. We would like to request use of the site again this year. We request September 18th 2021, with the 19th as "rain date". Thank you for your time in this matter!

Bob Pease  
2295 Old Augusta Rd,  
Waldoboro, Maine. 04572  
207-975-2109  
F.v.riffraft@gmail.com

A handwritten signature in cursive script that reads "Bob Pease".

## Kara George

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**From:** Debra Hall <debra.hall@midcoastinternet.com>  
**Sent:** Tuesday, June 1, 2021 6:11 PM  
**To:** Kara George; Brian Doyle  
**Cc:** Denise Munger; Debra Hall; Matt Siegel  
**Subject:** Thomaston Interlocal Agreement Concerns  
**Attachments:** Letter to Audra on Midcoast Internet 5-26-21.pdf

Dear Kara and Brian

The Thomaston Select Board has raised a couple of concerns with respect to the Midcoast Internet Development Corporation (MIDC) Interlocal Agreement. As we understand it, these concerns primarily relate to its drafting/formation and to whether it has the authority to assess municipal members. This email is intended to help explain and further clarify these matters and provide support and assistance to you and the Thomaston Select Board. It is important to us that everyone is comfortable going forward and that we have a common basis of understanding as partners in this effort.

### **Timeline to Interlocal Agreement**

As you know, concerns have been raised by the Thomaston Select Board regarding the fact that they did not have the opportunity to review the interlocal agreement and provide comments on it before it was approved by the Camden and Rockport Select Boards. I understand and appreciate this concern. We have attempted to keep a rather large group of potentially involved municipalities engaged and informed but this has been a very rapidly changing series of events that has been challenging in that regard.

Nonetheless, I think it is important for the Thomaston Select Board to understand the context in which these events occurred, as an explanation of why things occurred as they did and as an assurance that things will be different going forward, at least for potential phase 1 towns.

Below is a timeline of events from when the American Rescue Plan Act (ARPA) was signed into law leading up to the Thomaston Select Board's approval of the interlocal agreement warrant article. As you can see, we discussed at the Coalition meeting on March 10th that the fast-moving train of ARPA was coming and the need to form the regional utility ASAP to apply for and receive funding. This turned what had been a Coalition working on logos, website, FAQs and marketing plans into a ball of fire! Within two weeks Camden and Rockport had conceptually agreed to move forward and had drafted an interlocal agreement, based primarily on the Downeast Broadband Utility's (DBU) interlocal agreement. There was outside counsel discussion and research to figure out a number of legal issues that were not readily apparent in terms of the logistics of creating the regional utility. Nonetheless, it was only approximately four weeks from ARPA becoming law to the interlocal agreement being placed on the Rockport Select Board's agenda, followed a week later with approval of the Camden Select Board. Drafting and review by both town's outside counsel occurred during this period of time. This was a quickly established goal (due to ARPA) that we had assumed we did not have sufficient time for but we were able to get it done.

Importantly, it was not until the day that the Rockport Select Board approved the interlocal agreement and voted to place it on the June ballot that we found out that Thomaston had voted to do the same thing. We had no idea that Thomaston was going to move this fast — indeed, we were working on the assumption (as expressed during Coalition meetings) that the other towns would not be able to address the interlocal agreement until November 2021. And then, having been informed on April 12th of this unexpected action, we were informed the following day that though Thomaston had taken the action to place the interlocal on the June ballot, “don't be surprised” if the Thomaston Select Board ultimately does not take the MIDC route. This was, of course, surprising and confusing to us as Camden and Rockport's votes to go forward on the June ballot was a strong commitment to the MDIC regional utility approach as set forth in the Guiding Principles.

We know that it took awhile to sort things out in Thomaston and that Camden and Rockport have been involved in these issues for a longer period of time. But we are gratified that Thomaston is moving forward and committed to the interlocal agreement now and we see them as good partners in our effort. Frankly, we are impressed with how quickly your Select Board has been able to advance their knowledge in this area and it is certainly due in part to your good leadership and their generous commitment of time to the issue.

We hope this helps the Select Board to understand the context and time pressure under which these events occurred.

March 10, 2021 — Midcoast Internet Coalition - discussed need to form a legal entity as soon as possible, going to move ahead with Camden and Rockport to get on June ballot

March 11, 2021 — American Rescue Plan Act (ARPA) signed into law

March 12, 2021 — Discussion with Senator King's staff on ARPA

March 17, 2021 - Discussions between Camden and Rockport about need to get legal structure in place quickly to apply for and be able to receive grants for the eventual regional utility

March 24, 2021 - Interlocal agreement drafting iteration with Rockport outside counsel

March 31, 2021 - Rockport provided interlocal agreement draft to Camden for review by their outside counsel

April 5, 2021 - Rockport received and reviewed and signed off on Camden's attorney's changes to interlocal agreement

April 12, 2021 - Rockport SB approval of town warrants and interlocal agreement

April 12, 2021 — Thomaston SB approved warrant article to be on June ballot

April 13, 2021 — Received email from Thomaston that though they passed warrant article provision but don't be surprised if they are not ultimately on board

April 14, 2021 - First discussion with Axiom Technologies which raised for the first time possibility of South Thomaston as a Phase 1 community. Up until this time we were thinking Core 4 of Camden/Rockport/Rockland/Thomaston + Owls Head.

April 14, 2021 - Midcoast Internet Coalition meeting - discussed interlocal agreement, draft provided with agenda - discussed details of interlocal agreement. Discussed call with Axiom and proposal being requested.

April 20, 2012 - Camden SB approval of town warrants and interlocal agreement

### **No Authority to Assess MIDC Member Municipalities**

As you know, we believe that there is no authority on the part of the MIDC to assess member municipalities and the interlocal agreement was intended not to provide that authority. It has

been suggested that perhaps there could be a separate agreement memorializing this fact but we do not believe that an unofficial agreement executed by anyone other than the MIDC would have any effect or be of any use.

I understand, however, that Camden's counsel, William Kelly met with Paul Gibbons and provided his view on this and related subjects. Bill also provided to Camden the attached legal opinion in which he makes clear his view that no such authority exists.

We hope that this also helps the Thomaston Select Board and eases any concerns they might otherwise have. Additionally, I received documents from BernsteinShur that I will send under separate cover in which the articles of incorporation make it clear that there is no authority of the MIDC to require its members to pay dues or issue assessments.

Please let me know if you have any questions or concerns.

Best regards,

Debra

Rockport Select Board Chair

Midcoast Internet Coalition Chair

William S. Kelly, Esq.

**KELLY & ASSOCIATES, LLC**  
**ATTORNEYS**  
**96 High Street**  
**Belfast, Maine 04915**  
kellylaw@bluestreakme.com

(207) 338-2702  
(207) 338-0328 (fax)

May 26, 2021

Audra Caler, Town Manager  
Town of Camden  
29 Elm Street  
Camden, Me 04843

RE: Proposed Midcoast Internet Development Corporation, Interlocal Agreement

Dear Audra:

This letter serves to address some of the recent issues that have been raised by others regarding the present format of the Interlocal Agreement. In the first instance, I think interested officials and residents need to keep in mind that there are several documents that are going to be essential to the cooperative decision making that will be necessary, in addition to the Interlocal Agreement. These important documents include the Articles of Incorporation which must be filed with and approved by the Secretary of State's office, designation and approval by the IRS as to the mission of the non-profit corporation, detailed By-Laws, and then the operational documents necessary to actually run the Midcoast Internet Development Corporation. There is a lot of water that needs to flow over the dam of cooperative decision making before any investment and operations take place.

The Interlocal Agreement is not the place for all aspects of this new non-profit; the decision making and development necessarily will require decision making and cooperation of all involved through the joint adoption of other documents described above. That decision making is on an equal basis for each Town that joins, as "The affairs of the corporation shall be governed by a Board of Directors..." with at least quarterly meetings, and "The Board of Directors shall consist of the Executive Director of the Corporation and one Director appointed by the Governing Board of each Municipality." (See, Section 3(c)). Each Director has one vote. (See, section 3(C)(3)).

I understand that a second issue has been raised, with the suggestion that the non-profit corporation may assess taxes to each municipality. This is not allowed in the Interlocal Agreement and is prohibited by the enabling statutory authority, 30-A MRS § 2201 et seq., which provides both the authority and *limitations* for the adoption of interlocal agreements. The statute requires that the authority delegated to the non-profit must be "precisely" stated as to the nature, composition and administrative authority. (Section 2203(2)(B).) Thus, in my opinion, powers cannot be inferred if not set forth clearly in the Interlocal Agreement.

The statute also requires that the manner of financing must be clearly set forth in the Interlocal Agreement, as it has been in Sections 6, 7, 8 and 9 of the Interlocal Agreement. Importantly, as to any concern about the non-profit assessing taxes to a municipality or its citizens, that is strictly prohibited by the enabling statute: “Notwithstanding any other provision of this chapter: No essential legislative powers, *taxing authority* or eminent domain power may be exercised by agreement to a joint authority or administrative entity.” (Section 2203(8)(B)).

It is understandable that some folks may have questions about the future mechanisms of operation. However, in my opinion, there is no avoiding the incremental decision making that must occur as this project progresses, and the current proposed format of the Interlocal Agreement is not more or less than is necessary at this point; it is important to remember that not even the composition of participating Towns is certain. The future decision making will be both legal and political in nature as the Directors and their elected officials work through the many decisions yet to come, as we all expect.

If there are fears that cannot be overcome without a more legal-based prohibition in place, those could be incorporated into the Article of Incorporation and By-Laws. On the other hand, the whole point of setting up a non-profit corporation is to provide a bit of insulation from the waves of political change that we sometimes see at the Select Board level; as such there needs to be a level of trust in this Director run corporation. The Interlocal Agreement cannot be so rigid that it effectively prohibits decision making at any forum other than multiple Town Meetings. That is just not a practical or efficient way to run a multi-town fiber optic network.

I hope this helps address some of the concerns, at least from my perspective.

Sincerely,  
KELLY & ASSOCIATES, LLC

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William S. Kelly, Esq.

## Kara George

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**From:** Debra Hall <dhall@rockportmaine.gov>  
**Sent:** Wednesday, June 2, 2021 2:41 PM  
**To:** Audra Caler; Kara George; Tom Luttrell  
**Cc:** Debra Hall; Terri Baines; Matthew Siegel; Denise Munger  
**Subject:** MIDC Articles of Incorporation  
**Attachments:** 210527 Articles of Incorporation - MIDC (v2).pdf; 210527 Articles of Incorporation Exhibits -MIDC (v3).docx

Attached are corporate documents drafted by BernsteinShur for the establishment of the Midcoast Internet Development Corporation.

### Articles of Incorporation

As you will see, the incorporator is the BersteinShur counsel. One document below is the article of incorporation form, the other are the additional articles. Audra if you would prefer to be the registered agent that's fine, we have Rockport at the moment since they volunteered to do the bookkeeping since Camden does MCSWC. No preference from my end.

I added the reference to the county in the articles as BersteinShur was not aware of the interlocal agreement's inclusion of the county as a potential member and this is, of course, important to our potential seed funding.

Perhaps Bill Kelly could confirm that in the Eighth article the reference in D correctly cites 501(c)(3). This is established as a 501(c)(4), primarily because we do engage in some lobbying with respect to state legislation and Federal Treasury guidance etc. that affects grant and other funding. I am aware that D refers to distribution of funds pursuant to 501(c)(3) which is routine but just want to be sure this is correct even though it is a (c)(4). (For example, confirm that (c)(3) here should not be (c)(4).)

Note that BersteinShur included language I requested to specifically state that members are not required to pay dues or assessments except under Section 11 of the interlocal agreement which is the condition under which the BOD can authorize initial membership.

Please let me know if you have any suggested changes or concerns. This needs to be finalized no later than Friday COB please.

Best  
Debra

**MIDCOAST INTERNET DEVELOPMENT CORPORATION**

**Article Second**

**SECOND:**

The Corporation is organized and shall always be operated exclusively for the promotion of social welfare within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law) (the "Code"). Within these restrictions, the Corporation is organized for the following specific purposes:

1. To promote the common good and social welfare of the people of Maine by designing, building, installing, obtaining and providing funding for broadband infrastructure and to engage in any and all activities related thereto, including but not limited to education and the provision of broadband services;
2. To engage in lobbying and advocacy activities to promote policies and programs with the purpose and intention to increase the availability of broadband services within Maine; and
3. To conduct any other activities that may be necessary, useful, or desirable for the furtherance or accomplishment of the foregoing purposes, provided that those activities would not endanger the Corporation's not-for-profit or tax-exempt status.

**ARTICLES OF INCORPORATION**

**Exhibit B**

**MIDCOAST INTERNET DEVELOPMENT CORPORATION**

**Article Sixth**

**SIXTH:**

Membership to the Corporation shall be open to any municipality or county in Maine. Municipal and county members shall not be required to pay membership dues or assessments except as provided in the Midcoast Internet Development Corporation Interlocal Agreement, Section 11. Specifically, nothing herein prohibits the Board of Directors of the Corporation from requiring a municipal or county member from paying an amount designated by the Board of Directors as a condition of admission to the Corporation pursuant to such Interlocal Agreement.

Each member of the Corporation shall select a delegate to represent the member at member meetings.

The governing board of each member shall appoint an individual to serve on the Board of Directors of the Corporation. The members shall have no other voting rights.

Each member of the Corporation shall be accorded one vote.

MIDCOAST INTERNET DEVELOPMENT CORPORATION

Article Eighth

EIGHTH:

A. The Corporation shall possess any and all powers granted to it under the laws of the State of Maine which are necessary and expedient to carry out the purposes set forth in Article Second above, but shall not possess or exercise any powers which would cause the Corporation to be ineligible for exemption from income tax under Section 501(c)(4) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) (the "Code").

B. No part of the net earnings of the Corporation shall inure to the benefit of or be distributed to any director, trustee, employee, or other individual, partnership, estate, trust, or corporation having a personal or private interest in the Corporation. Compensation for services actually rendered and reimbursement for expenses actually incurred in attending to the affairs of the Corporation shall be limited to reasonable amounts.

C. The affairs and business of the Corporation shall be managed and conducted by the Board of Directors, who shall serve as the Board of Directors under Title 13-B of Maine Revised Statutes Annotated. The initial Directors shall be the Executive Director of the Corporation and a director selected by each of the two initial members of the Corporation (defined as "Charter Municipalities" in the Midcoast Internet Development Corporation Interlocal Agreement) and such initial Directors selected by the initial members shall act as Directors on the Board of Directors of the Corporation until the election of their successors as provided in the Bylaws of the Corporation. The qualifications, election, number, tenure, powers, and duties of the members of the Board of Directors shall be as provided in the Bylaws.

D. In the event of the liquidation, dissolution, or winding up of the affairs of the Corporation, whether voluntary, involuntary, or by operation of law, the Board of Directors of the Corporation shall, except as may be otherwise provided by law, transfer all of the assets of the Corporation in such manner as the Directors, in the exercise of their discretion, may by a majority vote determine; provided, however, that any such distribution of assets shall be calculated to carry out the objects and purposes of the Corporation; and, provided further, that all such distributions must be to one or more organizations which are exempt from tax as organizations described in section 501(c)(3) of the Code, or to the municipal members of the Corporation.

E. The Board of Directors shall have power to make, alter, amend, and repeal the Articles of Incorporation or the Bylaws of the Corporation by vote of a majority of all the Directors at any regular or special meeting.

Filing Fee \$40.00

**DOMESTIC  
NONPROFIT CORPORATION**

**STATE OF MAINE**

**ARTICLES OF INCORPORATION**

<p>_____</p> <p>Deputy Secretary of State</p> <hr/> <p><b>A True Copy When Attested By Signature</b></p> <hr/> <p>_____</p> <p>Deputy Secretary of State</p>
--

Pursuant to 13-B MRSA §403, the undersigned incorporator(s) execute(s) and deliver(s) the following Articles of Incorporation:

**FIRST:** The name of the corporation is Midcoast Internet Development Corporation

**SECOND:** ("X" one box only. Attach additional page(s) if necessary.)

The corporation is organized as a public benefit corporation for the following purpose or purposes:  
See Exhibit A

The corporation is organized as a mutual benefit corporation for all purposes permitted under Title 13-B or, if not for all such purposes, then for the following purpose or purposes:

**THIRD:** The Registered Agent is a: (select **either** a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number: \_\_\_\_\_

\_\_\_\_\_  
(name of commercial registered agent)

Noncommercial Registered Agent

Jonathan Duke  
(name of noncommercial registered agent)

101 Main Street  
(physical location, not P.O. Box – street, city, state and zip code)

Rockport, ME 04856  
(mailing address if different from above)

**FOURTH:** Pursuant to 5 MRSA §108.3, the new commercial registered agent as listed above has consented to serve as the registered agent for this nonprofit corporation.

**FIFTH:** The number of directors (not less than 3) constituting the initial board of directors of the corporation, if the number has been designated or if the initial directors have been chosen, is Three (3).

The minimum number of directors (not less than 3) shall be three (3) and the maximum number of directors shall be Eleven (11).

**SIXTH:** Members: ("X" one box only.)

- There shall be no members.  
 There shall be one or more classes of members and the information required by 13-B MRSA §402 is attached.

**SEVENTH:** (Optional)  (Check if this article is to apply.)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

**EIGHTH:** (Optional)  (Check if this article is to apply.)

Other provisions of these articles including provisions for the regulation of the internal affairs of the corporation, distribution of assets on dissolution or final liquidation and the requirements of the Internal Revenue Code section 501(c) are set out in Exhibit C attached hereto and made a part hereof.

**Incorporators**

**Dated** June, 2021

\_\_\_\_\_  
(signature)

**Street** 53 Haywood Street  
(residence address)

Nelson A. Toner  
(type or print name)

Portland, Maine 04012  
(city, state and zip code)

\_\_\_\_\_  
(signature)

**Street** \_\_\_\_\_  
(residence address)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(city, state and zip code)

\_\_\_\_\_  
(signature)

**Street** \_\_\_\_\_  
(residence address)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(city, state and zip code)

**For Corporate Incorporators\***

Name of Corporate Incorporator \_\_\_\_\_

By \_\_\_\_\_  
(signature of officer)

Street \_\_\_\_\_  
(principal business location)

\_\_\_\_\_  
(type or print name and capacity)

\_\_\_\_\_  
(city, state and zip code)

Name of Corporate Incorporator \_\_\_\_\_

By \_\_\_\_\_  
(signature of officer)

Street \_\_\_\_\_  
(principal business location)

\_\_\_\_\_  
(type or print name and capacity)

\_\_\_\_\_  
(city, state and zip code)

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**\*Articles are to be executed as follows:**

If a corporation is an incorporator (13-B MRSA §401), the name of the corporation should be typed or printed and signed on its behalf by an officer of the corporation. The articles of incorporation must be accompanied by a certificate of an appropriate officer of the corporation, not the person signing the articles, certifying that the person executing the articles on behalf of the corporation was duly authorized to do so.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

**Secretary of State  
Division of Corporations, UCC and Commissions  
101 State House Station  
Augusta, ME 04333-0101  
Telephone Inquiries: (207) 624-7752**

Email Inquiries: [CEC.Corporations@Maine.gov](mailto:CEC.Corporations@Maine.gov)

## Filer Contact Cover Letter

To: Department of the Secretary of State  
Division of Corporations, UCC and Commissions  
101 State House Station  
Augusta, ME 04333-0101

Tel. (207) 624-7752

Name of Entity (s):

Midcoast Internet Development Corporation

List type of filing(s) enclosed (i.e. Articles of Incorporation, Articles of Merger, Articles of Amendment, Certificate of Correction, etc.) Attach additional pages as needed.

Articles of Incorporation

Special handling request(s): (check all that apply)

Hold for pick up

Expedited filing - 24 hour service (\$50 additional filing fee per entity, per service)

Expedited filing - Immediate service (\$100 additional filing fee per entity, per service)

Total filing fee(s) enclosed: \$ 40.00

**Contact Information – questions regarding the above filing(s), please call or email:** (failure to provide a contact name and telephone number or email address will result in the return of the erroneous filing (s) by the Secretary of State's office)

Jill Hazlewood

(Name of contact person)

207-228-7248

(Daytime telephone number)

jhazlewood@bernsteinshur.com

(Email address)

The enclosed filing(s) and fee(s) are submitted for filing. Please return the attested copy to the following address:

Jill Hazlewood

(Name of attested recipient)

Bernstein Shur

(Firm or Company)

100 Middle Street, P.O. Box 9729

(Mailing Address)

Portland, Maine 04104-5029

(City, State & Zip)